

118TH CONGRESS
2D SESSION

H. R. 7476

To counter the malign influence and theft perpetuated by the People's
Republic of China and the Chinese Communist Party.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 29, 2024

Mr. HERN (for himself, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. GOODEN of Texas, Mr. CURTIS, Mrs. McCLAIN, Mr. HIGGINS of Louisiana, Mrs. HARSHBARGER, Mr. BURCHETT, Mrs. CAMMACK, Ms. VAN DUYNÉ, Mr. LAMALFA, Mr. TIFFANY, Mr. PFLUGER, Mr. RESCHENTHALER, Mr. ROUZER, Mr. DUNN of Florida, Mr. FLEISCHMANN, Mr. MOONEY, Mr. EDWARDS, Ms. GREENE of Georgia, Mr. COLLINS, Mr. BURLISON, Mr. ELLZEY, Mr. MIKE GARCIA of California, Mr. LANGWORTHY, Mr. BABIN, Mr. BEAN of Florida, Mr. LAMBORN, Mr. WEBSTER of Florida, Mr. BAIRD, Mr. KELLY of Pennsylvania, Mr. SCOTT FRANKLIN of Florida, Mr. FULCHER, Mr. EZELL, Mr. FRY, Mr. ARRINGTON, Mr. HILL, Mr. BERGMAN, Mr. VAN DREW, and Mr. MOORE of Alabama) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Ways and Means, Rules, the Judiciary, Oversight and Accountability, Energy and Commerce, Intelligence (Permanent Select), Agriculture, Science, Space, and Technology, Natural Resources, Education and the Workforce, Armed Services, Transportation and Infrastructure, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To counter the malign influence and theft perpetuated by
the People's Republic of China and the Chinese Communist Party.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
 5 “Countering Communist China Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
 7 this Act is as follows:

TITLE I—MATTERS RELATED TO TRADE, INVESTMENT, AND
 ECONOMIC RELATIONS

TITLE II—MATTERS RELATING TO COUNTERING CHINA’S MALIGN
 INFLUENCE

TITLE III—MATTERS RELATING TO MEDICAL AND NATIONAL
 SECURITY SUPPLY CHAINS

TITLE IV—MATTERS RELATING TO RESEARCH AND
 DEVELOPMENT

TITLE V—MATTERS RELATED TO EDUCATION

TITLE VI—MATTERS RELATED TO DEMOCRACY, HUMAN RIGHTS
 AND TAIWAN

TITLE VII—MATTERS RELATED TO DEFENSE

TITLE VIII—MATTERS RELATED TO THE PROTECTION OF
 INTELLECTUAL PROPERTY

TITLE IX—MATTERS RELATED TO FINANCIAL SERVICES

TITLE X—OFFSETS

XI—NATIONAL SECURITY AUTHORIZATIONS

XII—FENTANYL

XIII—ENERGY

8 **SEC. 2. FINDINGS.**

9 Congress finds the following:

10 (1) The People’s Republic of China and the
 11 Chinese Communist Party represent the foremost
 12 national security threat faced by the United States.

1 (2) The People’s Republic of China and the
2 Chinese Communist Party are founded on the prin-
3 ciples antithetical to human freedom and dignity in-
4 cluding Communism and authoritarianism.

5 (3) The People’s Republic of China and the
6 Chinese Communist Party seek to undermine free
7 societies around the world and establish an alter-
8 native world order rooted in authoritarianism.

9 (4) In November 2012, at the 17th CCP Con-
10 gress, General Secretary Xi Jinping first announced
11 his vision for achieving “the Chinese dream of na-
12 tional rejuvenation” and military and economic
13 dominance.

14 (5) The People’s Republic of China currently
15 has the world’s second-largest economy in terms of
16 nominal GDP (\$14.14 trillion) and the largest in
17 terms of purchasing power parity (PPP) GDP
18 (\$27.31 trillion). In 2000, the People’s Republic of
19 China controlled only 4 percent of the global econ-
20 omy, and the United States controlled 31 percent.
21 Today, the People’s Republic of China stands at 15
22 percent and the United States share has dropped to
23 24 percent.

24 (6) The growth of the People’s Republic of Chi-
25 na’s centrally controlled economy has been fueled

1 largely by tools of economic coercion, including intel-
2 lectual property theft and economic espionage of
3 U.S. companies. In 2019 alone, one in five North
4 American-based companies said that Chinese firms
5 had stolen their intellectual property (IP) within the
6 last year.

7 (7) Former Secretary of Defense Mark Esper
8 has stated that the People’s Republic of China “is
9 perpetrating the greatest intellectual property theft
10 in human history”.

11 (8) In addition to its economic aggression and
12 military modernization, the People’s Republic of
13 China conducts political warfare and disinformation
14 campaigns against the United States and other de-
15 mocracies. It frequently targets academia, the
16 media, business, and cultural institutions to sup-
17 press criticism and promote positive views of the
18 CCP.

19 (9) The foremost victims of the People’s Repub-
20 lic of China and the Chinese Communist Party are
21 the Chinese people who continue to suffer under
22 communist authoritarian rule.

23 (10) The People’s Republic of China continues
24 to perpetuate a genocide against the Uyghur Mus-
25 lims in Xinjiang province, in addition to brutal

1 crackdowns against the people of Tibet and Hong
2 Kong.

3 (11) The CCP continues to obfuscate the ori-
4 gins of the COVID–19 pandemic which started in
5 Wuhan, China and has refused to allow an impartial
6 international investigation into the origins of the
7 pandemic.

8 (12) Manifestations of expressions of racism,
9 bigotry, discrimination, anti-Asian rhetoric, and xen-
10 ophobia against people of Asian descent are contrary
11 to the values we hold dearest as Americans, counter-
12 productive to countering the CCP’s malign influence,
13 and denounced by the Congress of the United
14 States.

15 **SEC. 3. SEVERABILITY.**

16 If any provision of this Act, or an amendment made
17 by this Act, or the application of such provision or amend-
18 ment to any person or circumstance, is held to be invalid,
19 the remainder of this Act, the amendments made by this
20 Act, and the application of such provision and amend-
21 ments to other persons or circumstances, shall not be af-
22 fected.

1 **TITLE I—MATTERS RELATED TO**
2 **TRADE, INVESTMENT, AND**
3 **ECONOMIC RELATIONS**

4 **SEC. 101. PREVENTING ADVERSARIES FROM DEVELOPING**
5 **CRITICAL CAPABILITIES.**

6 (a) **SHORT TITLE.**—This section may be cited as the
7 “Preventing Adversaries from Developing Critical Capa-
8 bilities Act”.

9 (b) **EXERCISE OF AUTHORITIES UNDER THE INTER-**
10 **NATIONAL EMERGENCY ECONOMIC POWERS ACT.**—

11 (1) **IN GENERAL.**—The President may exercise
12 all authorities provided under the International
13 Emergency Economic Powers Act (50 U.S.C. 1701
14 et seq.) necessary to carry out the provisions of this
15 section, including authorities to impose penalties
16 under section 206 of such Act.

17 (2) **DELEGATION.**—The President may delegate
18 the authorities described in paragraph (1) to the
19 head of any Federal agency the President deter-
20 mines appropriate in order to carry out the provi-
21 sions of this section.

22 (c) **PROHIBITION ON COVERED ACTIVITIES IN COV-**
23 **ERED SECTORS THAT POSE PARTICULARLY ACUTE**
24 **THREATS TO UNITED STATES NATIONAL SECURITY.**—

1 (1) IDENTIFICATION OF CATEGORIES OF TECH-
2 NOLOGIES AND PRODUCTS.—

3 (A) IN GENERAL.—Not later than one year
4 after the date of the enactment of this Act, and
5 annually thereafter as described in subpara-
6 graph (B), the President—

7 (i) shall identify categories of tech-
8 nologies and products in covered sectors
9 that may pose a particularly acute threat
10 to the national security of the United
11 States if developed or acquired by a coun-
12 try of concern; and

13 (ii) publish a list of the categories of
14 technologies and products identified under
15 subparagraph (A) in the Federal Register.

16 (B) UPDATES.—The President shall annu-
17 ally review and update the list of the categories
18 of technologies and products identified under
19 subparagraph (A)(i) and update the Federal
20 Register under subparagraph (A)(ii) as appro-
21 priate.

22 (2) PROHIBITION ON COVERED ACTIVITIES.—
23 The President shall, on or after the date on which
24 the initial list of categories of technologies and prod-
25 ucts is published in the Federal Register pursuant to

1 paragraph (1)(A)(ii), prescribe, subject to public no-
2 tice and comment, regulations to prohibit a United
3 States person from engaging, directly or indirectly,
4 in a covered activity involving a category of tech-
5 nologies and products on such list of categories of
6 technologies and products in a covered sector. Such
7 regulations should—

8 (A) require that a United States person
9 take all reasonable steps to prohibit and prevent
10 any transaction by a foreign entity under the
11 control of the United States person that would
12 be a prohibited transaction if engaged in by a
13 United States person; and

14 (B) exclude any transaction consisting of
15 the acquisition of an equity or other interest in
16 an entity located outside a country of concern,
17 where the President has determined that the
18 government of the country in which that entity
19 is established or has its principal place of busi-
20 ness has in place a program for the restriction
21 of certain activities involving countries of con-
22 cern that is comparable to the provisions pro-
23 vided for in this Act.

24 (3) SENSE OF CONGRESS.—It is the sense of
25 Congress that the covered sectors include certain

1 categories of technologies and products that would
2 pose a particularly acute threat to the national secu-
3 rity of the United States if developed or acquired by
4 a country of concern, and that the President should
5 identify certain technologies and products in the cov-
6 ered sectors as categories of technologies and prod-
7 ucts in covered sectors for purposes of paragraph
8 (1)(A).

9 (d) MANDATORY NOTIFICATION OF COVERED AC-
10 TIVITIES IN COVERED SECTORS THAT MAY POSE
11 THREATS TO UNITED STATES NATIONAL SECURITY.—

12 (1) IDENTIFICATION OF CATEGORIES OF TECH-
13 NOLOGIES AND PRODUCTS.—Not later than one year
14 after the date of the enactment of this Act, the
15 President shall—

16 (A) identify categories of technologies and
17 products in covered sectors that may pose a
18 threat to the national security of the United
19 States if developed or acquired by a country of
20 concern;

21 (B) publish a list of the categories of tech-
22 nologies and products identified under subpara-
23 graph (A) in the Federal Register; and

24 (C) annually thereafter, review the cat-
25 egories of technologies and products identified

1 under subparagraph (A) and publish an up-
2 dated list of the categories of technologies and
3 products in the Federal Register under sub-
4 paragraph (B) if the list identified in subpara-
5 graph (B) has changed.

6 (2) MANDATORY NOTIFICATION.—

7 (A) IN GENERAL.—Beginning on the date
8 that is 90 days after the date on which the ini-
9 tial list of categories of technologies and prod-
10 ucts is published in the Federal Register pursu-
11 ant to paragraph (1)(B), a United States per-
12 son engaging in a covered activity involving a
13 category identified in paragraph (1)(A), or con-
14 trolling a foreign entity engaging in an activity
15 that would be a covered activity if engaged in
16 by a United States person, shall submit to the
17 President a complete written notification of the
18 activity not later than 14 days after the comple-
19 tion date of the activity.

20 (B) CIRCULATION OF NOTIFICATION.—

21 (i) IN GENERAL.—The President
22 shall, upon receipt of a notification under
23 subparagraph (A), promptly inspect the
24 notification for completeness.

1 (ii) INCOMPLETE NOTIFICATION.—If a
2 notification submitted under subparagraph
3 (A) is incomplete, the President shall
4 promptly inform the United States person
5 that submits the notification that the noti-
6 fication is not complete and provide an ex-
7 planation for relevant material respect in
8 which the notification is not complete.

9 (C) IDENTIFICATION OF NON-NOTIFIED
10 ACTIVITY.—The President shall establish a
11 process to identify a covered activity involving a
12 category identified under paragraph (1)(A) for
13 which—

14 (i) a notification is not submitted to
15 the President under subparagraph (A); and

16 (ii) information is reasonably avail-
17 able.

18 (3) CONFIDENTIALITY OF INFORMATION.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B), any information or docu-
21 mentary material filed with the President pur-
22 suant to this section shall be exempt from dis-
23 closure under section 552(b)(3) of title 5,
24 United States Code, and no such information or

1 documentary material may be made public by
2 any government agency or Member of Congress.

3 (B) EXCEPTIONS.—Subject to appropriate
4 confidentiality and classification requirements,
5 the exemption from disclosure provided by sub-
6 paragraph (A) shall not prevent the disclosure
7 of the following:

8 (i) Information relevant to any admin-
9 istrative or judicial action or proceeding.

10 (ii) Information provided to Congress
11 or any of the appropriate congressional
12 committees.

13 (iii) Information important to national
14 security analysis or actions of the Presi-
15 dent to any domestic government entity, or
16 to any foreign governmental entity of an
17 ally or partner of the United States, under
18 the direction and authorization of the
19 President, only to the extent necessary for
20 national security purposes.

21 (iv) Information that the parties have
22 consented to be disclosed to third parties.

23 (e) REPORTING REQUIREMENTS.—

24 (1) IN GENERAL.—Not later than one year
25 after the date on which the regulations prescribed

1 under subsection (f) take effect, and not less fre-
2 quently than annually thereafter, the President shall
3 submit to the appropriate congressional committees
4 a report that—

5 (A) lists all notifications submitted under
6 subsection (d)(2) during the year preceding
7 submission of the report, disaggregated by—

8 (i) sector;

9 (ii) covered activity;

10 (iii) covered foreign entity; and

11 (iv) country of concern;

12 (B) an assessment of whether to amend
13 the regulations, including whether to amend the
14 definition of “covered sectors” to enhance na-
15 tional security;

16 (C) provides additional context and infor-
17 mation regarding trends in the sectors, the
18 types of covered activity, and the countries in-
19 volved in those notifications, including—

20 (i) the location of the relevant covered
21 foreign entities; and

22 (ii) the country in which the United
23 States person or foreign entity controlled
24 by such United States person involved in
25 the relevant covered activity is located; and

1 (D) assesses the overall impact of those
2 notifications, including recommendations for—

3 (i) expanding existing Federal pro-
4 grams to support the production or supply
5 of covered sectors in the United States, in-
6 cluding the potential of existing authorities
7 to address any related national security
8 concerns; and

9 (ii) the continuation, expansion, or
10 modification of the implementation and ad-
11 ministration of this section.

12 (2) FORM.—Each report required by this sec-
13 tion shall be submitted in unclassified form, but may
14 include a classified annex.

15 (3) PROHIBITION ON DISCLOSURE.—Informa-
16 tion contained in each report required by this section
17 may be withheld from disclosure only to the extent
18 otherwise permitted by statute, except that all infor-
19 mation included pursuant to paragraph (1)(A) shall
20 be withheld from public disclosure.

21 (f) REQUIREMENT FOR REGULATIONS.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date on which the initial list of categories
24 of technologies and products have been published in
25 the Federal Register pursuant to sections

1 (c)(1)(A)(i) and (d)(1)(B), the President shall pre-
2 scribe and finalize proposed regulations to carry out
3 this Act.

4 (2) ELEMENTS.—Regulations prescribed to
5 carry out this section shall specify—

6 (A) the types of activities that will be con-
7 sidered to be covered activities;

8 (B) the technologies and products in cov-
9 ered sectors with respect to which covered ac-
10 tivities are prohibited under subsection (c)(2) or
11 require a notification under subsection (d)(2);
12 and

13 (C) a process by which parties can ask
14 questions and get timely guidance as to whether
15 a covered activity is prohibited under subsection
16 (c)(2) or requires a notification under sub-
17 section (d)(2).

18 (3) REQUIREMENTS FOR CERTAIN REGULA-
19 TIONS.—The President shall prescribe regulations
20 further defining the terms used in this Act, includ-
21 ing the terms “covered activity”, “covered foreign
22 entity”, and “party”, to maximize the effectiveness
23 of carrying out this Act in accordance with sub-
24 chapter II of chapter 5 and chapter 7 of title 5

1 (commonly known as the “Administrative Procedure
2 Act”).

3 (4) PUBLIC NOTICE AND COMMENT.—Regula-
4 tions issued pursuant to paragraph (1) shall be sub-
5 ject to public notice and comment.

6 (5) LOW-BURDEN REGULATIONS.—In pre-
7 scribing regulations under this section, the President
8 shall, to the extent practicable, structure the regula-
9 tions—

10 (A) to minimize the cost and complexity of
11 compliance for affected parties;

12 (B) to ensure the benefits of the regula-
13 tions outweigh their costs;

14 (C) to adopt the least burdensome alter-
15 native that achieves regulatory objectives;

16 (D) to prioritize transparency and stake-
17 holder involvement in the process of prescribing
18 the regulations; and

19 (E) to regularly review and streamline ex-
20 isting regulations promulgated pursuant to this
21 Act to reduce redundancy and complexity.

22 (6) PENALTIES WITH RESPECT TO UNLAWFUL
23 ACTS.—Regulations issued under this section shall,
24 consistent with the authority provided by subsection

1 (b)(1), provide for the imposition of civil penalties
2 for violations of this section, that involve—

3 (A) engaging in a covered activity prohib-
4 ited under subsection (c)(2) pursuant to the
5 regulations issued under this section;

6 (B) failing to submit a timely notification
7 under subsection (d)(2) with respect to a cov-
8 ered activity or to submit other information as
9 required by the designated agency; or

10 (C) submitting a material misstatement or
11 omitting a material fact in any information sub-
12 mitted in a notification under subsection (d)(2).

13 (7) ENFORCEMENT.—Consistent with the au-
14 thority provided by subsection (b)(1), the President
15 may direct the Attorney General to seek appropriate
16 relief in the district courts of the United States, in
17 order to implement and enforce this Act.

18 (8) CONGRESSIONAL NOTIFICATION.—The
19 President shall submit to the appropriate congres-
20 sional committees all regulations prescribed to carry
21 out this Act not later than 30 days before such regu-
22 lations are to take effect.

23 (g) MULTILATERAL ENGAGEMENT AND COORDINA-
24 TION.—

1 (1) IN GENERAL.—The President shall delegate
2 the authorities and functions under this section to
3 the Secretary of State.

4 (2) AUTHORITIES.—The Secretary of State, in
5 coordination with the heads or other relevant Fed-
6 eral agencies, should—

7 (A) conduct bilateral and multilateral en-
8 gagement with the governments of countries
9 that are allies and partners of the United
10 States to promote and increase coordination of
11 protocols and procedures to facilitate the effec-
12 tive implementation of and appropriate compli-
13 ance with the prohibitions and notifications
14 pursuant to this Act;

15 (B) upon adoption of protocols and proce-
16 dures described in subparagraph (A), work with
17 those governments to establish mechanisms for
18 sharing information, including trends, with re-
19 spect to such activities; and

20 (C) work with and encourage the govern-
21 ments of countries that are allies and partners
22 of the United States to develop similar mecha-
23 nisms of their own.

24 (3) STRATEGY FOR MULTILATERAL ENGAGE-
25 MENT AND COORDINATION.—Not later than 180

1 days after the date of the enactment of this Act, the
2 Secretary of State, in coordination with the heads of
3 other relevant Federal agencies, should—

4 (A) develop a strategy to work with the
5 governments of countries that are allies and
6 partners of the United States to develop mecha-
7 nisms that are comparable to the prohibitions
8 and notifications pursuant to this Act; and

9 (B) assess opportunities to provide tech-
10 nical assistance to those countries with respect
11 to the development of those mechanisms.

12 (4) REPORT.—Not later than one year after the
13 date of the enactment of this Act, and annually
14 thereafter for 4 years, the Secretary of State shall
15 submit to the appropriate congressional committees
16 a report that includes—

17 (A) a discussion of any strategy developed
18 pursuant to paragraph (3)(A), including key
19 tools and objectives for the development of com-
20 parable mechanisms by the governments of al-
21 lies and partners of the United States;

22 (B) a list of partner and allied countries to
23 target for cooperation in developing their own
24 screening programs;

1 (C) the status of the strategy’s implemen-
2 tation and outcomes; and

3 (D) a description of impediments to the es-
4 tablishment of comparable mechanisms by gov-
5 ernments of allies and partners of the United
6 States.

7 (h) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) IN GENERAL.—There is authorized to be
9 appropriated \$25,000,000, to be derived from
10 amounts otherwise authorized to be appropriated to
11 the President, for each of the first two fiscal years
12 beginning on or after the date of the enactment of
13 this Act, to carry out this Act, including to provide
14 outreach to industry and persons affected by this
15 Act.

16 (2) HIRING AUTHORITY.—

17 (A) PRESIDENT.—The President may ap-
18 point, without regard to the provisions of sec-
19 tions 3309 through 3318 of title 5, United
20 States Code, not more than 15 candidates di-
21 rectly to positions in the competitive service (as
22 defined in section 2102 of that title).

23 (B) AGENCY.—The head of the Federal
24 department or agency designated under sub-
25 section (c)(2) to hold primary responsibility for

1 administering this Act may appoint, without re-
2 gard to the provisions of sections 3309 through
3 3318 of title 5, United States Code, not fewer
4 than 25 candidates directly to positions in the
5 competitive service (as defined in section 2102
6 of that title) of such department or agency.

7 (C) PRIMARY RESPONSIBILITY.—The pri-
8 mary responsibility of individuals in positions
9 authorized to be hired under this subsection
10 shall be to administer this Act.

11 (i) RULE OF CONSTRUCTION.—Nothing in this Act
12 may be construed to—

13 (1) restrain or deter United States activities
14 abroad if such activities do not pose a risk to the na-
15 tional security of the United States; or

16 (2) alter or negate the authority of the Presi-
17 dent under any authority, process, regulation, inves-
18 tigation, enforcement measure, or review provided by
19 or established under any other provision of Federal
20 law, or any other authority of the President or the
21 Congress under the Constitution of the United
22 States.

23 (j) NATIONAL INTEREST WAIVER.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 the President is authorized to exempt from any ap-

1 plicable prohibition or notification requirement any
2 activity determined by the President, in consultation
3 with the heads of relevant Federal agencies, as ap-
4 propriate, to be in the national interest of the
5 United States.

6 (2) CONGRESSIONAL NOTIFICATION.—The
7 President shall—

8 (A) notify the appropriate congressional
9 committees not later than 48 hours after
10 issuing a waiver under paragraph (1); and

11 (B) include in such notification an identi-
12 fication of the national interest justifying the
13 use of the waiver.

14 (k) DEFINITIONS.—In this Act:

15 (1) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term “appropriate congressional com-
17 mittees” means—

18 (A) the Committee on Foreign Affairs, the
19 Committee on Financial Services, the Com-
20 mittee on Ways and Means, the Committee on
21 Appropriations, and the Permanent Select Com-
22 mittee on Intelligence of the House of Rep-
23 resentatives; and

24 (B) the Committee on Foreign Relations,
25 the Committee on Banking, Housing, and

1 Urban Affairs, the Committee on Finance, the
2 Committee on Appropriations, and the Select
3 Committee on Intelligence of the Senate.

4 (2) COUNTRY OF CONCERN.—The term “coun-
5 try of concern”—

6 (A) means—

7 (i) the Democratic People’s Republic
8 of North Korea;

9 (ii) the People’s Republic of China, in-
10 cluding the Hong Kong Special Adminis-
11 trative Region and the Macau Special Ad-
12 ministrative Region;

13 (iii) the Russian Federation; and

14 (iv) the Islamic Republic of Iran; and

15 (B) includes any other country the Presi-
16 dent determines necessary to ensure a country
17 specified in clause (i), (ii), (iii), or (iv) of sub-
18 paragraph (A) is unable to circumvent the pro-
19 visions of this Act and the regulations issued
20 pursuant to this Act.

21 (3) COVERED ACTIVITY.—

22 (A) IN GENERAL.—Subject to such regula-
23 tions as may be prescribed in accordance with
24 subsection (g), and except as provided in sub-
25 paragraph (B), the term “covered activity”

1 means any activity engaged in by a United
2 States person that involves—

3 (i) an acquisition by such United
4 States person of an equity interest or con-
5 tingent equity interest, or monetary capital
6 contribution, in a covered foreign entity,
7 directly or indirectly, by contractual com-
8 mitment or otherwise, with the goal of gen-
9 erating income or gain;

10 (ii) an arrangement for an interest
11 held by such United States person in the
12 short- or long-term debt obligations of a
13 covered foreign entity that includes govern-
14 ance rights that are characteristic of an
15 equity investment, management, or other
16 important rights;

17 (iii) the establishment of a wholly
18 owned subsidiary in a country of concern,
19 such as a greenfield investment, for the
20 purpose of production, design, testing,
21 manufacturing, fabrication, or development
22 related to one or more covered sectors;

23 (iv) the establishment by such United
24 States person of a joint venture in a coun-
25 try of concern or with a covered foreign en-

1 tity for the purpose of production, design,
2 testing, manufacturing, fabrication, or re-
3 search, or other contractual or other com-
4 mitments involving a covered foreign entity
5 to jointly research and develop new innova-
6 tion, including through the transfer of cap-
7 ital or intellectual property or other busi-
8 ness proprietary information; or

9 (v) the acquisition by a United States
10 person with a covered foreign entity of—

11 (I) operational cooperation, such
12 as through supply or support arrange-
13 ments;

14 (II) the right to board represen-
15 tation (as an observer, even if limited,
16 or as a member) or an executive role
17 (as may be defined through regula-
18 tion) in a covered foreign entity;

19 (III) the ability to direct or influ-
20 ence such operational decisions as
21 may be defined through such regula-
22 tions;

23 (IV) formal governance represen-
24 tation in any operating affiliate, such

1 as a portfolio company, of a covered
2 foreign entity; or

3 (V) a new relationship to share
4 or provide business services, such as
5 financial services, marketing services,
6 maintenance, or assembly functions;
7 or

8 (vi) knowingly directing transactions
9 by foreign persons that would constitute
10 covered activity if engaged in by a United
11 States person.

12 (B) EXCEPTIONS.—The term “covered ac-
13 tivity” does not include—

14 (i) any transaction the value of which
15 the President determines is de minimis, as
16 defined in regulations prescribed in accord-
17 ance with subsection (f);

18 (ii) any category of transactions that
19 the President determines is in the national
20 interest of the United States, as may be
21 defined in regulations prescribed in accord-
22 ance with subsection (f);

23 (iii) an investment in—

24 (I) a publicly traded security (as
25 such term is defined in section

1 3(a)(10) of the Securities Exchange
2 Act of 1934);

3 (II) an index fund, mutual fund,
4 exchange-traded fund, or a similar in-
5 strument (including associated deriva-
6 tives) offered by an investment com-
7 pany (as such term is defined in sec-
8 tion 3(a)(1) of the Investment Com-
9 pany Act of 1940), or by a private in-
10 vestment fund; or

11 (III) a venture capital fund, pri-
12 vate equity fund, fund of funds, or
13 other pooled investment funds, as the
14 limited partner, in each case in which
15 the limited partner's contribution is
16 solely capital in a limited partnership
17 structure and—

18 (aa) the limited partner can-
19 not make managerial decisions, is
20 not responsible for any debts be-
21 yond its investment, and does not
22 have the ability (formally or in-
23 formally) to influence or partici-
24 pate in the fund's or a covered

1 foreign entity's decision making
2 or operations; and

3 (bb) the investment is below
4 a de minimis threshold to be de-
5 termined by the President;

6 (iv) the acquisition of the equity or
7 other interest owned or held by a covered
8 foreign entity in an entity or assets located
9 outside of a country of concern in which
10 the United States person is acquiring all
11 interests in the entity or assets held by
12 covered foreign entity;

13 (v) an intracompany transfer of funds
14 from a United States parent company to a
15 subsidiary located in a country of concern;

16 (vi) a transaction made pursuant to a
17 binding, uncalled capital commitment en-
18 tered into before the date on which the
19 regulations prescribed in accordance with
20 section 6 take effect; or

21 (vii) any ordinary or administrative
22 business transaction as may be defined in
23 such regulations.

24 (4) COVERED FOREIGN ENTITY.—Subject to
25 regulations prescribed in accordance with subsection

1 (f), the term “covered foreign entity” means the fol-
2 lowing:

3 (A) Any entity that is incorporated in, has
4 a principal place of business in, or is organized
5 under the laws of a country of concern.

6 (B) Any entity the equity securities of
7 which are traded in the ordinary course of busi-
8 ness on one or more exchanges in a country of
9 concern.

10 (C) Any agency or instrumentality of the
11 government of a country of concern.

12 (D) Any other entity that is not a United
13 States person and that meets such criteria as
14 may be specified by the President in such regu-
15 lations prescribed in accordance with subsection
16 (f).

17 (5) COVERED SECTORS.—Subject to regulations
18 prescribed in accordance with subsection (f), the
19 term “covered sectors” includes sectors within the
20 following areas:

21 (A) Semiconductors and microelectronics.

22 (B) Artificial intelligence.

23 (C) Quantum information science and
24 technology.

25 (D) Hypersonics.

1 (E) High-performance computing and
2 supercomputing.

3 (F) Biotechnology.

4 (G) Satellite communication.

5 (6) PARTY.—The term “party”, with respect to
6 an activity, has the meaning given that term in reg-
7 ulations prescribed in accordance with subsection
8 (g).

9 (7) UNITED STATES PERSON.—The term
10 “United States person” means—

11 (A) an individual who is a United States
12 citizen or an alien lawfully admitted for perma-
13 nent residence to the United States; or

14 (B) an entity organized under the laws of
15 the United States or of any jurisdiction within
16 the United States, including any foreign branch
17 of such an entity.

18 **SEC. 102. SANCTIONS WITH RESPECT TO COMMUNIST CHI-**
19 **NESE MILITARY AND SURVEILLANCE COMPA-**
20 **NIES.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, the President shall im-
23 pose the sanctions described in subsection (e) with respect
24 to any foreign person determined by the Secretary of the
25 Treasury, in consultation with the Secretary of State and,

1 as the Secretary of the Treasury determines appropriate,
2 the Secretary of Defense, to knowingly engage in signifi-
3 cant operations in the defense and related materiel sector
4 or the surveillance technology sector of the economy of the
5 People’s Republic of China.

6 (b) ANNUAL DETERMINATION AND REPORT.—Not
7 less frequently than annually, the Secretary of the Treas-
8 ury shall—

9 (1) undertake the determination described
10 under subsection (a) with respect to foreign persons
11 listed in the Annex to Executive Order 14032 (as
12 amended by any revision to such Annex); and

13 (2) submit a report explaining the results of the
14 determination to the appropriate congressional com-
15 mittees.

16 (c) ASSESSMENT.—For the purpose of making the
17 determination described under subsection (a), the Sec-
18 retary of the Treasury, in consultation with the Secretary
19 of State, the Secretary of Commerce, and the Secretary
20 of Defense, shall—

21 (1) assess whether, under existing authorities,
22 sanctions should be imposed with respect to the ac-
23 tivities of—

24 (A) foreign persons listed on the Military
25 End User List (Supplement No. 7 to part 744

1 of the Export Administration Regulations) that
2 are located in the People’s Republic of China;

3 (B) foreign persons listed by the Depart-
4 ment of Commerce on the Denied Persons List
5 or the Entity List (Supplement No. 4 to part
6 744 of the Export Administration Regulations)
7 that are located in the People’s Republic of
8 China; or

9 (C) foreign persons listed pursuant to sec-
10 tion 1260H of the William M. (Mac) Thorn-
11 berry National Defense Authorization Act for
12 Fiscal Year 2021 (10 U.S.C. 113 note); and

13 (2) submit a report to the appropriate congres-
14 sional committees summarizing such assessment,
15 which shall include an explanation of why the sanc-
16 tions described under subsection (e) may not be ap-
17 plicable to foreign persons included on the lists de-
18 scribed under paragraph (1).

19 (d) CONSIDERATION OF CERTAIN ACTIVITIES.—For
20 the purpose of making the determination described under
21 subsection (a), the Secretary of the Treasury may, to the
22 extent practicable, focus particular attention on foreign
23 persons engaging in any of the following:

24 (1) Artificial intelligence, machine learning, au-
25 tonomy, and related advances.

1 (2) High-performance computing, semiconduc-
2 tors, and advanced computer hardware and software.

3 (3) Quantum information science and tech-
4 nology.

5 (4) Robotics, automation, and advanced manu-
6 facturing.

7 (5) Advanced communications technology and
8 immersive technology.

9 (6) Biotechnology, medical technology,
10 genomics, and synthetic biology.

11 (7) Data storage, data management, and cyber-
12 security, including biometrics.

13 (8) Advanced materials science, including com-
14 posites and 2D materials.

15 (e) SANCTIONS DESCRIBED.—The President shall ex-
16 ercise all of the powers granted to the President under
17 the International Emergency Economic Powers Act (50
18 U.S.C. 1701 et seq.) to the extent necessary to block and
19 prohibit all transactions in property and interests in prop-
20 erty of a foreign person if such property and interests in
21 property—

22 (1) are in the United States;

23 (2) come within the United States; or

24 (3) come within the possession or control of a
25 United States person.

1 (f) IMPLEMENTATION.—The President may exercise
2 all authorities provided under sections 203 and 205 of the
3 International Emergency Economic Powers Act (50
4 U.S.C. 1702 and 1704) to carry out this section.

5 (g) PENALTIES.—The penalties set forth in section
6 206 of the International Emergency Economic Powers Act
7 (50 U.S.C. 1705) apply to violations of any license, order,
8 or regulation issued under this section.

9 (h) WAIVER.—The President may waive the applica-
10 tion of sanctions under this section, for renewable periods
11 of one year, if the President certifies in writing to the ap-
12 propriate congressional committees that the waiver is in
13 the national interest of the United States, with an expla-
14 nation of the reasons therefor. In lieu of the imposition
15 of such sanctions, the President shall prohibit the pur-
16 chase or sale of any publicly traded securities, or any pub-
17 licly traded securities that are derivative of such securities,
18 issued by any person with respect to which sanctions were
19 waived.

20 (i) EXCEPTIONS.—

21 (1) INTELLIGENCE AND LAW ENFORCEMENT
22 ACTIVITIES.—Sanctions under this section shall not
23 apply with respect to—

1 (A) any activity subject to the reporting
2 requirements under title V of the National Se-
3 curity Act of 1947 (50 U.S.C. 3091 et seq.); or

4 (B) any authorized intelligence or law en-
5 forcement activities of the United States.

6 (2) UNITED STATES GOVERNMENT ACTIVI-
7 TIES.—Nothing in this section shall prohibit trans-
8 actions for the conduct of the official business of the
9 Federal Government by employees, grantees, or con-
10 tractors thereof.

11 (3) HUMANITARIAN ACTIVITIES.—The Presi-
12 dent may not impose sanctions under this section
13 with respect to any person for conducting or facili-
14 tating a transaction for the sale of agricultural com-
15 modities, food, medicine, or medical devices or for
16 the provision of humanitarian assistance.

17 (j) EXCEPTION RELATING TO IMPORTATION OF
18 GOODS.—

19 (1) IN GENERAL.—The authorities and require-
20 ments to impose sanctions authorized under this sec-
21 tion shall not include the authority or requirement
22 to impose sanctions on the importation of goods.

23 (2) GOOD DEFINED.—In this subsection, the
24 term “good” means any article, natural or manmade
25 substance, material, supply, or manufactured prod-

1 uct, including inspection and test equipment, and ex-
2 cluding technical data.

3 (k) DEFINITIONS.—In this section—

4 (1) the term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Foreign Affairs and
7 the Committee on Financial Services of the
8 House of Representatives; and

9 (B) the Committee on Foreign Relations
10 and the Committee on Banking, Housing, and
11 Urban Affairs of the Senate;

12 (2) the term “foreign person” means an indi-
13 vidual or entity that is not a United States person;

14 (3) the term “United States person” means—

15 (A) a United States citizen or an alien law-
16 fully admitted for permanent residence to the
17 United States;

18 (B) an entity organized under the laws of
19 the United States or of any jurisdiction within
20 the United States, including a foreign branch of
21 such an entity; or

22 (C) a person in the United States; and

23 (4) the term “knowingly” with respect to con-
24 duct, a circumstance, or a result, means that a per-

1 son has actual knowledge, or should have known, of
 2 the conduct, the circumstance, or the result.

3 **SEC. 103. WITHDRAWAL OF NORMAL TRADE RELATIONS**
 4 **TREATMENT FROM THE PEOPLE'S REPUBLIC**
 5 **OF CHINA AND REVERSION TO TARIFF ACT**
 6 **OF 1930 COLUMN 2 TARIFF RATES.**

7 (a) Within two years of the date of enactment of this
 8 section, the provisions of title I of Public Law 106–286
 9 (114 Stat. 880) or any other provision of law, effective
 10 on the date of the enactment of this Act—

11 (1) normal trade relations treatment shall not
 12 apply pursuant to section 101 of that Act to the
 13 products of the People's Republic of China; and

14 (2) following the withdrawal of normal trade re-
 15 lations treatment, tariff rates on products of the
 16 People's Republic of China shall revert to those set
 17 forth under Column 2 of the Tariff Act of 1930,
 18 without prejudice to any adjustments or modifica-
 19 tions that may be made under the law, unless Con-
 20 gress passes China “tariff legislation” as outlined in
 21 Sec. 104.

22 **SEC. 104. EXPEDITED PROCEDURES FOR TARIFFS WITH RE-**
 23 **GARDS TO THE PEOPLE'S REPUBLIC OF**
 24 **CHINA.**

25 (a) CHINA TARIFF LEGISLATION.—

1 (1) DEFINITIONS.—In this subsection:

2 (A) CHINA TARIFF LEGISLATION.—The
3 term “China tariff legislation” means only a bill
4 of either House of Congress—

5 (i) the title of which is as follows: “A
6 bill to set tariff schedules with regards to
7 the People’s Republic of China”;

8 (ii) the sole matter after the short
9 title shall be the modifications of tariffs or
10 duties or modification of any duty or
11 staged rate reduction of any duty set forth
12 in Schedule XX, as defined in section 2(5)
13 of that Act (19 U.S.C. 3501(5)), on the
14 People’s Republic of China; and

15 (iii) which may not reduce tariffs, du-
16 ties, or non-tariff barriers on the People’s
17 Republic of China below levels at which
18 such barriers were set as of January 1,
19 2024.

20 (2) INTRODUCTION.—During the period of two
21 years from the date of enactment of this section,
22 China tariff legislation may be introduced—

23 (A) in the House of Representatives, by
24 the majority leader or the minority leader; or

1 the Chairman or Ranking Member of the Com-
2 mittee on Ways and Means; and

3 (B) in the Senate, by the majority leader
4 (or the majority leader's designee) or the mi-
5 nority leader (or the minority leader's des-
6 ignee), or the Chairman or Ranking Member of
7 the Committee on Finance.

8 (C) PROCEEDING TO CONSIDERATION.—
9 Notwithstanding Rule XXII of the Standing
10 Rules of the Senate, it is in order at any time
11 after the Committee on Finance reports China
12 tariff legislation to the Senate to move to pro-
13 ceed to the consideration of the China tariff leg-
14 islation, and all points of order against the
15 China tariff legislation (and against consider-
16 ation of the China tariff legislation) are waived.
17 The motion to proceed is not debatable. The
18 motion is not subject to a motion to postpone.
19 A motion to reconsider the vote by which the
20 motion is agreed to or disagreed to shall not be
21 in order.

22 (D) RULINGS OF THE CHAIR ON PROCE-
23 DURE.—Appeals from the decisions of the Chair
24 relating to the application of the rules of the
25 Senate, as the case may be, to the procedure re-

1 lating to China tariff legislation shall be decided
2 without debate.

3 (E) CONSIDERATION OF VETO MES-
4 SAGES.—Debate in the Senate of any veto mes-
5 sage with respect to China tariff legislation, in-
6 cluding all debatable motions and appeals in
7 connection with the joint resolution, shall be
8 limited to 10 hours, to be equally divided be-
9 tween, and controlled by, the majority leader
10 and the minority leader or their designees.

11 (3) RULES OF HOUSE OF REPRESENTATIVES
12 AND SENATE.—This subsection is enacted by Con-
13 gress—

14 (A) as an exercise of the rulemaking power
15 of the Senate and the House of Representa-
16 tives, respectively, and as such is deemed a part
17 of the rules of each House, respectively, and su-
18 persedes other rules only to the extent that it
19 is inconsistent with such rules; and

20 (B) with full recognition of the constitu-
21 tional right of either House to change the rules
22 (so far as relating to the procedure of that
23 House) at any time, in the same manner, and
24 to the same extent as in the case of any other
25 rule of that House.

1 **SEC. 105. PROTECTING AMERICANS' RETIREMENT SAVINGS.**

2 (a) SHORT TITLE.—This section may be cited as the
3 “Protecting Americans’ Retirement Savings Act” or
4 “PARSA”.

5 (b) PROHIBITION ON INVESTMENT IN CERTAIN EN-
6 TITIES.—Section 404(a) of the Employee Retirement In-
7 come Security Act of 1974 (29 U.S.C. 1104(a)) is amend-
8 ed by adding at the end the following:

9 “(3) PROHIBITION ON INVESTMENT IN CERTAIN
10 ENTITIES.—

11 “(A) IN GENERAL.—For purposes of para-
12 graph (1), a fiduciary of a plan may not be con-
13 sidered to act solely in the interest of the par-
14 ticipants and beneficiaries of the plan if such fi-
15 duciary does not ensure that such plan does not
16 engage in a transaction that the fiduciary
17 knows, or should know, will result in the plan—

18 “(i) acquiring an interest (as defined
19 in section 103(h)) between the plan and a
20 sanctioned entity or foreign adversary enti-
21 ty (as each such term is defined in section
22 103(h));

23 “(ii) lending money or extending cred-
24 it to such an entity;

25 “(iii) furnishing goods, services, or fa-
26 cilities to such an entity; or

1 “(iv) transferring, directly or indi-
2 rectly, to or for use by or for the benefit
3 of such an entity—

4 “(I) any assets of the plan; or

5 “(II) any data with respect to
6 any participant or beneficiary of the
7 plan.

8 For the purposes of subclause (II), the term ‘fi-
9 diciary’ includes any person who exercises di-
10 rect or indirect discretionary authority, respon-
11 sibility, or control with respect to any partici-
12 pant beneficiary data.

13 “(B) CONTINUATION OF CURRENT INVEST-
14 MENTS.—In the case of a plan holding an in-
15 vestment in a sanctioned entity or foreign ad-
16 versary entity on the date of enactment of the
17 Protecting Americans’ Retirement Savings Act,
18 such plan may continue to hold such investment
19 if the fiduciary of such plan complies with the
20 requirements of subparagraphs (I) and (J) of
21 section 103(b)(3).

22 “(C) CONTRACTUALLY OBLIGATED IN-
23 VESTMENTS.—In the case of a plan that has
24 entered into a binding agreement prior to the
25 date of enactment of the Protecting Americans’

1 Retirement Savings Act obligating such plan to
2 engage in a transaction described under sub-
3 paragraph (A), if the fiduciary of such plan
4 complies with the requirements of subpara-
5 graphs (I), (J), and (K) of section 103(b)(3),
6 such plan may fulfill the terms of such agree-
7 ment until such agreement—

8 “(i) expires; or

9 “(ii) allows for termination.”.

10 (c) ADDITIONAL DISCLOSURES FOR EMPLOYEE RE-
11 TIREMENT FUNDS.—

12 (1) IN GENERAL.—Section 103(b)(3) of the
13 Employee Retirement Income Security Act of 1974
14 (29 U.S.C. 1023(b)(3)) is amended—

15 (A) in subparagraph (H)(iv), by striking
16 the period at the end and inserting “; and”;
17 and

18 (B) by inserting at the end the following:

19 “(I) a separate statement of all assets in
20 the plan that consist, in whole or in part, of an
21 interest in a sanctioned entity, including—

22 “(i) the aggregate value of such assets
23 in the plan;

1 “(ii) the identity of each sanctioned
2 entity in which such plan holds an interest;
3 and

4 “(iii) information identifying each list
5 under subsection (h)(5) on which such
6 sanctioned entity is listed, and the reasons
7 for which an entity may be placed on such
8 list;

9 “(J) a separate statement of all assets in
10 the plan that consist, in whole or in part, of an
11 interest in a foreign adversary entity, includ-
12 ing—

13 “(i) the aggregate value of such assets
14 in the plan;

15 “(ii) the specific interest, and value
16 thereof, that such plan holds in each such
17 foreign adversary entity;

18 “(iii) the name of any investment ve-
19 hicle through which the plan holds such in-
20 terest;

21 “(iv) the name of the fiduciary re-
22 sponsible for such investment; and

23 “(v) a brief statement of factors con-
24 sidered by the fiduciary in maintaining
25 such investment;

1 “(K) a description of any ongoing agree-
2 ment subject to section 404(a)(3)(C), includ-
3 ing—

4 “(i) the assets involved in such agree-
5 ment;

6 “(ii) the date on which such agree-
7 ment expires;

8 “(iii) the date on which such commit-
9 ment may be terminated; and

10 “(iv) such other information as the
11 Secretary may deem appropriate.”.

12 (2) DEFINITIONS.—Section 103 of the Em-
13 ployee Retirement Income Security Act of 1974 (29
14 U.S.C. 1023) is further amended by adding at the
15 end the following new subsection:

16 “(h) DEFINITIONS.—In this section:

17 “(1) CONTROL.—The term ‘control’ has the
18 meaning given in section 800.208 of title 31, Code
19 of Federal Regulations (as in effect on the date of
20 enactment of this Act).

21 “(2) EXPORT ADMINISTRATION REGULA-
22 TIONS.—The term ‘Export Administration Regula-
23 tions’ means the regulations set forth in subchapter
24 C of chapter VII of title 15, Code of Federal Regu-
25 lations, or successor regulations.

1 “(3) FOREIGN ADVERSARY.—The term ‘foreign
2 adversary’—

3 “(A) has the meaning given the term ‘cov-
4 ered nation’ in section 4872(d) of title 10,
5 United States Code (as in effect on the date of
6 enactment of this Act); and

7 “(B) includes any Special Administrative
8 Region of any such covered nation.

9 “(4) FOREIGN ADVERSARY ENTITY.—The term
10 ‘foreign adversary entity’ means—

11 “(A) any official governmental body at any
12 level in a foreign adversary;

13 “(B) the armed forces of a foreign adver-
14 sary;

15 “(C) the leading political party of a foreign
16 adversary;

17 “(D) a person organized under the laws of,
18 headquartered in, or with its principal place of
19 business in a foreign adversary; or

20 “(E) a person subject to the direction or
21 control of an entity listed in subparagraphs (A)
22 through (D).

23 “(5) INTEREST.—The term ‘interest’ includes
24 any interest—

1 “(A) held directly or indirectly through any
2 chain of ownership; or

3 “(B) held as a derivative financial instru-
4 ment or other contractual arrangement with re-
5 spect to such sanctioned entity, including any
6 financial instrument or other contract which
7 seeks to replicate any financial return with re-
8 spect to a sanctioned entity or interest in such
9 sanctioned entity.

10 “(6) SANCTIONED ENTITY.—The term ‘sanc-
11 tioned entity’ means an entity listed on any of the
12 following lists:

13 “(A) The Non-SDN Chinese Military-In-
14 dustrial Complex Companies List (NS-CMIC
15 List) maintained by the Office of Foreign As-
16 sets Control of the Department of the Treasury
17 under Executive Order 14032 (86 Fed. Reg.
18 30145), or any successor order.

19 “(B) The list of Chinese military compa-
20 nies identified by the Secretary of Defense pur-
21 suant to section 1260H of the William M.
22 (Mac) Thornberry National Defense Authoriza-
23 tion Act for Fiscal Year 2021 (Public Law
24 116–283; 10 U.S.C. 113 note).

1 “(C) The Entity List maintained by the
2 Department of Commerce and set forth in Sup-
3 plement No. 4 to part 744 of the Export Ad-
4 ministration Regulations.

5 “(D) The Denied Persons List maintained
6 by the Department of Commerce and described
7 in section 764.3(a)(2) of the Export Adminis-
8 tration Regulations.

9 “(E) The Unverified List set forth in Sup-
10 plement No. 6 to part 744 of the Export Ad-
11 ministration Regulations.

12 “(F) The Military End User List set forth
13 in Supplement No. 7 to part 744 of the Export
14 Administration Regulations.

15 “(G) The list of companies whose equip-
16 ment or services are maintained by the Federal
17 Communications Commission under section 2(a)
18 of the Secure and Trusted Communications
19 Networks Act of 2019 (47 U.S.C. 1601(a)),
20 commonly referred to as the FCC Covered list.

21 “(H) The Uyghur Forced Labor Preven-
22 tion Act Entity List maintained by the Depart-
23 ment of Homeland Security pursuant to Public
24 Law 117–78.

1 “(I) The Withhold Release Orders and
2 Findings List maintained by the Commissioner
3 of U.S. Customs and Border Protection pursu-
4 ant to Public Law 117–78.”.

5 (3) EFFECTIVE DATE.—

6 (A) REGULATIONS REQUIRED.—Not more
7 than 180 days after the enactment of this Act,
8 the Secretary shall issue regulations imple-
9 menting this section.

10 (B) EFFECTIVE DATE OF REGULATIONS.—

11 The regulations issued under subparagraph (A)
12 shall take effect not later than 1 year after the
13 date of enactment of this Act.

14 (d) NEGOTIATION OF A FREE TRADE AGREEMENT
15 WITH TAIWAN, THE PHILIPPINES, INDONESIA, THAI-
16 LAND, MALAYSIA, NEW ZEALAND, AND THE UNITED
17 KINGDOM.—Subject to subsection (e), the President is au-
18 thorized to enter into an agreement with Taiwan, the Phil-
19 ippines, Indonesia, Thailand, Malaysia, New Zealand, and
20 the United Kingdom consistent with the policy described
21 in subsection (e), and the provisions of section 151(c) of
22 the Trade Act of 1974 (19 U.S.C. 2191(c)) shall apply
23 with respect to a bill to implement such agreement.

24 (e) INTRODUCTION AND FAST TRACK CONSIDER-
25 ATION OF IMPLEMENTING BILL.—

1 (1) INTRODUCTION IN HOUSE OF REPRESENTA-
2 TIVES AND SENATE.—Whenever the President sub-
3 mits to Congress a bill to implement a trade agree-
4 ment described in subsection (d) the bill shall be in-
5 troduced (by request) in the House of Representa-
6 tives and in the Senate as described in section
7 151(c) of the Trade Act of 1974 (19 U.S.C.
8 2191(c)).

9 (2) PERMISSIBLE CONTENT IN IMPLEMENTING
10 LEGISLATION.—A bill to implement a trade agree-
11 ment described in subsection (d) shall contain provi-
12 sions that are necessary to implement the trade
13 agreement, and shall include trade-related labor and
14 environmental protection standards, but may not in-
15 clude amendments to title VII of the Tariff Act of
16 1930, title II of the Trade Act of 1974, or any anti-
17 trust law of the United States.

18 (3) APPLICABILITY OF FAST TRACK PROCE-
19 DURES.—Section 151 of the Trade Act of 1974 (19
20 U.S.C. 2191) is amended—

21 (A) in subsection (b)(1), by inserting “sec-
22 tion 191 of the Countering Communist China
23 Act,” after “section 282 of the Uruguay Round
24 Agreements Act,”; and

1 (B) in subsection (c)(1), by inserting “sec-
2 tion 191 of the Countering Communist China
3 Act,” after “the Uruguay Round Agreements
4 Act,”.

5 **SEC. 106. DISCLOSING INVESTMENTS IN FOREIGN ADVER-**
6 **SARIES ACT OF 2024.**

7 (a) **SHORT TITLE.**—This section may be cited as the
8 “Disclosing Investments in Foreign Adversaries Act of
9 2024”.

10 (b) **DEFINITIONS.**—In this section:

11 (1) **COMMISSION.**—The term “Commission”
12 means the Securities and Exchange Commission.

13 (2) **COUNTRY OF CONCERN.**—The term “coun-
14 try of concern”—

15 (A) has the meaning given the term “cov-
16 ered nation” in section 4872(d) of title 10,
17 United States Code; and

18 (B) includes a jurisdiction that the Com-
19 mission, in consultation with the Secretary of
20 State and the Secretary of the Treasury, deter-
21 mines to be subject to the political and legal
22 control of a covered nation, as defined in sec-
23 tion 4872(d) of title 10, United States Code.

1 (3) COVERED ENTITY.—The term “covered en-
2 tity” means an entity or person that is required to
3 file Form PF.

4 (4) EXEMPT REPORTING ADVISER.—The term
5 “exempt reporting adviser” means an investment ad-
6 viser described in section 275.204–4(a) of title 17,
7 Code of Federal Regulations, or any successor regu-
8 lation.

9 (5) FORM ADV.—The term “Form ADV”
10 means the form described in section 279.1 of title
11 17, Code of Federal Regulations, or any successor
12 regulation.

13 (6) FORM PF.—The term “Form PF” means
14 the form described in section 279.9 of title 17, Code
15 of Federal Regulations, or any successor regulation.

16 (7) PRIVATE FUND.—The term “private fund”
17 has the meaning given the term in section 202(a) of
18 the Investment Advisers Act of 1940 (15 U.S.C.
19 80b–2(a)).

20 (8) PRIVATE FUND ASSETS.—The term “private
21 fund assets” has the meaning given the term in sec-
22 tion 275.204(b)–1 of title 17, Code of Federal Regu-
23 lations, or any successor regulation.

24 (c) ENHANCED DISCLOSURE REQUIREMENTS FOR
25 ADVISERS OF PRIVATE FUNDS.—

1 (1) REQUIREMENTS.—

2 (A) IN GENERAL.—Not later than 1 year
3 after the date of enactment of this Act, the
4 Commission shall amend Form PF and Form
5 ADV, and the rules of the Commission gov-
6 erning the submission of Form PF and Form
7 ADV, to, subject to subparagraph (B), require
8 each covered entity and each exempt reporting
9 adviser to annually disclose when submitting
10 Form PF or Form ADV, respectively, the total
11 private fund assets in countries of concern at-
12 tributable to the private funds advised by the
13 covered entity or exempt reporting adviser, as
14 applicable, which shall be broken down by the
15 percentage of those assets in each country of
16 concern.

17 (B) APPLICATION.—For the purposes of
18 subparagraph (A), the Commission shall deter-
19 mine whether a private fund asset is in a coun-
20 try of concern based on—

21 (i) the amount of capital that is in-
22 vested in an entity (including a subsidiary
23 of an entity)—

1 (I) that has a physical presence
2 or employees in that country of con-
3 cern; or

4 (II) the plurality of the sales of
5 which are from that country of con-
6 cern; and

7 (ii) the proportion of the total assets
8 and liabilities of an entity described in
9 clause (i) that are located in that country
10 of concern.

11 (2) REPORTING BY COMMISSION.—

12 (A) PUBLICLY AVAILABLE REPORTS.—

13 (i) IN GENERAL.—Not later than 1
14 year after the date on which the Commis-
15 sion makes the amendments required
16 under paragraph (1), and not less fre-
17 quently than annually thereafter, the Com-
18 mission shall prepare and make publicly
19 available a report containing a list of cov-
20 ered entities and exempt reporting advisers
21 that, for the period covered by the report,
22 have disclosed more than 0 private fund
23 assets under Form PF or Form ADV (as
24 amended pursuant to that subsection) in at
25 least 1 country of concern, which shall be

1 aggregated by the covered entity or exempt
2 reporting adviser making that disclosure.

3 (ii) ADDITIONAL REQUIREMENTS.—

4 Each report prepared and made available
5 by the Commission under clause (i) shall—

6 (I) be aggregated by covered en-

7 tity or exempt reporting adviser; and

8 (II) include the percentage of pri-

9 vate fund assets disclosed by a cov-

10 ered entity or exempt reporting ad-

11 viser, as applicable.

12 (B) RULE OF CONSTRUCTION.—Nothing in

13 this subsection may be construed to permit the

14 Commission to make available any information

15 that appears on Form PF or Form ADV other

16 than the information that is included on Form

17 PF or Form ADV as a result of the require-

18 ments under paragraph (1).

19 (d) EXEMPTED TRANSACTIONS.—

20 (1) IN GENERAL.—The Securities Exchange

21 Act of 1934 (15 U.S.C. 78a et seq.) is amended by

22 inserting after section 13A (15 U.S.C. 78m–1) the

23 following:

1 **“SEC. 13B. DISCLOSURE REQUIREMENTS RELATING TO**
2 **CERTAIN EXEMPTED TRANSACTIONS.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) BENEFICIAL OWNER.—The term ‘bene-
5 ficial owner’ means a person that is determined to
6 be a beneficial owner under section 240.13d–3 of
7 title 17, Code of Federal Regulations, or any suc-
8 cessor regulation.

9 “(2) COUNTRY OF CONCERN.—The term ‘coun-
10 try of concern’—

11 “(A) has the meaning given the term ‘cov-
12 ered nation’ in section 4872(d) of title 10,
13 United States Code; and

14 “(B) includes a jurisdiction that the Com-
15 mission, in consultation with the Secretary of
16 State and the Secretary of the Treasury, deter-
17 mines to be subject to the political and legal
18 control of a covered nation, as defined in sec-
19 tion 4872(d) of title 10, United States Code.

20 “(3) COVERED EXEMPTED TRANSACTION.—The
21 term ‘covered exempted transaction’ means an offer
22 or sale of a security that is—

23 “(A) exempt from registration under sec-
24 tion 5 of the Securities Act of 1933 (15 U.S.C.
25 77e); and

1 “(B) structured or intended to comply
2 with—

3 “(i) section 230.506(b) of title 17,
4 Code of Federal regulations, or any suc-
5 cessor regulation;

6 “(ii) sections 230.901, 230.902, and
7 230.903 of title 17, Code of Federal Regu-
8 lations, or any successor regulations; or

9 “(iii) section 230.144A of title 17,
10 Code of Federal Regulations, or any suc-
11 cessor regulation.

12 “(b) REQUIREMENT.—

13 “(1) IN GENERAL.—Notwithstanding any other
14 provision of law, in the case of an issuer that con-
15 ducts a covered exempted transaction described in
16 paragraph (2), that issuer shall provide to the Com-
17 mission, at such time and in such manner as the
18 Commission may prescribe, the following informa-
19 tion:

20 “(A) The identity of the issuer.

21 “(B) The place of incorporation of the
22 issuer.

23 “(C) Whether the issuer is associated with
24 at least 1 consolidated entity, the plurality of
25 the assets of which are in a country of concern.

1 “(D) Whether the issuer is associated with
2 at least 1 consolidated entity that is incor-
3 porated in a country of concern.

4 “(E) The amount of securities sold pursu-
5 ant to the covered exempted transaction and
6 the net proceeds to the issuer.

7 “(F) The beneficial owners of the issuer.

8 “(G) The intended use of the proceeds
9 from the covered exempted transaction, includ-
10 ing each country in which the issuer intends to
11 invest those proceeds, which shall be broken
12 down by the percentage of net proceeds by in-
13 dustry within each such country.

14 “(H) The exemption the issuer relies on
15 with respect to the covered exempted trans-
16 action.

17 “(2) PARTICULAR COVERED EXEMPTED TRANS-
18 ACTION DESCRIBED.—A covered exempted trans-
19 action described in this paragraph is, with respect to
20 the issuer offering or selling the security that is the
21 subject of the covered exempted transaction, either
22 of the following instances:

23 “(A) An offer or sale of securities in an
24 amount that is not less than \$25,000,000.

1 “(B) An offer or sale of a security such
2 that the offer or sale, together with all covered
3 exempted transactions by that issuer during the
4 1-year period preceding the date on which the
5 issuer offers or sells the security, constitutes of-
6 fers or sales in the aggregate of an amount that
7 is not less than \$50,000,000.

8 “(c) AUTHORITY TO REVISE AND PROMULGATE
9 RULES, REGULATIONS, AND FORMS.—The Commission
10 shall, for the protection of investors and fair and orderly
11 markets—

12 “(1) revise and issue such rules, regulations,
13 and forms as may be necessary to carry out this sec-
14 tion; and

15 “(2) issue rules to set conditions that limit the
16 future use of covered exempted transactions for
17 issuers that do not comply with the disclosure re-
18 quirements of this section.

19 “(d) APPLICABILITY.—This section shall apply with
20 respect to any covered exempted transaction that occurs
21 on or after the date that is 1 year after the date of enact-
22 ment of this section.

23 “(e) REPORTS.—The Commission shall, on a quar-
24 terly basis, prepare and make publicly available a report
25 that includes all information submitted by an issuer under

1 this section during the quarter covered by the report, if
2 that issuer—

3 “(1) is—

4 “(A) incorporated in a country of concern;

5 or

6 “(B) incorporated outside of a country of
7 concern and is associated with at least 1 con-
8 solidated entity—

9 “(i) the plurality of the assets of
10 which are in a country of concern; or

11 “(ii) that is incorporated in a country
12 of concern; or

13 “(2) discloses in a filing made pursuant to this
14 section that the issuer intends to invest the proceeds
15 from a covered exempted transaction in a country of
16 concern.”.

17 **SEC. 107. STOP FUNDING THE CCP THROUGH A-SHARES**
18 **ACT.**

19 This Act may be cited as the “Stop Funding the CCP
20 through A-Shares Act”.

21 **SEC. 108. PROHIBITED ACTS.**

22 (a) DEFINITIONS.—In this section:

23 (1) ACTING IN A PROFESSIONAL CAPACITY.—

24 The term “acting in a professional capacity” in-
25 cludes acting as—

1 (A) a member (as defined in section
2 3(a)(3)(A) of the Securities Exchange Act of
3 1934 (15 U.S.C. 78c(a)(3)(A))) of a national
4 securities exchange;

5 (B) a member (as defined in section
6 3(a)(3)(B) of the Securities Exchange Act of
7 1934 (15 U.S.C. 78c(a)(3)(B))) of a registered
8 securities association; or

9 (C) an associated person of a member (as
10 defined in section 3(a) of the Securities Ex-
11 change Act of 1934 (15 U.S.C. 78c(a))) de-
12 scribed in subparagraph (A) or (B).

13 (2) ASSIGNMENT.—The term “assignment” has
14 the meaning given the term in section 2(a) of the In-
15 vestment Company Act of 1940 (15 U.S.C. 80a-
16 2(a)).

17 (3) COMMERCE.—The term “commerce” has
18 the meaning given the term in section 4 of the Fed-
19 eral Trade Commission Act (15 U.S.C. 44).

20 (4) COVERED EXCHANGE.—The term “covered
21 exchange” means—

22 (A) the Shanghai Stock Exchange (or any
23 subsidiary of that exchange);

24 (B) the Shenzhen Stock Exchange (or any
25 subsidiary of that exchange);

1 (C) the Beijing Stock Exchange (or any
2 subsidiary of that exchange); or

3 (D) any other national exchange, or sub-
4 subsidiary of such an exchange, that is subject to
5 the influence or control of the Party Committee
6 of the China Securities Regulatory Commission,
7 other than the Stock Exchange of Hong Kong.

8 (5) COVERED SECURITY.—The term “covered
9 security” means a security that—

10 (A) as of the date on which a covered
11 transaction is executed with respect to the secu-
12 rity, is listed on a covered exchange;

13 (B) is derivative of a security described in
14 subparagraph (A); or

15 (C) is designed to provide investment expo-
16 sure to a security described in subparagraph
17 (A).

18 (6) COVERED TRANSACTION.—The term “cov-
19 ered transaction” means a purchase, sale, or assign-
20 ment.

21 (7) ENGAGE IN.—The term “engage in”, with
22 respect to a transaction, means to order, approve, or
23 otherwise perform any act in furtherance of that
24 transaction.

1 (8) PURCHASE; SALE; SECURITY.—The terms
2 “purchase”, “sale”, and “security” have the mean-
3 ings given those terms in section 3(a) of the Securi-
4 ties Exchange Act of 1934 (15 U.S.C. 78c(a)).

5 (9) U.S. PERSON.—The term “U.S. person”
6 has the meaning given the term in section 120.62 of
7 title 22, Code of Federal Regulations, or any suc-
8 cessor regulation.

9 (10) WILLFULLY.—The term “willfully”, with
10 respect to an action, means that the action is taken
11 voluntarily and intentionally in violation of a known
12 legal duty.

13 (b) PROHIBITION.—

14 (1) IN GENERAL.—Except for the purposes of
15 complying with paragraph (2), beginning on the date
16 of enactment of this Act, it shall be unlawful for any
17 U.S. person to make use of the mails or any means
18 or instrumentality of commerce to engage in a cov-
19 ered transaction with respect to a covered security.

20 (2) DIVESTMENT REQUIRED.—Not later than
21 180 days after the date of enactment of this Act,
22 each U.S. person shall divest of all covered securities
23 held by the U.S. person.

24 (c) PENALTIES.—A U.S. person that violates, at-
25 tempts to violate, conspires to violate, or causes a violation

1 of this section shall be subject to any of the following pen-
2 alties:

3 (1) A civil penalty in an amount not to exceed
4 the greater of—

5 (A) \$350,000; or

6 (B) an amount that is twice the amount of
7 the covered transaction that is the basis of the
8 violation with respect to which the penalty is
9 imposed.

10 (2) With respect to a U.S. person that willfully
11 violates, willfully attempts to violate, willfully con-
12 spires to violate, or willfully aids or abets in the
13 commission of a violation of this section, a criminal
14 penalty as follows:

15 (A) If that U.S. person is an individual not
16 acting in a professional capacity, a fine of not
17 more than \$1,000,000, a term of imprisonment
18 of not more than 5 years, or both.

19 (B) If that U.S. person is an individual
20 acting in a professional capacity, a fine of not
21 more than \$5,000,000, a term of imprisonment
22 of not more than 20 years, or both.

23 (C)(i) If that U.S. person is an organiza-
24 tion, including any entity described in clause
25 (ii), a fine of not more than \$25,000,000.

1 (ii) An entity described in this clause is
2 any of the following:

3 (I) An investment company, as de-
4 fined in section 3 of the Investment Com-
5 pany Act of 1940 (15 U.S.C. 80a-3).

6 (II) A bank, broker, dealer, exchange,
7 insurance company, investment banker, un-
8 derwriter, savings and loan association,
9 business development company, commodity
10 pool, commodity pool operator, commodity
11 trading advisor, major swap participant,
12 swap dealer, or swap execution facility, as
13 those terms are defined in section 2(a) of
14 the Investment Company Act of 1940 (15
15 U.S.C. 80a-2(a)).

16 (III) An investment adviser, as de-
17 fined in section 202(a) of the Investment
18 Advisers Act of 1940 (15 U.S.C. 80b-
19 2(a)).

20 (IV) A market intermediary, as de-
21 fined in section 3(c)(2)(B)(i) of the Invest-
22 ment Company Act of 1940 (15 U.S.C.
23 80a-3(c)(2)(B)(i)).

1 (V) A fund described in section
2 3(c)(10)(B) of the Investment Company
3 Act of 1940 (15 U.S.C. 80a-3(c)(10)(B)).

4 (VI) A qualified pension, profit-shar-
5 ing, or stock bonus plan described in sec-
6 tion 401 of the Internal Revenue Code of
7 1986.

8 (VII) An individual retirement ac-
9 count, as defined in section 408(a) of the
10 Internal Revenue Code of 1986.

11 (VIII) A tax credit employee stock
12 ownership plan, as defined in section
13 409(a) of the Internal Revenue Code of
14 1986.

15 **SEC. 109. REPORTS TO CONGRESS.**

16 (a) IN GENERAL.—In accordance with subsection (b),
17 the Secretary of the Treasury, in consultation with the
18 Secretary of Commerce, the Secretary of State, the Sec-
19 retary of Defense, the Assistant to the President for Na-
20 tional Security Affairs, and the Director of National Intel-
21 ligence, shall submit to Congress a report on, for the pe-
22 riod covered by the report—

23 (1) the extent of mitigation and elimination of
24 the conditions described in section 2(b); and

1 (2) the extent of the occurrence of the condi-
2 tions described in section 2(b) with respect to securi-
3 ties listed on the Stock Exchange of Hong Kong.

4 (b) FREQUENCY OF SUBMISSION.—The Secretary of
5 the Treasury shall submit to Congress a report described
6 in subsection (a)—

7 (1) not later than 90 days after the date of en-
8 actment of this Act;

9 (2) not later than 180 days after the date of
10 enactment of this Act; and

11 (3) once every 180 days after the date on which
12 the Secretary submits the report required under
13 paragraph (2) of this subsection.

14 **SEC. 110. ANNUAL REPORT ON UNITED STATES PORTFOLIO**
15 **INVESTMENTS IN THE PEOPLE’S REPUBLIC**
16 **OF CHINA.**

17 (a) DEFINITIONS.—In this section:

18 (1) CHINESE ENTITY.—The term “Chinese en-
19 tity” means an entity organized under the laws of
20 the People’s Republic of China or otherwise subject
21 to the jurisdiction of the Government of the People’s
22 Republic of China.

23 (2) UNITED STATES PERSON.—The term
24 “United States person” means—

1 (A) a United States citizen or an alien law-
2 fully admitted for permanent residence to the
3 United States; or

4 (B) an entity organized under the laws of
5 the United States or any jurisdiction within the
6 United States, including a foreign branch of
7 such an entity.

8 (b) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, and annually thereafter, the Sec-
10 retary of the Treasury shall submit to Congress a report
11 on portfolio investments by United States persons in the
12 People’s Republic of China, including such investments
13 routed through a jurisdiction outside the United States.

14 (c) ELEMENTS.—Each report required by subsection
15 (b) shall include an assessment of the involvement of the
16 following in portfolio investments in the People’s Republic
17 of China:

18 (1) United States persons making such invest-
19 ments, including an assessment of—

20 (A) the types of United States persons
21 making such investments, including State pen-
22 sion funds; and

23 (B) United States persons making more
24 than 2 percent of the total of such investments
25 in a year.

1 (2) Chinese entities receiving such investments,
2 including an assessment of—

3 (A) such entities in individual sectors of
4 the economic of the People’s Republic of China,
5 including the housing sector;

6 (B) any Chinese entities subject to sanc-
7 tions imposed by the United States receiving
8 such investments; and

9 (C) Chinese entities that receive more than
10 \$100,000,000 from such investments.

11 (d) PERIOD COVERED.—The period covered by a re-
12 port required by subsection (b) shall be—

13 (1) in the case of the first such report, the pe-
14 riod beginning on January 1, 2008, and ending on
15 the date of the report; and

16 (2) in the case of each subsequent such report,
17 the 1-year period preceding submission of the report.

18 **SEC. 111. COORDINATION.**

19 (a) IN GENERAL.—The Secretary of the Treasury
20 and the Securities and Exchange Commission may coordi-
21 nate to carry out this Act.

22 (b) COORDINATION ON IMPOSITION OF CRIMINAL
23 PENALTIES.—For the purposes of carrying out section
24 3(c)(2), the Secretary of the Treasury and the Securities

1 and Exchange Commission may coordinate with the Attor-
2 ney General.

3 **TITLE II—MATTERS RELATING**
4 **TO COUNTERING CHINA’S MA-**
5 **LIGN INFLUENCE**

6 **SEC. 201. IMPOSITION OF SANCTIONS WITH RESPECT TO**
7 **FOREIGN PERSONS THAT KNOWINGLY**
8 **SPREAD MALIGN DISINFORMATION AS PART**
9 **OF OR ON BEHALF OF A FOREIGN GOVERN-**
10 **MENT OR POLITICAL PARTY FOR PURPOSES**
11 **OF POLITICAL WARFARE.**

12 (a) IMPOSITION OF SANCTIONS.—The President shall
13 impose the sanctions described in subsection (b) with re-
14 spect to any foreign person that the President determines
15 knowingly commits a significant act of malign
16 disinformation on behalf of the government of a foreign
17 country or foreign political party that has the direct pur-
18 pose or effect of influencing political, diplomatic, or edu-
19 cational activities in the United States for the purpose of
20 harming—

21 (1) the national security or defense of the
22 United States; or

23 (2) the safety and security of any United States
24 citizen or alien lawfully admitted for permanent resi-
25 dence.

1 (b) SANCTIONS DESCRIBED.—

2 (1) IN GENERAL.—The sanctions described in
3 this subsection with respect to a foreign person de-
4 termined by the President to be subject to sub-
5 section (a) are the following:

6 (A) ASSET BLOCKING.—The President
7 shall exercise of all powers granted to the Presi-
8 dent by the International Emergency Economic
9 Powers Act (50 U.S.C. 1701 et seq.) to the ex-
10 tent necessary to block and prohibit all trans-
11 actions in property and interests in property of
12 the foreign person if such property and inter-
13 ests in property are in the United States, come
14 within the United States, or are or come within
15 the possession or control of a United States
16 person.

17 (B) INADMISSIBILITY OF CERTAIN INDI-
18 VIDUALS.—

19 (i) INELIGIBILITY FOR VISAS, ADMIS-
20 SION, OR PAROLE.—In the case of a for-
21 eign person who is an individual, the for-
22 eign person is—

23 (I) inadmissible to the United
24 States;

1 (II) ineligible to receive a visa or
2 other documentation to enter the
3 United States; and

4 (III) otherwise ineligible to be
5 admitted or paroled into the United
6 States or to receive any other benefit
7 under the Immigration and Nation-
8 ality Act (8 U.S.C. 1101 et seq.).

9 (ii) CURRENT VISAS REVOKED.—

10 (I) IN GENERAL.—In the case of
11 a foreign person who is an individual,
12 the visa or other documentation
13 issued to the person shall be revoked,
14 regardless of when such visa or other
15 documentation is or was issued.

16 (II) EFFECT OF REVOCATION.—
17 A revocation under subclause (I)
18 shall—

19 (aa) take effect immediately;

20 and

21 (bb) automatically cancel
22 any other valid visa or entry doc-
23 umentation that is in the per-
24 son's possession.

1 (2) PENALTIES.—A person that violates, at-
2 tempts to violate, conspires to violate, or causes a
3 violation of any regulation, license, or order issued
4 to carry out paragraph (1)(A) shall be subject to the
5 penalties set forth in subsections (b) and (c) of sec-
6 tion 206 of the International Emergency Economic
7 Powers Act (50 U.S.C. 1705) to the same extent as
8 a person that commits an unlawful act described in
9 subsection (a) of that section.

10 (3) EXCEPTION TO COMPLY WITH UNITED NA-
11 TIONS HEADQUARTERS AGREEMENT.—Sanctions
12 under paragraph (1)(B) shall not apply to a foreign
13 person who is an individual if admitting the person
14 into the United States is necessary to permit the
15 United States to comply with the Agreement regard-
16 ing the Headquarters of the United Nations, signed
17 at Lake Success June 26, 1947, and entered into
18 force November 21, 1947, between the United Na-
19 tions and the United States, or other applicable
20 international obligations.

21 (c) WAIVER.—The President may, for one period not
22 to exceed one year, waive the application of sanctions im-
23 posed with respect to a foreign person under this section
24 if the President certifies to the appropriate congressional
25 committees not later than 15 days before such waiver is

1 to take effect that the waiver is vital to the national secu-
2 rity interests of the United States.

3 (d) IMPLEMENTATION AUTHORITY.—The President
4 may exercise all authorities provided to the President
5 under sections 203 and 205 of the International Emer-
6 gency Economic Powers Act (50 U.S.C. 1702 and 1704)
7 for purposes of carrying out this section.

8 (e) REGULATORY AUTHORITY.—

9 (1) IN GENERAL.—Not later than 90 days after
10 the date of the enactment of this Act, the President
11 shall promulgate such regulations as are necessary
12 for the implementation of this section.

13 (2) NOTIFICATION TO CONGRESS.—Not less
14 than 10 days before the promulgation of regulations
15 under paragraph (1), the President shall notify and
16 provide to the appropriate congressional committees
17 the proposed regulations and an identification of the
18 provisions of this section that the regulations are im-
19 plementing.

20 (f) DEFINITIONS.—In this section:

21 (1) ADMITTED; ALIEN.—The terms “admitted”
22 and “alien” have the meanings given those terms in
23 section 101(a) of the Immigration and Nationality
24 Act (8 U.S.C. 1101(a)).

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Affairs, the
5 Committee on the Judiciary, the Committee on
6 Ways and Means, and the Committee on Finan-
7 cial Services of the House of Representatives;
8 and

9 (B) the Committee on Foreign Relations,
10 the Committee on the Judiciary, the Committee
11 on Finance, and the Committee on Banking,
12 Housing, and Urban Affairs of the Senate.

13 (3) FOREIGN PERSON.—The term “foreign per-
14 son” means a person that is not a United States
15 person.

16 (4) KNOWINGLY.—The term “knowingly”, with
17 respect to conduct, a circumstance, or a result,
18 means that a person has actual knowledge, or should
19 have known, of the conduct, the circumstance, or the
20 result.

21 (5) PERSON.—The term “person” means an in-
22 dividual or entity.

23 (6) PROPERTY; INTEREST IN PROPERTY.—The
24 terms “property” and “interest in property” have
25 the meanings given the terms “property” and “prop-

1 erty interest”, respectively, in section 576.312 of
2 title 31, Code of Federal Regulations, as in effect on
3 the day before the date of the enactment of this Act.

4 (7) UNITED STATES PERSON.—The term
5 “United States person” means—

6 (A) an individual who is a United States
7 citizen or an alien lawfully admitted for perma-
8 nent residence to the United States;

9 (B) an entity organized under the laws of
10 the United States or any jurisdiction within the
11 United States, including a foreign branch of
12 such an entity; or

13 (C) any person in the United States.

14 (g) SUNSET.—

15 (1) IN GENERAL.—This section shall cease to
16 be effective beginning on January 1, 2026.

17 (2) INAPPLICABILITY.—Paragraph (1) shall not
18 apply with respect to sanctions imposed with respect
19 to a foreign person under this section before Janu-
20 ary 1, 2026.

1 **SEC. 202. DETERMINATION WITH RESPECT TO THE IMPOSI-**
2 **TION OF SANCTIONS ON THE UNITED FRONT**
3 **WORK DEPARTMENT OF THE CHINESE COM-**
4 **MUNIST PARTY.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of enactment of this Act, the Secretary of State shall
7 submit to the appropriate congressional committees a de-
8 termination, including a detailed justification, on whether
9 the United Front Work Department of the Chinese Com-
10 munist Party, or any component or official thereof, meets
11 the criteria for the application of sanctions pursuant to—

12 (1) section 101 of this Act;

13 (2) section 1263 of the Global Magnitsky
14 Human Rights Accountability Act (subtitle F of title
15 XII of Public Law 114–328; 22 U.S.C. 2656 note);

16 (3) section 6 of the Uyghur Human Rights Pol-
17 icy Act of 2020 (Public Law 116–145; 22 U.S.C.
18 6901 note); or

19 (4) Executive Order 13694 (50 U.S.C. 1701
20 note; relating to blocking property of certain persons
21 engaged in significant malicious cyber-enabled activi-
22 ties).

23 (b) FORM.—The determination required by sub-
24 section (a) shall be submitted in unclassified form but may
25 contain a classified annex.

1 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In this section, the term “appropriate congres-
3 sional committees” means—

4 (1) the Committee on Armed Services, the
5 Committee on Foreign Affairs, the Permanent Select
6 Committee on Intelligence, the Committee on Finan-
7 cial Services, and the Committee on the Judiciary of
8 the House of Representatives; and

9 (2) the Committee on Armed Services, the
10 Committee on Foreign Relations, the Select Com-
11 mittee on Intelligence, the Committee on Banking,
12 Housing, and Urban Affairs, and the Committee on
13 the Judiciary of the Senate.

14 **SEC. 203. AUTHORITIES TO REGULATE OR PROHIBIT MO-**
15 **BILE APPLICATIONS AND SOFTWARE PRO-**
16 **GRAMS THAT ENGAGE IN THEFT OR UNAU-**
17 **THORIZED TRANSMISSION OF USER DATA ON**
18 **BEHALF OF A COMMUNIST COUNTRY, FOR-**
19 **EIGN ADVERSARY, OR STATE SPONSOR OF**
20 **TERRORISM.**

21 Section 203 of the International Emergency Eco-
22 nomic Powers Act (50 U.S.C. 1702) is amended—

23 (1) by redesignating subsection (c) as sub-
24 section (d); and

1 (2) by inserting after subsection (b) the fol-
2 lowing new subsection:

3 “(c)(1) Notwithstanding subsection (b), the authority
4 granted to the President by this section includes the au-
5 thority to regulate or prohibit transactions with a mobile
6 application or software program that—

7 “(A) engages in the theft or unauthorized
8 transmission of a user’s data; and

9 “(B) provides to a covered country or covered
10 foreign political party access to such data.

11 “(2) In this subsection, the term ‘covered country’
12 means any of the following:

13 “(A) A communist country.

14 “(B) A foreign adversary.

15 “(C) A state sponsor of terrorism.

16 “(3) In this subsection:

17 “(A) The term ‘communist country’ has the
18 meaning given such term in section 620(f)(1) of the
19 Foreign Assistance Act of 1961 (22 U.S.C.
20 2370(f)(1)).

21 “(B) The term ‘covered foreign political party’
22 means the Chinese Communist Party (CCP).

23 “(C) The term ‘foreign adversary’ has the
24 meaning given such term in Executive Order 13920,
25 issued on May 1, 2020, entitled ‘Securing the

1 United States BulkPower System’, and including the
2 list of foreign adversaries identified by the Depart-
3 ment of Energy’s Office of Electricity pursuant to
4 such Executive Order on July 7, 2020, as in effect
5 on January 19, 2021.

6 “(D) The term ‘state sponsor of terrorism’
7 means a country the government of which the Sec-
8 retary of State determines has repeatedly provided
9 support for international terrorism pursuant to—

10 “(i) section 1754(c)(1)(A) of the Export
11 Control Reform Act of 2018 (50 U.S.C.
12 4813(c)(1)(A));

13 “(ii) section 620A of the Foreign Assist-
14 ance Act of 1961 (22 U.S.C. 2371);

15 “(iii) section 40 of the Arms Export Con-
16 trol Act (22 U.S.C. 2780); or

17 “(iv) any other provision of law.”.

18 **SEC. 204. IMPOSITION OF SANCTIONS WITH RESPECT TO**
19 **MOBILE APPLICATIONS OR SOFTWARE PRO-**
20 **GRAMS THAT ENGAGE IN THEFT OR UNAU-**
21 **THORIZED TRANSMISSION OF USER DATA.**

22 (a) IMPOSITION OF SANCTIONS.—Notwithstanding
23 any other provision of law, the President is authorized to
24 impose the sanctions described in subsection (b) with re-
25 spect to any foreign person that the President determines

1 has developed, maintains, provides, owns, or controls a
2 mobile application or software program that—

3 (1) engages in the theft or unauthorized trans-
4 mission of a user’s data to servers located in China;
5 and

6 (2) provides to the Government of the People’s
7 Republic of China (PRC), the Chinese Communist
8 Party (CCP), or any person owned by or controlled
9 by the PRC or CCP access to such data.

10 (b) SANCTIONS DESCRIBED.—

11 (1) IN GENERAL.—The sanctions described in
12 this subsection with respect to a foreign person de-
13 termined by the President to be subject to sub-
14 section (a) are the following:

15 (A) ASSET BLOCKING.—The President
16 shall exercise of all powers granted to the Presi-
17 dent by the International Emergency Economic
18 Powers Act (50 U.S.C. 1701 et seq.) to the ex-
19 tent necessary to block and prohibit all trans-
20 actions in property and interests in property of
21 the foreign person if such property and inter-
22 ests in property are in the United States, come
23 within the United States, or are or come within
24 the possession or control of a United States
25 person.

1 (B) INADMISSIBILITY OF CERTAIN INDI-
2 VIDUALS.—

3 (i) INELIGIBILITY FOR VISAS, ADMIS-
4 SION, OR PAROLE.—In the case of a for-
5 eign person who is an individual, the for-
6 eign person is—

7 (I) inadmissible to the United
8 States;

9 (II) ineligible to receive a visa or
10 other documentation to enter the
11 United States; and

12 (III) otherwise ineligible to be
13 admitted or paroled into the United
14 States or to receive any other benefit
15 under the Immigration and Nation-
16 ality Act (8 U.S.C. 1101 et seq.).

17 (ii) CURRENT VISAS REVOKED.—

18 (I) IN GENERAL.—In the case of
19 a foreign person who is an individual,
20 the visa or other documentation
21 issued to the person shall be revoked,
22 regardless of when such visa or other
23 documentation is or was issued.

1 (II) EFFECT OF REVOCATION.—

2 A revocation under subclause (I)
3 shall—

4 (aa) take effect immediately;

5 and

6 (bb) automatically cancel
7 any other valid visa or entry doc-
8 umentation that is in the per-
9 son's possession.

10 (2) PENALTIES.—The penalties provided for in
11 subsections (b) and (c) of section 206 of the Inter-
12 national Emergency Economic Powers Act (50
13 U.S.C. 1705) shall apply to a person that violates,
14 attempts to violate, conspires to violate, or causes a
15 violation of regulations promulgated under sub-
16 section (e) to implement this section to the same ex-
17 tent that such penalties apply to a person that com-
18 mits an unlawful act described in section 206(a) of
19 such Act.

20 (3) EXCEPTION TO COMPLY WITH UNITED NA-
21 TIONS HEADQUARTERS AGREEMENT.—Sanctions
22 under paragraph (1)(B) shall not apply to a foreign
23 person who is an individual if admitting the person
24 into the United States is necessary to permit the
25 United States to comply with the Agreement regard-

1 ing the Headquarters of the United Nations, signed
2 at Lake Success June 26, 1947, and entered into
3 force November 21, 1947, between the United Na-
4 tions and the United States, or other applicable
5 international obligations.

6 (c) WAIVER.—The President may, on a case-by-case
7 basis and for periods not to exceed 180 days, waive the
8 application of sanctions imposed with respect to a foreign
9 person under this section if the President certifies to the
10 appropriate congressional committees not later than 15
11 days before such waiver is to take effect that the waiver
12 is vital to the national security interests of the United
13 States.

14 (d) IMPLEMENTATION AUTHORITY.—The President
15 may exercise all authorities provided to the President
16 under sections 203 and 205 of the International Emer-
17 gency Economic Powers Act (50 U.S.C. 1702 and 1704)
18 for purposes of carrying out this section. The exceptions
19 to the President’s authority described in section 203(b)
20 of the International Emergency Economic Powers Act, as
21 shall not apply to the President’s authority to exercise au-
22 thorities under this section.

23 (e) REGULATORY AUTHORITY.—

24 (1) IN GENERAL.—The President shall, not
25 later than 180 days after the date of the enactment

1 of this Act, prescribe regulations as necessary for
2 the implementation of this Act and the amendments
3 made by this Act.

4 (2) NOTIFICATION TO CONGRESS.—No later
5 than 10 days before the prescription of regulations
6 under subsection (1), the President shall notify the
7 appropriate congressional committees regarding the
8 proposed regulations and the provisions this Act and
9 the amendments made by this Act that the regula-
10 tions are implementing.

11 (f) DEFINITIONS.—In this section:

12 (1) ADMITTED; ALIEN.—The terms “admitted”
13 and “alien” have the meanings given those terms in
14 section 101(a) of the Immigration and Nationality
15 Act (8 U.S.C. 1101(a)).

16 (2) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

19 (A) the Committee on Foreign Affairs, the
20 Committee on the Judiciary, the Committee on
21 Ways and Means, and the Committee on Finan-
22 cial Services of the House of Representatives;
23 and

1 (B) the Committee on Foreign Relations
2 and the Committee on Banking, Housing, and
3 Urban Affairs of the Senate.

4 (3) FOREIGN PERSON.—The term “foreign per-
5 son” means a person that is not a United States
6 person.

7 **SEC. 205. DETERMINATION WITH RESPECT TO THE IMPOSI-**
8 **TION OF SANCTIONS ON WECHAT AND**
9 **TIKTOK.**

10 (a) DETERMINATION.—Not later than 90 days after
11 the date of the enactment of this Act, the Secretary of
12 State shall submit to the appropriate congressional com-
13 mittees a determination, including a detailed justification,
14 regarding whether WeChat and TikTok, or any component
15 thereof, or any entity owned or controlled by WeChat, sat-
16 isfies the criteria for the application of sanctions pursuant
17 to—

18 (1) section 205 of this Act; or

19 (2) Executive Order 13694 (50 U.S.C. 1701
20 note; relating to blocking property of certain persons
21 engaged in significant malicious cyber-enabled activi-
22 ties).

23 (b) FORM.—The determination required by sub-
24 section (a) shall be submitted in unclassified form but may
25 contain a classified annex.

1 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In this section, the term “appropriate congress-
3 sional committees” means—

4 (1) the Committee on Armed Services, the
5 Committee on Foreign Affairs, the Permanent Select
6 Committee on Intelligence, the Committee on Finan-
7 cial Services, and the Committee on the Judiciary of
8 the House of Representatives; and

9 (2) the Committee on Armed Services, the
10 Committee on Foreign Relations, the Select Com-
11 mittee on Intelligence, the Committee on Banking,
12 Housing, and Urban Affairs, and the Committee on
13 the Judiciary of the Senate.

14 **SEC. 206. PROHIBITING LOBBYING CONTACTS ON BEHALF**
15 **OF COMMUNIST COUNTRIES.**

16 (a) PROHIBITION.—The Lobbying Disclosure Act of
17 1995 (2 U.S.C. 1601 et seq.) is amended by inserting
18 after section 5 the following new section:

19 **“SEC. . PROHIBITING LOBBYING CONTACTS ON BEHALF OF**
20 **FOREIGN COUNTRIES OF CONCERN.**

21 “(a) PROHIBITION.—Notwithstanding any other pro-
22 vision of law, no person may receive direct or indirect com-
23 pensation in any form, including intangible or in-kind, for
24 serving as an agent of a foreign country of concern, or

1 making a lobbying contact on behalf of a foreign country
2 of concern.

3 “(b) PENALTY.—In addition to any other penalty
4 under this Act, any person who violates subsection (a)
5 shall be subject to a fine of at least an amount greater
6 than the total compensation the person received in viola-
7 tion of subsection (a) and shall be subject of a fine of no
8 more than three times the total compensation the person
9 received in violation of subsection (a).

10 “(c) DEFINITION.—In this section, a ‘foreign country
11 of concern’ means a country defined under section
12 19221(a)(1) of title 42, United States Code, as well as
13 any agent, instrumentality or entity owned or controlled
14 by a foreign country of concern.”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 this section shall apply with respect to lobbying contacts
17 under the Lobbying Disclosure Act of 1995 which are
18 made on or after the date of the enactment of this Act.

19 **SEC. 207. ANNUAL DISCLOSURE OF CONTRIBUTIONS FROM**
20 **FOREIGN GOVERNMENTS AND POLITICAL**
21 **PARTIES BY CERTAIN TAX-EXEMPT ORGANI-**
22 **ZATIONS.**

23 (a) REPORTING REQUIREMENT.—Section 6033(b) of
24 the Internal Revenue Code of 1986 is amended by striking
25 “and” at the end of paragraph (15), by redesignating

1 paragraph (16) as paragraph (17) and by inserting after
2 paragraph (15) the following new paragraph:

3 “(16) with respect to each government of a for-
4 foreign country (within the meaning of section 1(e) of
5 the Foreign Agents Registration Act of 1938 (22
6 U.S.C. 611(e))) and each foreign political party
7 (within the meaning of section 1(f) of such Act (22
8 U.S.C. 611(f)) which made aggregate contributions
9 and gifts to the organization during the year in ex-
10 cess of \$50,000, the name of such government or
11 political party and such aggregate amount, and”.

12 (b) PUBLIC DISCLOSURE.—Section 6104 of such
13 Code is amended by adding at the end the following new
14 subsection:

15 “(e) PUBLIC DISCLOSURE OF CERTAIN INFORMA-
16 TION.—The Secretary shall make publicly available in a
17 searchable database the following information:

18 “(1) The information furnished under section
19 6033(b)(16) of the Internal Revenue Code of 1986,
20 as amended by this section.

21 “(2) The name of the organization furnishing
22 the information described in paragraph (1).

23 “(3) The aggregate amount reported under
24 such section as having been received as contributions
25 or gifts in each year from the People’s Republic of

1 China and (stated separately) from the Chinese
2 Communist Party.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to returns filed for taxable years
5 beginning after the date of the enactment of this Act.

6 **SEC. 208. POSITION OF SANCTIONS WITH RESPECT TO SEN-**
7 **IOR OFFICIALS OF THE CHINESE COMMUNIST**
8 **PARTY.**

9 (a) IMPOSITION OF SANCTIONS.—Notwithstanding
10 any other provision of law, the President is authorized to
11 impose the sanctions described in subsection (b) with re-
12 spect to any foreign person the President determines—

13 (1) is a senior official of the CCP, including a
14 member of the CCP Politburo; and

15 (2) has engaged in or provided support to or
16 for—

17 (A) a malign disinformation campaign or
18 political warfare operation against the United
19 States;

20 (B) the theft of intellectual property of a
21 United States person;

22 (C) threats or actions undermining the
23 sovereignty of Taiwan; and

24 (D) the forced closure or destruction of
25 churches, mosques, Buddhist temples or any

1 other place of worship in China, or religious
2 practice of Christians, Muslims, Buddhists or
3 any other religious group in China.

4 (b) SANCTIONS DESCRIBED.—

5 (1) IN GENERAL.—The sanctions described in
6 this subsection with respect to a foreign person de-
7 termined by the President to be subject to sub-
8 section (a) are the following:

9 (A) ASSET BLOCKING.—The President
10 shall exercise of all powers granted to the Presi-
11 dent by the International Emergency Economic
12 Powers Act (U.S.C. 1701 et seq.) to the extent
13 necessary to block and prohibit all transactions
14 in property and interests in property of the for-
15 eign person if such property and interests in
16 property are in the United States, come within
17 the United States, or are or come within the
18 possession or control of a United States person.

19 (B) INADMISSIBILITY OF CERTAIN INDI-
20 VIDUALS.—

21 (i) INELIGIBILITY FOR VISAS, ADMIS-
22 SION, OR PAROLE.—Such a foreign person
23 is—

24 (I) inadmissible to the United
25 States;

1 (II) ineligible to receive a visa or
2 other documentation to enter the
3 United States; and

4 (III) otherwise ineligible to be
5 admitted or paroled into the United
6 States or to receive any other benefit
7 under the Immigration and Nation-
8 ality Act (8 U.S.C. 1101 et seq.).

9 (ii) CURRENT VISAS REVOKED.—

10 (I) IN GENERAL.—The visa or
11 other documentation issued to such a
12 foreign person shall be revoked, re-
13 gardless of when such visa or other
14 documentation is or was issued.

15 (II) EFFECT OF REVOCATION.—
16 A revocation under subclause (I)
17 shall—

18 (aa) take effect immediately;

19 and

20 (bb) automatically cancel
21 any other valid visa or entry doc-
22 umentation that is in the per-
23 son's possession.

24 (2) PENALTIES.—The penalties provided for in
25 subsections (b) and (c) of section 206 of the Inter-

1 national Emergency Economic Powers Act (50 24
2 U.S.C. 1705) shall apply to a person that violates,
3 attempts to violate, conspires to violate, or causes a
4 violation of regulations promulgated under sub-
5 section (f) to implement this section to the same ex-
6 tent that such penalties apply to a person that com-
7 mits an unlawful act described in section 206(a) of
8 that Act.

9 (3) EXCEPTION TO COMPLY WITH UNITED NA-
10 TIONS HEADQUARTERS AGREEMENT.—Sanctions
11 under paragraph (1)(B) shall not apply to a foreign
12 person who is an individual if admitting the person
13 into the United States is necessary to permit the
14 United States to comply with the Agreement regard-
15 ing the Headquarters of the United Nations, signed
16 at Lake Success June 26, 1947, and entered into
17 force November 21, 1947, between the United Na-
18 tions and the United States, or other applicable
19 international obligations.

20 (c) WAIVER.—The President may, on a case-by-case
21 basis and for one period not to exceed one year, waive the
22 application of sanctions imposed with respect to a foreign
23 person under this section if the President certifies to the
24 appropriate congressional committees not later than 15
25 days before such waiver is to take effect that such waiver

1 is vital to the national security interests of the United
2 States.

3 (d) TERMINATION OF SANCTIONS.—The President
4 may terminate the application of sanctions under this sec-
5 tion if the President determines and reports to the appro-
6 priate congressional committees not later than 15 days be-
7 fore the termination takes effect that the President has
8 determined that the foreign person no longer is involved
9 in any of the activities described in subsection (a).

10 (e) IMPLEMENTATION AUTHORITY.—The President
11 may exercise all authorities provided to the President
12 under sections 203 and 205 of the International Emer-
13 gency Economic Powers Act (50 U.S.C. 1702 and 1704)
14 for purposes of carrying out this section.

15 (f) REGULATORY AUTHORITY.—

16 (1) IN GENERAL.—Not later than 90 days after
17 the date of the enactment of this Act, the President
18 shall promulgate regulations as necessary for the im-
19 plementation of this section.

20 (2) NOTIFICATION TO CONGRESS.—Not later
21 than 10 days before the promulgation of regulations
22 under paragraph (1), the President shall notify and
23 provide to the appropriate congressional committees
24 the proposed regulations and the provisions of this
25 section that such regulations are implementing.

1 (g) SUNSET.—

2 (1) IN GENERAL.—This section shall terminate
3 on January 1, 2026.

4 (2) INAPPLICABILITY.—Paragraph (1) shall not
5 apply with respect to sanctions imposed with respect
6 to a foreign person under this section before Janu-
7 ary 1, 2026.

8 (h) DEFINITIONS.—In this section:

9 (1) ADMITTED.—The term “admitted” has the
10 meaning given such term in section 101(3) of the
11 Immigration and Nationality Act (8 U.S.C.
12 1101(3)).

13 (2) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means—

16 (A) the Committee on Foreign Affairs, the
17 Committee on the Judiciary, the Committee on
18 Ways and Means, and the Committee on Finan-
19 cial Services of the House of Representatives;
20 and

21 (B) the Committee on Foreign Relations
22 and the Committee on Banking, Housing, and
23 Urban Affairs of the Senate.

24 (3) FOREIGN PERSON.—The term “foreign per-
25 son” means a person that is not a national or citizen

1 of the United States or lawfully admitted for perma-
2 nent residence in the United States.

3 **SEC. 209. DETERMINATION WITH RESPECT TO THE IMPOSI-**
4 **TION OF SANCTIONS ON MEMBERS OF THE**
5 **CCP POLITBURO.**

6 (a) DETERMINATION.—Not later than 180 days after
7 the date of the enactment of this Act, the Secretary of
8 State, in consultation with the Secretary of the Treasury,
9 shall submit to the appropriate congressional committees
10 a determination, including a detailed justification, regard-
11 ing whether any member of the Chinese Communist Party
12 (CCP) Politburo satisfies the criteria for the application
13 of sanctions pursuant to any of the following:

- 14 (1) Section 208 of this Act.
- 15 (2) Executive Order 13694 (50 U.S.C. 1701
16 note; relating to blocking property of certain persons
17 engaged in significant malicious cyber-enabled activi-
18 ties).
- 19 (3) The Global Magnitsky Human Rights Ac-
20 countability Act (22 U.S.C. 2656 note).
- 21 (4) The Uyghur Human Rights and Policy Act
22 of 2020 (Public Law 116–145).
- 23 (5) The Hong Kong Human Rights and De-
24 mocracy Act of 2019 (Public Law 116–76).

1 (b) FORM.—The determination required by sub-
2 section (a) shall be submitted in unclassified form but may
3 contain a classified annex.

4 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
5 FINED.—In this section, the term “appropriate congress-
6 sional committees” means—

7 (1) the Committee on Armed Services, the
8 Committee on Foreign Affairs, the Committee on Fi-
9 nancial Services, and the Committee on the Judici-
10 ary of the House of Representatives; and

11 (2) the Committee on Armed Services, the
12 Committee on Foreign Relations, the Committee on
13 Banking, Housing, and Urban Affairs, and the Com-
14 mittee on the Judiciary of the Senate.

15 **SEC. 210. MANDATORY APPLICATION OF SANCTIONS.**

16 (a) IN GENERAL.—No later than 180 days after the
17 date of the enactment of this Act, the President shall im-
18 pose the sanctions described in section 108 with respect
19 to each individual specified in subsection (b).

20 (b) INDIVIDUALS AND ORGANIZATIONS DE-
21 SCRIBED.—The individuals specified in this subsection are
22 the following:

23 (1) He Lifeng.

24 (2) Zhao Leji.

25 (3) Cai Qi.

1 (4) Ding Xuexiang.

2 (5) Li Xi.

3 **SEC. 211. SANCTIONING TYRANNICAL AND OPPRESSIVE**
4 **PEOPLE WITHIN THE CHINESE COMMUNIST**
5 **PARTY.**

6 (a) **SHORT TITLE.**—This section may be cited as the
7 “Sanctioning Tyrannical and Oppressive People within the
8 Chinese Communist Party Act” or the “STOP CCP Act”.

9 (b) **FINDINGS.**—Congress finds the following:

10 (1) The Hong Kong National Security Law pro-
11 mulgated on July 1, 2020—

12 (A) contravenes the Basic Law of the
13 Hong Kong Special Administrative Region that
14 provides in Article 23 that the Legislative
15 Council of Hong Kong shall enact legislation re-
16 lated to national security;

17 (B) violates the People’s Republic of Chi-
18 na’s commitments under international law, as
19 defined by the Joint Declaration; and

20 (C) causes severe and irreparable damage
21 to the “one country, two systems” principle and
22 further erodes global confidence in the People’s
23 Republic of China’s commitment to inter-
24 national law.

1 (2) Repression of ethnic Muslim minorities in
2 the Xinjiang Uyghur Autonomous Region of the
3 People’s Republic of China has been ongoing, and
4 was formalized with the “Strike Hard Campaign
5 against Violent Terrorism” that began in 2014.

6 (3) The mass internment of Uyghur and other
7 Muslim ethnic minorities in the Xinjiang Uyghur
8 Autonomous Region has been ongoing since April
9 2017.

10 (4) The People’s Republic of China has con-
11 ducted a targeted and systemic population-control
12 campaign against ethnic and religious minorities in
13 the Xinjiang Uyghur Autonomous Region by impos-
14 ing and implementing coercive population-control
15 practices, including selectively enforcing birth
16 quotas, targeting minority women who are in non-
17 compliance with birth quotas, and subjecting women
18 to coercive measures such as forced birth control,
19 forced sterilization, and forced abortion.

20 (5) On October 6, 2020, 39 countries delivered
21 a cross-regional joint statement to the United States
22 Mission to the United Nations on the human rights
23 abuses on Uyghurs and other minorities for forced
24 birth control including sterilization.

1 (6) On January 19, 2021, the Department of
2 State determined that the People’s Republic of
3 China committed crimes against humanity and geno-
4 cide against Uyghurs and other ethnic and religious
5 minority groups in the Xinjiang Uyghur Autono-
6 mous Region, citing forced sterilizations, forced
7 abortions, coerced marriages, and separation of
8 Uyghur children from their families.

9 (7) The Department of State’s 2020 Country
10 Reports on Human Rights Practices affirmed the
11 genocide determination and noted coercive popu-
12 lation control measures inflicted on ethnic and reli-
13 gious minority women in China, including forced in-
14 jections with “drugs that cause temporary or perma-
15 nent end to their menstrual cycles and fertility”.

16 (8) The United States ratified the United Na-
17 tions Convention on the Prevention and Punishment
18 of Genocide in 1988, recognizing that “imposing
19 measures intended to prevent births within the
20 group” with intent to destroy a group in whole or
21 part is an act that constitutes genocide.

22 (9) Taiwan is a free and prosperous democracy
23 of nearly 24,000,000 people and an important con-
24 tributor to peace and stability around the world.

1 (10) Section 2(b) of the Taiwan Relations Act
2 (Public Law 96–8; 22 U.S.C. 3301(b)) states that it
3 is the policy of the United States—

4 (A) “to preserve and promote extensive,
5 close, and friendly commercial, cultural, and
6 other relations between the people of the United
7 States and the people on Taiwan, as well as the
8 people on the China mainland and all other peo-
9 ples of the Western Pacific area”;

10 (B) “to declare that peace and stability in
11 the area are in the political, security, and eco-
12 nomic interests of the United States, and are
13 matters of international concern”;

14 (C) “to make clear that the United States
15 decision to establish diplomatic relations with
16 the People’s Republic of China rests upon the
17 expectation that the future of Taiwan will be
18 determined by peaceful means”;

19 (D) “to consider any effort to determine
20 the future of Taiwan by other than peaceful
21 means, including by boycotts or embargoes, a
22 threat to the peace and security of the Western
23 Pacific area and of grave concern to the United
24 States”; and

1 (E) “to provide Taiwan with arms of a de-
2 fensive character”;

3 (F) “to maintain the capacity of the
4 United States to resist any resort to force or
5 other forms of coercion that would jeopardize
6 the security, or the social or economic system,
7 of the people on Taiwan”.

8 (11) Since the election of President Tsai Ing-
9 wen as President of Taiwan in 2016, the Govern-
10 ment of the People’s Republic of China has intensi-
11 fied its efforts to pressure Taiwan through diplo-
12 matic isolation and military provocations.

13 (12) The rapid modernization of the People’s
14 Liberation Army and recent military maneuvers in
15 and around the Taiwan Strait illustrate a clear
16 threat to Taiwan’s security.

17 (c) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the Chinese Communist Party, led by General
19 Secretary Xi Jinping, has committed numerous human
20 rights violations against the people of Hong Kong and the
21 people of Taiwan, as well as genocide against Uyghur
22 Muslims in the Xinjiang Uyghur Autonomous Region.

23 (d) IMPOSITION OF SANCTIONS ON MEMBERS OF THE
24 NATIONAL COMMUNIST PARTY CONGRESS OF THE PEO-
25 PLE’S REPUBLIC OF CHINA.—

1 (1) IN GENERAL.—Not later than 30 days after
2 the date of the enactment of this Act, the President
3 shall impose sanctions under paragraph (2) with re-
4 spect to—

5 (A) a person who is or was a member of
6 any National Communist Party Congress of the
7 People’s Republic of China; and

8 (B) any person who is an adult family
9 member, including a spouse or adult family
10 member, of a person described in subparagraph
11 (A).

12 (2) SANCTIONS DESCRIBED.—

13 (A) IN GENERAL.—The sanctions de-
14 scribed in this subsection are the following:

15 (i) BLOCKING OF PROPERTY.—The
16 President shall exercise all of the powers
17 granted to the President under the Inter-
18 national Emergency Economic Powers Act
19 (50 U.S.C. 1701 et seq.) to the extent nec-
20 essary to block and prohibit all trans-
21 actions in property and interests in prop-
22 erty of the person if such property and in-
23 terests in property are in the United
24 States, come within the United States, or

1 are or come within the possession or con-
2 trol of a United States person.

3 (ii) ALIENS INELIGIBLE FOR VISAS,
4 ADMISSION, OR PAROLE.—

5 (I) VISAS, ADMISSION, OR PA-
6 ROLE.—An alien who the Secretary of
7 State or the Secretary of Homeland
8 Security (or a designee of one of such
9 Secretaries) knows, or has reason to
10 believe, has knowingly engaged in any
11 activity described in paragraph (1)
12 is—

13 (aa) inadmissible to the
14 United States;

15 (bb) ineligible to receive a
16 visa or other documentation to
17 enter the United States; and

18 (cc) otherwise ineligible to
19 be admitted or paroled into the
20 United States or to receive any
21 other benefit under the Immigra-
22 tion and Nationality Act (8
23 U.S.C. 1101 et seq.).

24 (II) CURRENT VISAS REVOKED.—

1 (aa) IN GENERAL.—The
2 issuing consular officer, the Sec-
3 retary of State, or the Secretary
4 of Homeland Security (or a des-
5 ignee of one of such Secretaries)
6 shall, in accordance with section
7 221(i) of the Immigration and
8 Nationality Act (8 U.S.C.
9 1201(i)), revoke any visa or other
10 entry documentation issued to an
11 alien described in subclause (I)
12 regardless of when the visa or
13 other entry documentation is
14 issued.

15 (bb) EFFECT OF REVOCATION.—A revocation under item
16 (aa) shall take effect immediately
17 and shall automatically cancel
18 any other valid visa or entry doc-
19 umentation that is in the alien’s
20 possession.
21 possession.

22 (B) EXCEPTIONS.—

23 (i) UNITED NATIONS HEADQUARTERS
24 AGREEMENT.—The sanctions described
25 under subparagraph (A)(ii) shall not apply

1 with respect to an alien if admitting or pa-
2 roling the alien into the United States is
3 necessary to permit the United States to
4 comply with the Agreement regarding the
5 Headquarters of the United Nations,
6 signed at Lake Success June 26, 1947,
7 and entered into force November 21, 1947,
8 between the United Nations and the
9 United States, or other applicable inter-
10 national obligations.

11 (ii) EXCEPTION FOR INTELLIGENCE,
12 LAW ENFORCEMENT, AND NATIONAL SECU-
13 RITY ACTIVITIES.—Sanctions under sub-
14 paragraph (A) shall not apply to any au-
15 thorized intelligence, law enforcement, or
16 national security activities of the United
17 States.

18 (iii) EXCEPTION RELATING TO IMPOR-
19 TATION OF GOODS.—

20 (I) IN GENERAL.—Notwith-
21 standing any other provision of this
22 section, the authorities and require-
23 ments to impose sanctions under this
24 section shall not include the authority

1 or a requirement to impose sanctions
2 on the importation of goods.

3 (II) GOOD DEFINED.—In this
4 clause, the term “good” means any
5 article, natural or man-made sub-
6 stance, material, supply or manufac-
7 tured product, including inspection
8 and test equipment, and excluding
9 technical data.

10 (3) PENALTIES.—The penalties provided for in
11 subsections (b) and (c) of section 206 of the Inter-
12 national Emergency Economic Powers Act (50
13 U.S.C. 1705) shall apply to a person that violates,
14 attempts to violate, conspires to violate, or causes a
15 violation of regulations promulgated to carry out
16 this section or the sanctions imposed pursuant to
17 this section to the same extent that such penalties
18 apply to a person that commits an unlawful act de-
19 scribed in section 206(a) of that Act.

20 (4) IMPLEMENTATION AUTHORITY.—The Presi-
21 dent may exercise all authorities provided to the
22 President under sections 203 and 205 of the Inter-
23 national Emergency Economic Powers Act (50
24 U.S.C. 1702 and 1704) for purposes of carrying out
25 this section.

1 (5) REGULATORY AUTHORITY.—The President
2 shall, not later than 30 days after the date of the
3 enactment of this Act, promulgate regulations as
4 necessary for the implementation of this section.

5 (6) WAIVER.—The President shall have the au-
6 thority to waive the sanctions required by paragraph
7 (1) for renewable periods of 30 days, if the Presi-
8 dent provides a written certification to the appro-
9 priate congressional committees, which shall also be
10 made publicly available on a website maintained by
11 the Federal Government, that the People’s Republic
12 of China and the Chinese Communist Party have—

13 (A) ceased the genocide of the Uyghur
14 Muslim population, including verifiably shutting
15 down all internment camps of Uyghurs and
16 ending the practice of facilitating or supporting
17 Uyghur forced labor and forced sterilization;

18 (B) ceased all forms of threats, military
19 exercises, and aggression toward Taiwan, in-
20 cluding through verifiably, and for at least a pe-
21 riod of one year, having not conducted any
22 breach of Taiwan’s air space, territorial waters,
23 or land mass, by any military or intelligence
24 personnel associated with the People’s Republic

1 of China or the Chinese Communist Party, or
2 any agent or instrumentality thereof;

3 (C) ceased the undermining of the auton-
4 omy of Hong Kong, including through respect-
5 ing the terms of the Sino-British Joint Declara-
6 tion, and reversing all steps taken to interfere
7 with the democratic process and governance of
8 Hong Kong; and

9 (D) ceased efforts to steal the intellectual
10 property of United States persons.

11 (7) SUNSET OF WAIVER AND LICENSE AU-
12 THORITIES.—The President’s authority to issue
13 waivers or licenses with respect to sanctions required
14 by paragraph (1) or pursuant to sections 203 and
15 205 of the International Emergency Economic Pow-
16 ers Act (50 U.S.C. 1702 and 1704) with regard to
17 sanctions required by paragraph (1) shall cease to
18 apply beginning on the date that is 2 years after the
19 date of enactment of this Act.

20 **SEC. 212. CONTINUATION IN EFFECT OF CERTAIN EXPORT**
21 **CONTROLS.**

22 (a) HUAWEI TECHNOLOGIES CO. LTD.—The Sec-
23 retary of Commerce may not remove Huawei Technologies
24 Co. Ltd., or its subsidiaries and affiliates, from the entity
25 list or modify any of the licensing policies pursuant to its

1 designation on the entity list, including the foreign direct
2 product rule, unless the Secretary, with the concurrence
3 of the End-User Review Committee by a unanimous vote
4 of such Committee, certifies to the appropriate congress-
5 sional committees that Huawei Technologies Co. Ltd., and
6 its subsidiaries and affiliates—

7 (1) have not engaged in activities that are con-
8 trary to United States national security or foreign
9 policy interests and are unlikely to engage in such
10 activities in the future; and

11 (2) are not owned, controlled, or influenced by
12 the Communist Party of China.

13 (b) HONOR DEVICE CO. LTD.—Not later than 180
14 days after the date of the enactment of this Act, the Sec-
15 retary of Commerce—

16 (1) shall designate Honor Device Co. Ltd. for
17 inclusion on the entity list; and

18 (2) shall publish a notification with respect to
19 such designation in the Federal Register.

20 (c) REPORT.—

21 (1) IN GENERAL.—Not later than 30 days after
22 the date of the enactment of this Act, and on a
23 monthly basis thereafter, the Secretary of Commerce
24 shall submit to the appropriate congressional com-
25 mittees a report that—

1 (A) identifies and describes all license ap-
2 plications received by the Department of Com-
3 merce to export, reexport, or transfer (in-coun-
4 try) items subject to the Export Administration
5 Regulations to—

6 (i) Huawei Technologies Co. Ltd., or
7 its subsidiaries and affiliates; or

8 (ii) Honor Device Co. Ltd; and

9 (B) identifies whether such license applica-
10 tions were approved or denied.

11 (2) FORM.—The report required by subsection
12 (a) shall be submitted in unclassified form, but may
13 contain a classified annex.

14 (d) DEFINITIONS.—In this section:

15 (1) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term “appropriate congressional com-
17 mittees” means the Committee on Foreign Affairs of
18 the House of Representatives and the Committee on
19 Banking, Housing, and Urban Affairs of the Senate.

20 (2) END-USER REVIEW COMMITTEE.—The term
21 “End-User Review Committee” means the End-User
22 Review Committee described in Supplement No. 9 to
23 part 748 of the Export Administration Regulations.

24 (3) ENTITY LIST.—The term “entity list”
25 means the list maintained by the Bureau of Industry

1 and Security and set forth in Supplement No. 4 to
2 part 744 of the Export Administration Regulations.

3 (4) EXPORT ADMINISTRATION REGULATIONS.—

4 The term “Export Administration Regulations”
5 means subchapter C of chapter VII of title 15, Code
6 of Federal Regulations.

7 **SEC. 213. EXCLUSION OF GOVERNMENT OF THE PEOPLE’S**
8 **REPUBLIC OF CHINA FROM CERTAIN CUL-**
9 **TURAL EXCHANGES.**

10 Subsection (a) of section 108A of the Mutual Edu-
11 cational and Cultural Exchange Act of 1961 (22 U.S.C.
12 2458a(a)) is amended by adding at the end the following
13 new paragraph:

14 “(3) For purposes of this section, the term ‘for-
15 eign government’ does not include the Government
16 of the People’s Republic of China.”.

17 **SEC. 214. PROHIBITION ON ANY TSP FUND INVESTING IN**
18 **ENTITIES BASED IN THE PEOPLE’S REPUBLIC**
19 **OF CHINA.**

20 (a) IN GENERAL.—Section 8438 of title 5, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

23 “(i) Notwithstanding any other provision of this sec-
24 tion, no fund established or overseen by the Board may
25 include an investment in any security of—

1 “(1) an entity based in the People’s Republic of
2 China; or

3 “(2) any subsidiary that is owned or operated
4 by an entity described in paragraph (1).”.

5 (b) DIVESTITURE OF ASSETS.—Not later than 30
6 days after the date of enactment of this Act, the Federal
7 Retirement Thrift Investment Board established under
8 section 8472(a) of title 5, United States Code, shall—

9 (1) review whether any sums in the Thrift Sav-
10 ings Fund are invested in violation of subsection (i)
11 of section 8438 of that title, as added by subsection
12 (a) of this section;

13 (2) if any sums are invested in the manner de-
14 scribed in paragraph (1), divest those sums in a
15 manner that is consistent with the legal and fidu-
16 ciary duties provided under chapter 84 of that title,
17 or any other applicable provision of law; and

18 (3) reinvest any sums divested under paragraph
19 (2) in investments that do not violate subsection (i)
20 of section 8438 of that title, as added by subsection
21 (a) of this section.

22 (c) PROHIBITION ON INVESTMENT OF TSP FUNDS
23 IN ENTITIES BASED IN THE PEOPLE’S REPUBLIC OF
24 CHINA THROUGH THE TSP MUTUAL FUND WINDOW.—

1 Section 8438(b)(5) of title 5, United States Code, is
2 amended by adding at the end the following:

3 “(E) A mutual fund accessible through a
4 mutual fund window authorized under this
5 paragraph may not include an investment in
6 any security of—

7 “(i) an entity based in the People’s
8 Republic of China; or

9 “(ii) any subsidiary that is owned or
10 operated by an entity described in clause
11 (i).”.

12 **SEC. 215. ENACTMENT OF EXECUTIVE ORDER.**

13 (a) IN GENERAL.—The provisions of Executive Order
14 13920 (85 Fed. Reg. 26595; relating to securing the
15 United States bulk-power system (May 1, 2020)) (as in
16 effect on May 1, 2020) are enacted into law.

17 (b) PUBLICATION.—In publishing this Act in slip
18 form and in the United States Statutes at Large pursuant
19 to section 112 of title 1, United States Code, the Archivist
20 of the United States shall include after the date of ap-
21 proval at the end an appendix setting forth the text of
22 the Executive order referred to in subsection (a) (as in
23 effect on May 1, 2020).

1 **SEC. 216. REVIEW BY COMMITTEE ON FOREIGN INVEST-**
2 **MENT IN THE UNITED STATES OF GREEN-**
3 **FIELD INVESTMENTS BY PEOPLE'S REPUBLIC**
4 **OF CHINA.**

5 (a) INCLUSION IN DEFINITION OF COVERED TRANS-
6 ACTION.—Section 721(a)(4) of the Defense Production
7 Act of 1950 (50 U.S.C. 4565(a)(4)) is amended—

8 (1) in subparagraph (A)—

9 (A) in clause (i), by striking “; and” and
10 inserting a semicolon;

11 (B) in clause (ii), by striking the period at
12 the end and inserting “; and”; and

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

14 “(iii) any transaction described in
15 subparagraph (B)(vi) proposed or pending
16 on or after the date of the enactment of
17 the Countering Communist China Act.”;
18 and

19 (2) in subparagraph (B), by adding at the end
20 the following:

21 “(vi) An investment by a foreign per-
22 son that—

23 “(I) involves—

24 “(aa) the completed or
25 planned purchase or lease by, or
26 a concession to, the foreign per-

1 son of private or public real es-
2 tate in the United States; and

3 “(bb) the establishment of a
4 United States business to operate
5 a factory or other facility on that
6 real estate; and

7 “(II) could result in control, in-
8 cluding through formal or informal
9 arrangements to act in concert, of
10 that United States business by—

11 “(aa) the Government of the
12 People’s Republic of China;

13 “(bb) a person owned or
14 controlled by, or acting on behalf
15 of, that Government;

16 “(cc) an entity in which that
17 Government has, directly or indi-
18 rectly, including through formal
19 or informal arrangements to act
20 in concert, a 5 percent or greater
21 interest;

22 “(dd) an entity in which
23 that Government has, directly or
24 indirectly, the right or power to
25 appoint, or approve the appoint-

1 ment of, any members of the
2 board of directors, board of su-
3 pervisors, or an equivalent gov-
4 erning body (including external
5 directors and other individuals
6 who perform the duties usually
7 associated with such titles) or of-
8 ficers (including the president,
9 senior vice president, executive
10 vice president, and other individ-
11 uals who perform duties normally
12 associated with such titles) of
13 any other entity that held, di-
14 rectly or indirectly, including
15 through formal or informal ar-
16 rangements to act in concert, a 5
17 percent or greater interest in the
18 entity in the preceding 3 years;
19 or

20 “(ee) an entity in which any
21 members or officers described in
22 item (dd) of any other entity
23 holding, directly or indirectly, in-
24 cluding through formal or infor-
25 mal arrangements to act in con-

1 cert, a 5 percent or greater inter-
2 est in the entity are members of
3 the Chinese Communist Party or
4 have been members of the Chi-
5 nese Communist Party in the
6 preceding 3 years.”.

7 (b) DEFINITION OF GOVERNMENT OF PEOPLE’S RE-
8 PUBLIC OF CHINA.—Section 721(a) of the Defense Pro-
9 duction Act of 1950 (50 U.S.C. 4565(a)) is amended—

10 (1) by redesignating paragraphs (8) through
11 (13) as paragraphs (9) through (14), respectively;
12 and

13 (2) by inserting after paragraph (7) the fol-
14 lowing:

15 “(7) GOVERNMENT OF PEOPLE’S REPUBLIC OF
16 CHINA.—The term ‘Government of the People’s Re-
17 public of China’ includes the national and sub-
18 national governments within the People’s Republic of
19 China, including any departments, agencies, or in-
20 strumentalities of such governments.”.

21 (c) MANDATORY FILING OF DECLARATIONS.—Sec-
22 tion 721(b)(1)(C)(v)(IV)(bb) of the Defense Production
23 Act of 1950 (50 U.S.C. 4565(b)(1)(C)(v)(IV)(bb)) is
24 amended by adding at the end the following:

1 “(DD) GREENFIELD INVESTMENTS BY
2 PEOPLE’S REPUBLIC OF CHINA.—The parties to
3 a covered transaction described in subsection
4 (a)(4)(B)(vi) shall submit a declaration de-
5 scribed in subclause (I) with respect to the
6 transaction.”.

7 **SEC. 217. MODIFICATION OF AUTHORITIES TO REGULATE**
8 **OR PROHIBIT THE IMPORTATION OR EXPOR-**
9 **TATION OF INFORMATION OR INFORMA-**
10 **TIONAL MATERIALS CONTAINING SENSITIVE**
11 **PERSONAL DATA UNDER THE INTER-**
12 **NATIONAL EMERGENCY ECONOMIC POWERS**
13 **ACT.**

14 (a) IN GENERAL.—Section 203 of the International
15 Emergency Economic Powers Act (50 U.S.C. 1702) is
16 amended—

17 (1) in subsection (b)—

18 (A) in the matter preceding paragraph (1),
19 by striking “to regulate or prohibit, directly or
20 indirectly” and inserting “to directly regulate or
21 prohibit”; and

22 (B) in the first sentence of paragraph
23 (3)—

24 (i) by striking “but not limited to,”;
25 and

1 (ii) by inserting “, but excluding sen-
2 sitive personal data”; and

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

4 “(d) SENSITIVE PERSONAL DATA DEFINED.—In
5 subsection (b)(3), the term ‘sensitive personal data’ means
6 any of the following:

7 “(1) Personally identifiable information, includ-
8 ing the following:

9 “(A) Financial data that could be used to
10 analyze or determine an individual’s financial
11 distress or hardship.

12 “(B) The set of data in a consumer report,
13 as defined under section 603 of the Fair Credit
14 Reporting Act (15 U.S.C. 1681a), unless such
15 data is obtained from a consumer reporting
16 agency for one or more purposes identified in
17 subsection (a) of such section.

18 “(C) The set of data in an application for
19 health insurance, long-term care insurance, pro-
20 fessional liability insurance, mortgage insur-
21 ance, or life insurance.

22 “(D) Data relating to the physical, mental,
23 or psychological health condition of an indi-
24 vidual.

1 “(E) Non-public electronic communica-
2 tions, including email, messaging, or chat com-
3 munications, between or among users of a
4 United States business’s products or services if
5 a primary purpose of such product or service is
6 to facilitate third-party user communications.

7 “(F) Geolocation data collected using posi-
8 tioning systems, cell phone towers, or WiFi ac-
9 cess points such as via a mobile application, ve-
10 hicle GPS, other onboard mapping tool, or
11 wearable electronic device.

12 “(G) Biometric enrollment data including
13 facial, voice, retina/iris, and palm/fingerprint
14 templates.

15 “(H) Data stored and processed for gener-
16 ating a Federal, State, tribal, territorial, or
17 other government identification card.

18 “(I) Data concerning United States Gov-
19 ernment personnel security clearance status.

20 “(J) The set of data in an application for
21 a United States Government personnel security
22 clearance or an application for employment in a
23 position of public trust.

24 “(2) Genetic information, which includes the re-
25 sults of an individual’s genetic tests, including any

1 related genetic sequencing data, whenever such re-
2 sults, in isolation or in combination with previously
3 released or publicly available data, constitute identi-
4 fiable data. Such results shall not include data de-
5 rived from databases maintained by the United
6 States Government and routinely provided to private
7 parties for purposes of research. For purposes of
8 this paragraph, the term ‘genetic test’ has the mean-
9 ing provided in section 2791(d)(17) of the Public
10 Health Service Act (42 U.S.C. 300gg–91(d)(17)).”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 this section—

13 (1) take effect on the date of the enactment of
14 this Act; and

15 (2) apply with respect to any exercise of the au-
16 thority granted to the President under section 203
17 of the International Emergency Economic Powers
18 Act on or after such date of enactment.

19 **SEC. 218. PROHIBITING THE PURCHASE OF AGRICULTURAL**
20 **LAND LOCATED IN THE UNITED STATES.**

21 The Secretary of Agriculture shall take such actions
22 as may be necessary to prohibit the purchase of agricul-
23 tural land located in the United States by companies
24 owned, in full or in part, by the People’s Republic of
25 China. Beginning on the date of the enactment of this Act,

1 agricultural land owned by the People’s Republic of China
2 or companies owned, in full or in part, by the People’s
3 Republic of China shall not be eligible for participation
4 in programs administered by the Secretary of Agriculture.

5 **SEC. 219. REPORT.**

6 The Director of National Intelligence shall annually
7 submit to Congress a report on ownership structures and
8 spending on media outlets, including in the form of paid
9 advertorials, by entities with economic ties to Chinese
10 state actors.

11 **SEC. 220. PROHIBITION OF FEDERAL CONTRACTS.**

12 (a) IN GENERAL.—The President shall take such
13 steps as may be necessary to prohibit the awarding or re-
14 newal of any Federal contract or procurement agreement
15 with any technology company the President determines
16 has provided hardware or software to the Government of
17 the People’s Republic of China or to any state-owned en-
18 terprise of China.

19 (b) EXCEPTION.—A technology company shall not be
20 subject to the prohibition under subsection (a) if the com-
21 pany agrees to provide bulk data to the United States
22 Government on demand.

23 (c) WAIVER.—The President may waive the prohibi-
24 tion under subsection (a) on a case-by-case basis if the

1 President certifies to Congress that such a waiver is in
2 the national security interests of the United States.

3 (d) REFERRAL.—The Chair or Ranking Member of
4 the Committee on Foreign Affairs of the House of Rep-
5 resentatives or the Committee on Foreign Relations of the
6 Senate may refer to the President the identities of compa-
7 nies the Chair or Ranking member believes meets the defi-
8 nition of “technology company” for purposes of this sec-
9 tion and should be subject to the prohibition under sub-
10 section (a).

11 **SEC. 221. ESTABLISHING NEW AUTHORITIES FOR BUSI-**
12 **NESSES LAUNDERING AND ENABLING RISKS**
13 **TO SECURITY.**

14 (a) SHORT TITLE.—This section may be cited as the
15 “Establishing New Authorities for Businesses Laundering
16 and Enabling Risks to Security Act” or the “ENABLERS
17 Act”.

18 (b) FINANCIAL INSTITUTION DEFINITION.—

19 (1) IN GENERAL.—Section 5312(a)(2) of title
20 31, United States Code, as amended by the William
21 M. (Mac) Thornberry National Defense Authoriza-
22 tion Act for Fiscal Year 2021, is amended—

23 (A) by redesignating subparagraphs (Z)
24 and (AA) as subparagraphs (GG) and (HH),
25 respectively; and

1 (B) by inserting after subparagraph (Y)
2 the following:

3 “(Z) a person engaged in the business of
4 providing investment advice for compensation;

5 “(AA) a person engaged in the trade in
6 works of art, antiques, or collectibles, including
7 a dealer, advisor, consultant, custodian, gallery,
8 auction house, museum, or any other person
9 who engages as a business in the solicitation or
10 the sale of works of art, antiques, or collect-
11 ibles;

12 “(BB) an attorney, law firm, or notary in-
13 volved in financial activity or related adminis-
14 trative activity on behalf of another person;

15 “(CC) a trust or company service provider,
16 including—

17 “(i) a person involved in forming a
18 corporation, limited liability company,
19 trust, foundation, partnership, or other
20 similar entity or arrangement;

21 “(ii) a person involved in acting as, or
22 arranging for another person to act as, a
23 registered agent, trustee, or nominee to be
24 a shareholder, officer, director, secretary,
25 partner, signatory, or other similar posi-

1 tion in relation to a person or arrange-
2 ment;

3 “(iii) a person involved in providing a
4 registered office, address, or other similar
5 service for a person or arrangement; or

6 “(iv) any other person providing trust
7 or company services, as defined by the Sec-
8 retary of the Treasury;

9 “(DD) a certified public accountant or
10 public accounting firm;

11 “(EE) a person engaged in the business of
12 public relations, marketing, communications, or
13 other similar services in such a manner as to
14 provide another person anonymity or
15 deniability;

16 “(FF) a person engaged in the business of
17 providing third-party payment services, includ-
18 ing payment processing, check consolidation,
19 cash vault services, or other similar services
20 designated by the Secretary of the Treasury;”.

21 (2) RULEMAKING.—

22 (A) IN GENERAL.—Not later than Decem-
23 ber 31, 2023—

24 (i) the Secretary of the Treasury shall
25 repeal section 103.170 of title 31, Code of

1 Federal Regulations (relating to exemp-
2 tions for certain financial institutions); and

3 (ii) the Secretary of the Treasury
4 shall issue one or more rules to require all
5 financial institutions (as defined in section
6 5312(a)(2) of title 31, United States Code)
7 that have not already done so to—

8 (I) report suspicious transactions
9 under section 5318(g) of title 31,
10 United States Code;

11 (II) establish anti-money laun-
12 dering programs under section
13 5318(h) of title 31, United States
14 Code;

15 (III) establish due diligence poli-
16 cies, procedures, and controls under
17 section 5318(i) of title 31, United
18 States Code; and

19 (IV) identify and verify their ac-
20 count holders under section 5318(l) of
21 title 31, United States Code.

22 (B) TRUST OR COMPANY SERVICE PRO-
23 VIDER.—In promulgating a rule under subpara-
24 graph (A)(ii) to implement subparagraph (CC)
25 of section 5312(a)(2) of title 31, United States

1 Code, as added by paragraph (1), the Secretary
2 of Treasury shall exclude from the category of
3 covered persons—

4 (i) any government agency; and

5 (ii) any attorney or law firm that uses
6 a paid trust or company service provider,
7 including any paid entity formation agent,
8 operating within the United States.

9 (3) EFFECTIVE DATE.—

10 (A) IN GENERAL.—Subparagraphs (Z)
11 through (FF) of section 5312(a)(2) of title 31,
12 United States Code, as added by paragraph (1),
13 shall take effect on December 31, 2023.

14 (B) LIMITATION ON EXEMPTIONS.—With
15 respect to a person described under subpara-
16 graphs (Z) through (FF) of section 5312(a)(2)
17 of title 31, United States Code, as added by
18 paragraph (1), the Secretary of the Treasury
19 may not exempt such person from any require-
20 ment under subchapter II of chapter 53 of title
21 31, United States Code, including any delay in
22 such application.

23 (C) APPLICATION OF CERTAIN PROVI-
24 SIONS.—Any financial institution (as defined in
25 section 5312(a)(2) of title 31, United States

1 Code) that is not already required to comply
2 with subsections (g), (h), (i), and (l) of section
3 5318 of title 31, United States Code, shall do
4 so on and after June 30, 2024, whether or not
5 a rule has been issued under paragraph
6 (2)(A)(ii).

7 (c) TREASURY TASK FORCE AND STRATEGY.—

8 (1) IN GENERAL.—The Secretary of the Treas-
9 ury, acting through the Director of the Financial
10 Crimes Enforcement Network, shall establish a task
11 force to—

12 (A) develop an ambitious, comprehensive,
13 and multi-year United States Government strat-
14 egy to impose anti-money laundering safeguards
15 on all necessary gatekeeper professions;

16 (B) designate and authorize a Federal or
17 State agency to enforce anti-money laundering
18 requirements for each type of financial institu-
19 tion defined in section 5312(a)(2) of title 31,
20 United States Code; and

21 (C) advance the regulatory rulemaking re-
22 quired under subsection (b)(2) of this section.

23 (2) GATEKEEPERS STRATEGY.—

24 (A) IN GENERAL.—Section 262 of the
25 Countering America’s Adversaries Through

1 Sanctions Act (Public Law 115–44), is amend-
2 ed by inserting after paragraph (10) the fol-
3 lowing:

4 “(11) GATEKEEPERS STRATEGY.—A description
5 of efforts to impose anti-money laundering safe-
6 guards on all necessary gatekeeper professions, in-
7 cluding art dealers, investment advisors, real estate
8 professionals, lawyers, accountants, trust or com-
9 pany service providers, public relations professionals,
10 dealers of luxury vehicles, money service businesses,
11 and other similar professions.”

12 (B) UPDATE CLARIFICATION.—If, before
13 the date of the enactment of this Act, all up-
14 dates to the national strategy required by sec-
15 tion 261(b) of the Countering America’s Adver-
16 saries Through Sanctions Act (Public Law
17 115–44) have been completed, the President
18 shall provide an additional update of such na-
19 tional strategy to the Congress containing the
20 contents required under the amendment made
21 by subparagraph (A).

22 (d) REPORTING BY TITLE INSURANCE COMPANIES.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date of the enactment of this Act, the Secretary
25 of the Treasury shall promulgate a rule requiring a

1 domestic title insurance company to obtain, main-
2 tain, and report to the Secretary information on the
3 beneficial owners of entities that purchase or sell
4 residential or commercial real estate in transactions
5 in which the domestic title insurance company is in-
6 volved.

7 (2) AUTHORIZATION OF APPROPRIATIONS.—

8 There are authorized to be appropriated to the Sec-
9 retary such sums as may be necessary to carry out
10 this section.

11 (3) DEFINITIONS.—In this subsection:

12 (A) BENEFICIAL OWNER.—The term “ben-
13 efiticial owner”, with respect to an entity, has
14 the meaning as defined in section 5336 of sub-
15 chapter II of chapter 53 of title 31, United
16 States Code.

17 (B) DOMESTIC TITLE INSURANCE COM-
18 PANY.—The term “domestic title insurance
19 company” has the meaning given that term in
20 regulations prescribed by the Secretary.

21 **SEC. 222. AMENDMENT TO DEPARTMENT OF STATE RE-**
22 **WARDS PROGRAM.**

23 Subsection (b) of section 36 of the State Department
24 Basic Authorities Act of 1956 (22 U.S.C. 2708) is amend-
25 ed—

1 (1) in paragraph (12), by striking “or” after
2 the semicolon at the end;

3 (2) in paragraph (13), by striking the period at
4 the end and inserting “; or”; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(14) the identification of credible information
8 regarding the origins of COVID–19, or any person
9 or entity involved in the coverup of the origins of
10 COVID–19, or the identification of any person or
11 entity that provides nonpublic information related to
12 gain of function research connected to Chinese lab-
13 oratories, including the Wuhan Institute of Virology,
14 with relation to coronaviruses that has been covered
15 up by the Government of China and the Chinese
16 Communist Party.”.

17 **SEC. 223. PROHIBITION ON USE OF FUNDS TO SEEK MEM-**
18 **BERSHIP IN THE WORLD HEALTH ORGANIZA-**
19 **TION OR TO PROVIDE ASSESSED OR VOL-**
20 **UNTARY CONTRIBUTIONS TO THE WORLD**
21 **HEALTH ORGANIZATION.**

22 (a) IN GENERAL.—Notwithstanding any other provi-
23 sion of law, no funds available to any Federal department
24 or agency may be used to seek membership by the United
25 States in the World Health Organization or to provide as-

1 sessed or voluntary contributions to the World Health Or-
2 ganization until such time as the President certifies to
3 Congress that the World Health Organization meets the
4 conditions described in subsection (b).

5 (b) CONDITIONS DESCRIBED.—The conditions de-
6 scribed in this subsection are the following:

7 (1) The World Health Organization has adopt-
8 ed meaningful reforms to ensure that humanitarian
9 assistance is not politicized and is to be provided to
10 those with the most need.

11 (2) The World Health Organization is not
12 under the control or significant malign influence of
13 the Chinese Communist Party.

14 (3) The World Health Organization is not in-
15 volved in a coverup of the Chinese Communist Par-
16 ty's response to the COVID–19 pandemic.

17 (4) The World Health Organization grants ob-
18 server status to Taiwan.

19 (5) The World Health Organization does not di-
20 vert humanitarian or medical supplies to Iran, North
21 Korea, or Syria.

22 (6) The World Health Organization has put in
23 place mechanisms to increase transparency and ac-
24 countability in its operations and eliminate waste,
25 fraud, and abuse.

1 **SEC. 224. AMENDMENTS TO THE CHEMICAL AND BIOLOGI-**
2 **CAL WEAPONS CONTROL AND WARFARE**
3 **ELIMINATION ACT OF 1991.**

4 (a) **PURPOSES AND DEFINITIONS.**—Section 502 of
5 the Chemical and Biological Weapons Control and War-
6 fare Elimination Act of 1991 (22 U.S.C. 5601) is amend-
7 ed—

8 (1) in the section heading, by adding at the end
9 before the period the following: “**AND DEFINI-**
10 **TIONS**”;

11 (2) by striking “The purposes” and inserting
12 “(a) **PURPOSES.**—The purposes”;

13 (3) in paragraph (1)—

14 (A) by striking “or use” and insert “use”;
15 and

16 (B) by inserting “, or engage in an act or
17 acts of gross negligence with respect to a chem-
18 ical or biological program owned, controlled, or
19 directed by, or subject to the jurisdiction of the
20 government of a foreign state” after “nation-
21 als”; and

22 (4) by adding at the end the following:

23 “(b) **DEFINITIONS.**—In this Act:

24 “(1) **GROSS NEGLIGENCE.**—The term ‘gross
25 negligence’, with respect to an act or acts of a gov-
26 ernment of a foreign state, includes the government

1 knew, or should have known, the act or acts would
2 result in injury or damages to another foreign state
3 or other such foreign states.

4 “(2) FOREIGN STATE.—The term ‘foreign
5 state’—

6 “(A)(i) has the meaning given that term in
7 subsection (a) of section 1603 of title 28,
8 United States Code; and

9 “(ii) includes an ‘agency or instrumentality
10 of a foreign state’ as that term is defined in
11 subsection (b) of such section; and

12 “(B) includes an entity that is—

13 “(i)(I) directly or indirectly owned,
14 controlled, or beneficially owned by, or in
15 an official or unofficial capacity acting as
16 an agent of or on behalf of, the govern-
17 ment of a foreign state; or

18 “(II) received significant material
19 support from the government of a foreign
20 state; and

21 “(ii) engaged in providing commercial
22 services, shipping, manufacturing, pro-
23 ducing, or exporting.”.

24 (b) DETERMINATIONS REGARDING USE OF CHEM-
25 ICAL OR BIOLOGICAL WEAPONS.—Section 506 of the

1 Chemical and Biological Weapons Control and Warfare
2 Elimination Act of 1991 (22 U.S.C. 5604) is amended—

3 (1) in subsection (a)—

4 (A) by redesignating paragraph (3) as
5 paragraph (4);

6 (B) by inserting after paragraph (2) the
7 following:

8 “(3) ADDITIONAL DETERMINATION BY THE
9 PRESIDENT.—

10 “(A) WHEN DETERMINATION REQUIRED;
11 NATURE OF DETERMINATION.—Whenever cred-
12 ible information becomes available to the execu-
13 tive branch indicating a substantial possibility
14 that, on or after January 1, 2020, the govern-
15 ment of a foreign country has engaged in an
16 act or acts of gross negligence with respect to
17 a chemical or biological program owned, con-
18 trolled, or directed by, or subject to the jurisdic-
19 tion of the government of a foreign state, the
20 President shall, within 60 days after the receipt
21 of such information by the executive branch, de-
22 termine whether that government, on or after
23 such date, has engaged in an act or acts of
24 gross negligence with respect to a chemical or
25 biological program owned, controlled, or di-

1 rected by, or subject to the jurisdiction of the
2 government of a foreign state. Section 507 ap-
3 plies if the President determines that that gov-
4 ernment has so engaged in such act or acts of
5 gross negligence.

6 “(B) MATTERS TO BE CONSIDERED.—In
7 making the determination under subparagraph
8 (A), the President shall consider the following:

9 “(i) All physical and circumstantial
10 evidence available bearing on the possibility
11 that the government in question engaged
12 in an act or acts of gross negligence with
13 respect to a chemical or biological program
14 owned, controlled, or directed by, or sub-
15 ject to the jurisdiction of the government
16 of a foreign state.

17 “(ii) Whether evidence exists that
18 such program or programs have civilian
19 and military purposes or applications.

20 “(iii) Whether the government in
21 question attempted to conceal or otherwise
22 withhold information from other govern-
23 ments or international organizations re-
24 garding an act or acts of gross negligence.

1 “(iv) Whether, and to what extent,
2 the government in question is compliant
3 with its obligations under the Biological
4 and Toxin Weapons Convention or Conven-
5 tion on the Prohibition of the Develop-
6 ment, Production, Stockpiling and Use of
7 Chemical Weapons and on their Destruc-
8 tion, as applicable.

9 “(v) Whether, and to what extent, the
10 government in question is providing or oth-
11 erwise voluntarily disclosing substantive in-
12 formation to relevant international organi-
13 zations.”; and

14 (C) in paragraph (4) (as redesignated)—

15 (i) in the first sentence, by inserting
16 “or (3)” after “paragraph (1)”;

17 (ii) in the second sentence, by insert-
18 ing “under paragraph (1)” after “deter-
19 mination”; and

20 (iii) by adding at the end the fol-
21 lowing: “If the determination under para-
22 graph (3) is that a foreign government had
23 engaged in an act or acts of gross neg-
24 ligence with respect to a chemical or bio-
25 logical program owned, controlled, or di-

1 rected by, or subject to the jurisdiction of
2 the government of a foreign state, the re-
3 port shall specify the sanctions to be im-
4 posed pursuant to section 507A.”; and

5 (2) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) by striking “whether a particular
8 foreign government” and inserting the fol-
9 lowing: “whether—

10 “(A) a particular foreign government”;

11 (ii) by striking the period at the end
12 and inserting “; or”; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(B) a particular foreign government, on
16 or after January 1, 2020, has engaged in an
17 act of acts of gross negligence with respect to
18 a chemical or biological program owned, con-
19 trolled, or directed by, or subject to the jurisdic-
20 tion of the government of a foreign state.”; and

21 (B) in paragraph (2)—

22 (i) in the first sentence—

23 (I) by striking “whether the spec-
24 ified government” and inserting the
25 following: “whether—

1 “(A) the specified government”;

2 (II) by striking the period at the
3 end and inserting “; or”; and

4 (III) by adding at the end the
5 following:

6 “(B) the specified government, on or after
7 January 1, 2020, has engaged in an act or acts
8 of gross negligence with respect to a chemical
9 or biological program owned, controlled, or di-
10 rected by, or subject to the jurisdiction of the
11 government of a foreign state.”; and

12 (ii) in the second sentence—

13 (I) by inserting “or (3)(B), as
14 applicable” after “subsection (a)(2)”;
15 and

16 (II) by moving the margin of the
17 second sentence so it has the same
18 level of indentation as margin of the
19 matter preceding subparagraph (A) of
20 the first sentence.

21 (c) SANCTIONS AGAINST FOREIGN STATES WITH RE-
22 SPECT TO CHEMICAL OR BIOLOGICAL PROGRAMS.—The
23 Chemical and Biological Weapons Control and Warfare
24 Elimination Act of 1991 (22 U.S.C. 5601 et seq.) is
25 amended by inserting after section 507 the following:

1 **“SEC. 507A. SANCTIONS AGAINST FOREIGN STATES WITH**
2 **RESPECT TO CHEMICAL OR BIOLOGICAL**
3 **PROGRAMS.**

4 “(a) INITIAL SANCTIONS.—

5 “(1) IN GENERAL.—If the President makes a
6 determination pursuant to section 506(a)(3) with re-
7 spect to the government of a foreign state, the Presi-
8 dent shall, within 30 days of making such deter-
9 mination, impose the sanctions described in para-
10 graph (2) with respect to the foreign state.

11 “(2) SANCTIONS DESCRIBED.—The sanctions
12 described in this paragraph are the following:

13 “(A) The United States Government shall
14 suspend all scientific cooperative programs and
15 efforts with the government of the foreign state.

16 “(B) The President shall prohibit the ex-
17 port to the foreign state of any goods, services
18 or technology under Category 1 and Category 2
19 of the Commerce Control List.

20 “(C) The United States Government may
21 not procure, or enter into any contract for the
22 procurement of, any goods or services from any
23 person operating in the chemical or biological
24 sectors of the foreign state.

25 “(b) INTERMEDIATE APPLICATION OF SANCTIONS.—

1 “(1) DETERMINATION.—Not later than 120
2 days after making a determination pursuant to sec-
3 tion 506(a)(3) with respect to a government of a for-
4 eign state, the President shall submit to the appro-
5 priate congressional committees a determination as
6 to whether—

7 “(A) such government has adequately ad-
8 dressed an act or acts of gross negligence with
9 respect to a chemical or biological program
10 owned, controlled, or directed by, or subject to
11 the jurisdiction of the government of a foreign
12 state;

13 “(B) such government has developed or is
14 developing necessary measures to prevent any
15 future act or acts of gross negligence;

16 “(C) such government is providing or oth-
17 erwise voluntarily disclosing substantive infor-
18 mation to the United States and relevant inter-
19 national organizations; and

20 “(D) such government is compliant with
21 its obligations under the Biological and Toxin
22 Weapons Convention or the Convention on the
23 Prohibition of the Development, Production,
24 Stockpiling and Use of Chemical Weapons and
25 on their Destruction, as applicable.

1 “(2) EFFECT OF DETERMINATION.—If the
2 President is unable to certify that a government of
3 a foreign state has taken the actions described in
4 subparagraphs (A), (B), (C), and (D) of paragraph
5 (1), the President shall impose 2 or more of the
6 sanctions described in paragraph (3) with respect to
7 the government of the foreign state.

8 “(3) SANCTIONS DESCRIBED.—The sanctions
9 described in this paragraph are the following:

10 “(A) The United States Government shall
11 terminate assistance to the government of the
12 foreign state under the Foreign Assistance Act
13 of 1961 (22 U.S.C. 2151 et seq.), except for ur-
14 gent humanitarian assistance and food or other
15 agricultural commodities or products.

16 “(B) No sales of any defense articles, de-
17 fense services, or design and construction serv-
18 ices under the Arms Export Control Act (22
19 U.S.C. 2751 et seq.) may be made to the gov-
20 ernment of the foreign state.

21 “(C) No licenses for export of any item on
22 the United States Munitions List that include
23 the government of the foreign state as a party
24 to the license may be granted.

1 “(D) No exports of any goods or tech-
2 nologies controlled for national security reasons
3 under the Export Administration Regulations
4 may be made to the government of the foreign
5 state, except that such prohibition shall not
6 apply to any transaction subject to the report-
7 ing requirements of title V of the National Se-
8 curity Act of 1947 (50 U.S.C. 413 et seq.; re-
9 lating to congressional oversight of intelligence
10 activities).

11 “(E) The President may order the United
12 States Government not to issue any specific li-
13 cense and not to grant any other specific per-
14 mission or authority to export any goods or
15 technology to the government of the foreign
16 state under—

17 “(i) the Export Control Reform Act of
18 2018 (50 U.S.C. 4801 et seq.);

19 “(ii) the Arms Export Control Act (22
20 U.S.C. 2751 et seq.);

21 “(iii) the Atomic Energy Act of 1954
22 (42 U.S.C. 2011 et seq.); or

23 “(iv) any other statute that requires
24 the prior review and approval of the
25 United States Government as a condition

1 for the export or reexport of goods or serv-
2 ices.

3 “(c) FINAL APPLICATION OF SANCTIONS.—

4 “(1) DETERMINATION.—Not later than 210
5 days after making a determination pursuant to sec-
6 tion 506(a)(3) with respect to a government of a for-
7 eign state, the President shall submit to the appro-
8 priate congressional committees a determination as
9 to whether the government of the foreign state has
10 taken the actions described in subparagraphs (A),
11 (B), (C), and (D) of subsection (b)(1).

12 “(2) EFFECT OF DETERMINATION.—If the
13 President is unable to certify that a government of
14 a foreign state has taken the actions described in
15 subparagraphs (A), (B), (C), and (D) of subsection
16 (b)(1), the President shall impose the sanctions de-
17 scribed in paragraph (3) with respect to the govern-
18 ment of the foreign state.

19 “(3) SANCTIONS.—The sanctions described in
20 this paragraph are the following:

21 “(A) The President shall, pursuant to such
22 regulations as the President may prescribe, pro-
23 hibit any transactions in foreign exchange that
24 are subject to the jurisdiction of the United

1 States and in which the government of the for-
2 eign state has any interest.

3 “(B) The President shall, pursuant to such
4 regulations as the President may prescribe, pro-
5 hibit any transfers of credit or payments be-
6 tween one or more financial institutions or by,
7 through, or to any financial institution, to the
8 extent that such transfers or payments are sub-
9 ject to the jurisdiction of the United States and
10 involve any interest of the government of the
11 foreign state.

12 “(d) REMOVAL OF SANCTIONS.—The President shall
13 remove the sanctions imposed with respect to the govern-
14 ment of a foreign state pursuant to this section if the
15 President determines and so certifies to the Congress,
16 after the end of the 12-month period beginning on the date
17 on which sanctions were initially imposed on that govern-
18 ment of a foreign state pursuant to subsection (a), that—

19 “(1) such government has adequately addressed
20 an act or acts of gross negligence with respect to a
21 chemical or biological program owned, controlled, or
22 directed by, or subject to the jurisdiction of the gov-
23 ernment of a foreign state;

1 “(2) such government has developed or is devel-
2 oping necessary measures to prevent any future act
3 or acts of gross negligence;

4 “(3) such government is providing or otherwise
5 voluntarily disclosing substantive information to the
6 United States and relevant international organiza-
7 tions;

8 “(4) such government is compliant with its obli-
9 gations under the Biological and Toxin Weapons
10 Convention or Convention on the Prohibition of the
11 Development, Production, Stockpiling and Use of
12 Chemical Weapons and on their Destruction, as ap-
13 plicable; and

14 “(5) such government is making restitution to
15 those affected by an act or acts of gross negligence
16 with respect to a chemical or biological program
17 owned, controlled, or directed by, or subject to the
18 jurisdiction of the government of a foreign state, in-
19 cluding United States persons.

20 “(e) WAIVER.—

21 “(1) IN GENERAL.—The President may, for pe-
22 riods not to exceed 180 days, waive the imposition
23 of sanctions under this section if the President cer-
24 tifies to the appropriate congressional committees

1 that such waiver is vital to the national security in-
2 terests of the United States.

3 “(2) SUNSET.—The President may not exercise
4 the authority described in paragraph (1) beginning
5 on the date that is 4 years after the date of enact-
6 ment of this section.

7 “(f) APPROPRIATE CONGRESSIONAL COMMITTEES
8 DEFINED.—In this section, the term ‘appropriate congres-
9 sional committees’ means—

10 “(1) the Committee on Foreign Affairs and the
11 Committee on Financial Services of the House of
12 Representatives; and

13 “(2) the Committee on Foreign Relations and
14 the Committee on Banking, Housing, and Urban Af-
15 fairs of the Senate.”.

16 **SEC. 225. DETERMINATION REGARDING THE PEOPLE’S RE-**
17 **PUBLIC OF CHINA.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of the enactment of this Act, the President shall de-
20 termine whether reasonable grounds exist for concluding
21 that the Government of the People’s Republic of China
22 meets the criteria for engaging in an act or acts of gross
23 negligence with respect to a chemical or biological program
24 owned, controlled, or directed by, or subject to the juris-
25 diction of that government under section 506(a)(3) of the

1 Chemical and Biological Weapons Control and Warfare
2 Elimination Act of 1991, as amended by section 3 of this
3 Act.

4 (b) REPORT REQUIRED.—

5 (1) IN GENERAL.—Not later than 30 days after
6 making a determination under subsection (a), the
7 President shall submit to the appropriate congress-
8 sional committees a report that includes the reasons
9 for the determination.

10 (2) FORM.—A report required by paragraph (1)
11 shall be submitted in unclassified form but may in-
12 clude a classified annex.

13 **SEC. 226. REGULATORY AUTHORITY.**

14 (a) IN GENERAL.—The President shall, not later
15 than 180 days after the date of the enactment of this Act,
16 prescribe regulations as necessary for the implementation
17 of sections 212 and 213 of this Act and the amendments
18 made by this Act.

19 (b) NOTIFICATION TO CONGRESS.—Not later than 10
20 days before the prescription of regulations under sub-
21 section (a), the President shall notify the appropriate con-
22 gressional committees regarding the proposed regulations
23 and the provisions of this Act and the amendments made
24 by this Act that the regulations are implementing.

1 **SEC. 227. APPROPRIATE CONGRESSIONAL COMMITTEES**

2 **DEFINED.**

3 In this Act, the term “appropriate congressional com-
4 mittees” means—

5 (1) the Committee on Foreign Affairs and the
6 Committee on Financial Services of the House of
7 Representatives; and

8 (2) the Committee on Foreign Relations and
9 the Committee on Banking, Housing, and Urban Af-
10 fairs of the Senate.

11 **SEC. 228. LIMITATION ON RESEARCH BY THE NATIONAL**

12 **SCIENCE FOUNDATION AND NATIONAL INSTI-**
13 **TUTES OF HEALTH.**

14 Notwithstanding any other provision of law, none of
15 the activities authorized for the National Science Founda-
16 tion and National Institutes of Health may include, con-
17 duct, or support any research—

18 (1) using fetal tissue obtained from an induced
19 abortion or any derivatives thereof,

20 (2) in which a human embryo is created or de-
21 stroyed, discarded, or put at risk of injury,

22 (3) in which an embryo-like entity is created
23 wholly or in part from human cells or components,

24 (4) in which a human embryo is intentionally
25 created or modified to include a heritable genetic
26 modification, or

1 (5) using any stem cell the derivation of which
2 would be inconsistent with the standards established
3 herein.

4 **SEC. 229. PROHIBITION ON CERTAIN HUMAN-ANIMAL CHI-**
5 **MERAS.**

6 Part I of title 18, United States Code, is amended
7 by inserting after chapter 51 the following:

8 **“CHAPTER 52—CERTAIN TYPES OF**
9 **HUMAN-ANIMAL CHIMERAS PROHIBITED**

“Sec.

“1131. Definitions.

“1132. Prohibition on certain human-animal chimeras.

10 **“§ 1131. Definitions**

11 “In this chapter the following definitions apply:

12 “(1) PROHIBITED HUMAN-ANIMAL CHIMERA.—

13 The term ‘prohibited human-animal chimera’
14 means—

15 “(A) a human embryo into which a
16 nonhuman cell or cells (or the component parts
17 thereof) have been introduced to render the em-
18 bryo’s membership in the species *Homo sapiens*
19 uncertain;

20 “(B) a human-animal embryo produced by
21 fertilizing a human egg with nonhuman sperm;

22 “(C) a human-animal embryo produced by
23 fertilizing a nonhuman egg with human sperm;

1 “(D) an embryo produced by introducing a
2 nonhuman nucleus into a human egg;

3 “(E) an embryo produced by introducing a
4 human nucleus into a nonhuman egg;

5 “(F) an embryo containing at least haploid
6 sets of chromosomes from both a human and a
7 nonhuman life form;

8 “(G) a nonhuman life form engineered
9 such that human gametes develop within the
10 body of a nonhuman life form;

11 “(H) a nonhuman life form engineered
12 such that it contains a human brain or a brain
13 derived wholly or predominantly from human
14 neural tissues;

15 “(I) a nonhuman life form engineered such
16 that it exhibits human facial features or other
17 bodily morphologies to resemble human fea-
18 tures; or

19 “(J) an embryo produced by mixing
20 human and nonhuman cells, such that—

21 “(i) human gametes develop within
22 the body of the resultant organism;

23 “(ii) it contains a human brain or a
24 brain derived wholly or predominantly from
25 human neural tissues; or

1 “(iii) it exhibits human facial features
2 or other bodily morphologies to resemble
3 human features.

4 “(2) HUMAN EMBRYO.—The term ‘human em-
5 bryo’ means an organism of the species *Homo sapi-*
6 *ens* during the earliest stages of development, from
7 1 cell up to 8 weeks.

8 **“§ 1132. Prohibition on certain human-animal chi-**
9 **meras**

10 “(a) IN GENERAL.—It shall be unlawful for any per-
11 son to knowingly, in or otherwise affecting interstate com-
12 merce—

13 “(1) create or attempt to create a prohibited
14 human-animal chimera;

15 “(2) transfer or attempt to transfer a human
16 embryo into a nonhuman womb;

17 “(3) transfer or attempt to transfer a
18 nonhuman embryo into a human womb; or

19 “(4) transport or receive for any purpose a pro-
20 hibited human-animal chimera.

21 “(b) PENALTIES.—

22 “(1) IN GENERAL.—Whoever violates subsection
23 (a) shall be fined under this title, imprisoned not
24 more than 10 years, or both.

1 “(2) CIVIL PENALTY.—Whoever violates sub-
 2 section (a) and derives pecuniary gain from such vio-
 3 lation shall be subject to a civil fine of the greater
 4 of \$1,000,000 and an amount equal to the amount
 5 of the gross gain multiplied by 2.

6 “(c) RULE OF CONSTRUCTION.—This section does
 7 not prohibit research involving the use of transgenic ani-
 8 mal models containing human genes or transplantation of
 9 human organs, tissues, or cells into recipient animals, if
 10 such activities are not prohibited under subsection (a).”.

11 **SEC. 230. TECHNICAL AMENDMENT.**

12 The table of chapters for part I of title 18, United
 13 States Code, is amended by inserting after the item relat-
 14 ing to chapter 51 the following:

“52. Certain Types of Human-Animal Chimeras Prohib-
 ited 1131”.

15 **SEC. 231. REPEALING CERTAIN EXEMPTIONS FROM REG-**
 16 **ISTRATION UNDER FOREIGN AGENTS REG-**
 17 **ISTRATION ACT OF 1938 BY AGENTS REP-**
 18 **RESENTING CHINESE BUSINESS ORGANIZA-**
 19 **TIONS.**

20 (a) IN GENERAL.—The Foreign Agents Registration
 21 Act of 1938, as amended (22 U.S.C. 611 et seq.) is
 22 amended by inserting after section 3 the following:

1 **“SEC. 3A. SPECIAL RULES FOR AGENTS REPRESENTING**
2 **CHINESE BUSINESS ORGANIZATIONS.**

3 “(a) REPEAL OF EXEMPTION FROM REGISTRATION
4 FOR PERSONS PROVIDING PRIVATE AND NONPOLITICAL
5 REPRESENTATION OF BONA FIDE TRADE OR COMMER-
6 CIAL INTERESTS.—Section 3(d)(1) shall not apply to an
7 agent of a covered Chinese business organization.

8 “(b) REPEAL OF EXEMPTION FROM REGISTRATION
9 FOR PERSONS FILING DISCLOSURE REPORTS UNDER
10 LOBBYING DISCLOSURE ACT OF 1995.—

11 “(1) REPEAL.—Section 3(h) shall not apply to
12 an agent of a covered Chinese business organization.

13 “(2) TIMING FOR FILING OF REGISTRATION
14 STATEMENTS.—In the case of an agent of a covered
15 Chinese business organization who has registered
16 under the Lobbying Disclosure Act of 1995 (2
17 U.S.C. 1601 et seq.), after the agent files the first
18 registration required under section 2(a) in connec-
19 tion with the agent’s representation of the covered
20 Chinese business organization, the agent shall file all
21 subsequent statements, information, or documents
22 required under section 2 at the same time, and in
23 the same frequency, as the reports filed with the
24 Clerk of the House of Representatives or the Sec-
25 retary of the Senate (as the case may be) under sec-
26 tion 5 of the Lobbying Disclosure Act of 1995 (2

1 U.S.C. 1604) in connection with the agent’s rep-
2 resentation of the covered Chinese business organi-
3 zation.

4 “(c) COVERED CHINESE BUSINESS ORGANIZATION
5 DEFINED.—In this section, the term ‘covered Chinese
6 business organization’ means—

7 “(1) an entity described in section 1(b)(3)
8 which is organized under the laws of, or has its prin-
9 cipal place of business in, the People’s Republic of
10 China (including any subsidiary or affiliate of such
11 an entity), except that such term does not include a
12 subsidiary or affiliate of an entity which is organized
13 under the laws of, and has its principal place of
14 business in, a country other than the People’s Re-
15 public of China; or

16 “(2) an entity designated by the Attorney Gen-
17 eral as subject to the extrajudicial direction of the
18 Chinese Communist Party.”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) REPEAL OF EXEMPTION.—Section 3 of such
21 Act (22 U.S.C. 613) is amended—

22 (A) in subsection (d)(1), by striking “in
23 private” and inserting “except as provided in
24 section 3A(a), in private”; and

1 (B) in subsection (h), by striking “Any
2 agent” and inserting “Except as provided in
3 section 3A(b), any agent”.

4 (2) TIMING OF FILING OF REGISTRATION
5 STATEMENTS.—Section 2(b) of such Act (22 U.S.C.
6 612(b)) is amended in the first sentence by striking
7 “six months succeeding such filing” and inserting
8 “six months succeeding such filing (except as pro-
9 vided in section 3A(b)(2))”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this Act shall take effect 180 days after the date of enact-
12 ment of this Act.

13 **SEC. 232. SHORT TITLE.**

14 This Act may be cited as the “Protecting America’s
15 Agricultural Land from Foreign Harm Act of 2023”.

16 **SEC. 233. DEFINITIONS.**

17 In this Act:

18 (1) AGRICULTURAL LAND.—

19 (A) IN GENERAL.—The term “agricultural
20 land” has the meaning given the term in sec-
21 tion 9 of the Agricultural Foreign Investment
22 Disclosure Act of 1978 (7 U.S.C. 3508).

23 (B) INCLUSION.—The term “agricultural
24 land” includes land described in section 9(1) of
25 the Agricultural Foreign Investment Disclosure

1 Act of 1978 (7 U.S.C. 3508(1)) that is used for
2 ranching purposes.

3 (2) COVERED PERSON.—

4 (A) IN GENERAL.—The term “covered per-
5 son” has the meaning given the term “person
6 owned by, controlled by, or subject to the juris-
7 diction or direction of a foreign adversary” in
8 section 7.2 of title 15, Code of Federal Regula-
9 tions (as in effect on the date of enactment of
10 this Act), except that each reference to “foreign
11 adversary” in that definition shall be deemed to
12 be a reference to the Government of—

- 13 (i) Iran;
14 (ii) North Korea;
15 (iii) the People’s Republic of China; or
16 (iv) the Russian Federation.

17 (B) EXCLUSIONS.—The term “covered per-
18 son” does not include a United States citizen or
19 an alien lawfully admitted for permanent resi-
20 dence to the United States.

21 (3) SECRETARY.—The term “Secretary” means
22 the Secretary of Agriculture.

23 (4) UNITED STATES.—The term “United
24 States” includes any State, territory, or possession
25 of the United States.

1 **SEC. 234. PROHIBITION ON PURCHASE OR LEASE OF AGRI-**
2 **CULTURAL LAND IN THE UNITED STATES BY**
3 **PERSONS ASSOCIATED WITH CERTAIN FOR-**
4 **EIGN GOVERNMENTS.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law, the President shall take such actions as may
7 be necessary to prohibit the purchase or lease by covered
8 persons of—

9 (1) public agricultural land that is owned by the
10 United States and administered by the head of any
11 Federal department or agency, including the Sec-
12 retary, the Secretary of the Interior, and the Sec-
13 retary of Defense; or

14 (2) private agricultural land located in the
15 United States.

16 (b) IMPLEMENTATION.—The President may exercise
17 all authorities provided under sections 203 and 205 of the
18 International Emergency Economic Powers Act (50
19 U.S.C. 1702 and 1704) to carry out subsection (a).

20 (c) PENALTIES.—A person that knowingly violates,
21 attempts to violate, conspires to violate, or causes a viola-
22 tion of subsection (a) or any regulation, license, or order
23 issued to carry out that subsection shall be subject to the
24 penalties set forth in subsections (b) and (c) of section
25 206 of the International Emergency Economic Powers Act
26 (50 U.S.C. 1705) to the same extent as a person that com-

1 mits an unlawful act described in subsection (a) of that
2 section.

3 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion may be construed—

5 (1) to prohibit or otherwise affect the purchase
6 or lease of public or private agricultural land de-
7 scribed in subsection (a) by any person other than
8 a covered person;

9 (2) to prohibit or otherwise affect the use of
10 public or private agricultural land described in sub-
11 section (a) that is transferred to or acquired by a
12 person other than a covered person from a covered
13 person; or

14 (3) to require a covered person that owns or
15 leases public or private agricultural land described in
16 subsection (a) as of the date of enactment of this
17 Act to sell that land.

18 **SEC. 235. PROHIBITION ON PARTICIPATION IN DEPART-**
19 **MENT OF AGRICULTURE PROGRAMS BY PER-**
20 **SONS ASSOCIATED WITH CERTAIN FOREIGN**
21 **GOVERNMENTS.**

22 (a) IN GENERAL.—Except as provided in subsection
23 (b), notwithstanding any other provision of the law, the
24 President shall take such actions as may be necessary to
25 prohibit participation in Department of Agriculture pro-

1 grams by covered persons that have full or partial owner-
2 ship of agricultural land in the United States or lease agri-
3 cultural land in the United States.

4 (b) EXCLUSIONS.—Subsection (a) shall not apply to
5 participation in any program—

6 (1) relating to—

7 (A) food inspection or any other food safe-
8 ty regulatory requirements; or

9 (B) health and labor safety of individuals;

10 or

11 (2) administered by the Farm Service Agency,
12 with respect to the administration of this Act or the
13 Agricultural Foreign Investment Disclosure Act of
14 1978 (7 U.S.C. 3501 et seq.).

15 (c) PROOF OF CITIZENSHIP.—To participate in a De-
16 partment of Agriculture program described in subsection
17 (b) (except for a program under this Act or the Agricul-
18 tural Foreign Investment Disclosure Act of 1978 (7
19 U.S.C. 3501 et seq.)), a person described in subparagraph
20 (A) of section 2(2) that is a person described in subpara-
21 graph (B) of that section shall submit to the Secretary
22 proof that the person is described in subparagraph (B)
23 of that section.

1 **SEC. 236. AGRICULTURAL FOREIGN INVESTMENT DISCLO-**
2 **SURE.**

3 (a) INCLUSION OF SECURITY INTERESTS AND
4 LEASES IN REPORTING REQUIREMENTS.—

5 (1) IN GENERAL.—Section 9 of the Agricultural
6 Foreign Investment Disclosure Act of 1978 (7
7 U.S.C. 3508) is amended—

8 (A) by redesignating paragraphs (4)
9 through (6) as paragraphs (5) through (7), re-
10 spectively; and

11 (B) by inserting after paragraph (3) the
12 following:

13 “(4) the term ‘interest’ includes—

14 “(A) a security interest; and

15 “(B) a lease, without regard to the dura-
16 tion of the lease;”.

17 (2) CONFORMING AMENDMENT.—Section 2 of
18 the Agricultural Foreign Investment Disclosure Act
19 of 1978 (7 U.S.C. 3501) is amended by striking “,
20 other than a security interest,” each place it ap-
21 pears.

22 (b) CIVIL PENALTY.—Section 3 of the Agricultural
23 Foreign Investment Disclosure Act of 1978 (7 U.S.C.
24 3502) is amended—

1 (1) in subsection (b), by striking “exceed 25
2 percent” and inserting “be less than 15 percent, or
3 exceed 30 percent,”; and

4 (2) by adding at the end the following:

5 “(c) LIENS.—On imposing a penalty under sub-
6 section (a), the Secretary shall ensure that a lien is placed
7 on the agricultural land with respect to which the violation
8 occurred, which shall be released only on payment of the
9 penalty.”.

10 (c) TRANSPARENCY.—

11 (1) IN GENERAL.—Section 7 of the Agricultural
12 Foreign Investment Disclosure Act of 1978 (7
13 U.S.C. 3506) is amended to read as follows:

14 **“SEC. 7. PUBLIC DATA SETS.**

15 “(a) IN GENERAL.—Not later than 2 years after the
16 date of enactment of the Consolidated Appropriations Act,
17 2023 (Public Law 117–328), the Secretary shall publish
18 in the internet database established under section 773 of
19 division A of that Act human-readable and machine-read-
20 able data sets that—

21 “(1) contain all data that the Secretary pos-
22 sesses relating to reporting under this Act from each
23 report submitted to the Secretary under section 2;
24 and

1 “(2) as soon as practicable, but not later than
2 30 days, after the date of receipt of any report
3 under section 2, shall be updated with the data from
4 that report.

5 “(b) INCLUDED DATA.—The data sets established
6 under subsection (a) shall include—

7 “(1) a description of—

8 “(A) the purchase price paid for, or any
9 other consideration given for, each interest in
10 agricultural land for which a report is sub-
11 mitted under section 2; and

12 “(B) updated estimated values of each in-
13 terest in agricultural land described in subpara-
14 graph (A), as that information is made avail-
15 able to the Secretary, based on the most re-
16 cently assessed value of the agricultural land or
17 another comparable method determined by the
18 Secretary; and

19 “(2) with respect to any agricultural land for
20 which a report is submitted under section 2, updated
21 descriptions of each foreign person who holds an in-
22 terest in at least 1 percent of the agricultural land,
23 as that information is made available to the Sec-
24 retary, categorized as a majority owner or a minor-

1 ity owner that holds an interest in the agricultural
2 land.”.

3 (2) DEADLINE FOR DATABASE ESTABLISH-
4 MENT.—Section 773 of division A of the Consoli-
5 dated Appropriations Act, 2023 (Public Law 117–
6 328), is amended, in the first proviso, by striking “3
7 years” and inserting “2 years”.

8 (d) DEFINITION OF FOREIGN PERSON.—Section 9(3)
9 of the Agricultural Foreign Investment Disclosure Act of
10 1978 (7 U.S.C. 3508(3)) is amended—

11 (1) in subparagraph (C)(ii)(IV), by striking
12 “and” at the end;

13 (2) in subparagraph (D), by inserting “and”
14 after the semicolon; and

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

16 “(E) any person, other than an individual
17 or a government, that issues equity securities
18 that are primarily traded on a foreign securities
19 exchange within—

20 “(i) Iran;

21 “(ii) North Korea;

22 “(iii) the People’s Republic of China;

23 or

24 “(iv) the Russian Federation;”.

1 **SEC. 237. REPORTS.**

2 (a) REPORT FROM THE SECRETARY ON FOREIGN
3 OWNERSHIP OF AGRICULTURAL LAND IN THE UNITED
4 STATES.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, and once every 2
7 years thereafter, the Secretary shall submit to Con-
8 gress a report describing—

9 (A) the risks and benefits, as determined
10 by the Secretary, that are associated with for-
11 eign ownership or lease of agricultural land in
12 rural areas (as defined in section 520 of the
13 Housing Act of 1949 (42 U.S.C. 1490));

14 (B) the intended and unintended misrepre-
15 sentation of foreign land ownership in the an-
16 nual reports prepared by the Secretary describ-
17 ing foreign holdings of agricultural land due to
18 inaccurate reporting of foreign holdings of agri-
19 cultural land;

20 (C) the specific work that the Secretary
21 has undertaken to monitor erroneous reporting
22 required by the Agricultural Foreign Invest-
23 ment Disclosure Act of 1978 (7 U.S.C. 3501 et
24 seq.) that would result in a violation or civil
25 penalty; and

1 (D) the role of State and local government
2 authorities in tracking foreign ownership of ag-
3 ricultural land in the United States.

4 (2) PROTECTION OF INFORMATION.—In car-
5 rying out paragraph (1), the Secretary shall estab-
6 lish a plan to ensure the protection of personally
7 identifiable information.

8 (b) REPORT FROM THE DIRECTOR OF NATIONAL IN-
9 TELLIGENCE ON FOREIGN OWNERSHIP OF AGRICUL-
10 TURAL LAND IN THE UNITED STATES.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, and once every 2
13 years thereafter, the Director of National Intel-
14 ligence shall submit to the congressional recipients
15 described in paragraph (2) a report describing—

16 (A) an analysis of foreign malign influence
17 (as defined in section 119C(e) of the National
18 Security Act of 1947 (50 U.S.C. 3059(e))) by
19 covered persons that have foreign ownership in
20 the United States agriculture industry; and

21 (B) the primary motives, as determined by
22 the Director of National Intelligence, of foreign
23 investors to acquire agricultural land.

1 (2) CONGRESSIONAL RECIPIENTS DESCRIBED.—

2 The report under paragraph (1) shall be submitted
3 to—

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

6 (B) the Committee on Agriculture, Nutri-
7 tion, and Forestry of the Senate;

8 (C) the Select Committee on Intelligence of
9 the Senate;

10 (D) the Committee on Foreign Relations of
11 the Senate;

12 (E) the Committee on Financial Services
13 of the House of Representatives;

14 (F) the Committee on Agriculture of the
15 House of Representatives;

16 (G) the Permanent Select Committee on
17 Intelligence of the House of Representatives;

18 (H) the Committee on Foreign Affairs of
19 the House of Representatives;

20 (I) the majority leader of the Senate;

21 (J) the minority leader of the Senate;

22 (K) the Speaker of the House of Rep-
23 resentatives; and

24 (L) the minority leader of the House of
25 Representatives.

1 (3) CLASSIFICATION.—The report under para-
2 graph (1) shall be submitted in an unclassified form,
3 but may include a classified annex.

4 (c) GOVERNMENT ACCOUNTABILITY OFFICE RE-
5 PORT.—Not later than 1 year after the date of enactment
6 of this Act, the Comptroller General of the United States
7 shall submit to Congress a report describing—

8 (1) a review of resources, staffing, and expertise
9 for carrying out the Agricultural Foreign Investment
10 Disclosure Act of 1978 (7 U.S.C. 3501 et seq.), and
11 enforcement issues limiting the effectiveness of that
12 Act; and

13 (2) any recommended necessary changes to that
14 Act.

15 **TITLE III—MATTERS RELATING**
16 **TO MEDICAL AND NATIONAL**
17 **SECURITY SUPPLY CHAINS**

18 **SEC. 301. REPORT AND RECOMMENDATION ON BARRIERS**
19 **TO DOMESTIC MANUFACTURING OF MEDICAL**
20 **PRODUCTS.**

21 (a) REPORT TO CONGRESS.—Not later than 180 days
22 after the date of the enactment of this Act, the Secretary
23 of Health and Human Services (in this section referred
24 to as the “Secretary”), acting through the Commissioner
25 of Food and Drugs, shall submit to Congress a report on

1 barriers, including regulatory inefficiencies, to domestic
2 manufacturing of active pharmaceutical ingredients, fin-
3 ished drug products, and devices that are—

4 (1) imported from outside of the United States;

5 and

6 (2) critical to the public health during a public
7 health emergency declared by the Secretary under
8 section 319 of the Public Health Service Act (42
9 U.S.C. 247(d).

10 (b) CONTENT.—Such report shall—

11 (1) identify factors that limit the manufac-
12 turing of active pharmaceutical ingredients, finished
13 drug products, and devices described in subsection
14 (a); and

15 (2) recommend specific strategies to overcome
16 the challenges identified under paragraph (1).

17 (c) IMPLEMENTATION.—The Secretary may, to the
18 extent appropriate, implement the strategies recommended
19 under subsection (b)(2).

20 (d) DEFINITION.—In this section, the term “active
21 pharmaceutical ingredient” has the meaning given to such
22 term in section 744A of the Federal Food, Drug, and Cos-
23 metic Act (21 U.S.C. 379j–41).

1 **SEC. 302 TAX INCENTIVES FOR RELOCATING MANUFAC-**
2 **TURING TO THE UNITED STATES.**

3 (a) ACCELERATED DEPRECIATION FOR NONRESI-
4 DENTIAL REAL PROPERTY.—Section 168 of the Internal
5 Revenue Code of 1986 is amended by adding at the end
6 the following new subsection:

7 “(n) ACCELERATED DEPRECIATION FOR NONRESI-
8 DENTIAL REAL PROPERTY ACQUIRED IN CONNECTION
9 WITH THE RELOCATION OF MANUFACTURING TO THE
10 UNITED STATES.—

11 “(1) TREATMENT AS 20-YEAR PROPERTY.—For
12 purposes of this section, qualified nonresidential real
13 property shall be treated as 20-year property.

14 “(2) APPLICATION OF BONUS DEPRECIATION.—
15 For application of bonus depreciation to qualified
16 nonresidential real property, see subsection (k).

17 “(3) QUALIFIED NONRESIDENTIAL REAL PROP-
18 erty.—For purposes of this subsection, the term
19 ‘qualified nonresidential real property’ means non-
20 residential real property placed in service in the
21 United States by a qualified manufacturer if such
22 property is acquired by such qualified manufacturer
23 in connection with a qualified relocation of manufac-
24 turing.

25 “(4) QUALIFIED MANUFACTURER.—For pur-
26 poses of this subsection, the term ‘qualified manu-

1 factorer’ means any person engaged in the trade or
2 business of manufacturing any tangible personal
3 property.

4 “(5) QUALIFIED RELOCATION OF MANUFAC-
5 TURING.—For purposes of this subsection—

6 “(A) IN GENERAL.—The term ‘qualified
7 relocation of manufacturing’ means, with re-
8 spect to any qualified manufacturer, the reloca-
9 tion of the manufacturing of any tangible per-
10 sonal property from a foreign country to the
11 United States.

12 “(B) RELOCATION OF PROPERTY NOT RE-
13 QUIRED.—For purposes of subparagraph (A),
14 manufacturing shall not fail to be treated as re-
15 located merely because property used in such
16 manufacturing was not relocated.

17 “(C) RELOCATION OF NOT LESS THAN
18 EQUIVALENT PRODUCTIVE CAPACITY RE-
19 QUIRED.—For purposes of subparagraph (A),
20 manufacturing shall not be treated as relocated
21 unless the property manufactured in the United
22 States is substantially identical to the property
23 previously manufactured in a foreign country
24 and the increase in the units of production of
25 such property in the United States by the quali-

1 fied manufacturer is not less than the reduction
 2 in the units of production of such property in
 3 such foreign country by such qualified manufac-
 4 turer.

5 “(6) APPLICATION TO POSSESSIONS OF THE
 6 UNITED STATES.—For purposes of this subsection,
 7 the term ‘United States’ includes any possession of
 8 the United States.”.

9 (b) EXCLUSION OF GAIN ON DISPOSITION OF PROP-
 10 PERTY IN CONNECTION WITH QUALIFIED RELOCATION OF
 11 MANUFACTURING.—

12 (1) IN GENERAL.—Part III of subchapter B of
 13 chapter 1 of such Code is amended by inserting
 14 after section 139I the following new section:

15 **“SEC. 139J. EXCLUSION OF GAIN ON DISPOSITION OF PROP-**
 16 **ERTY IN CONNECTION WITH QUALIFIED RE-**
 17 **LOCATION OF MANUFACTURING.**

18 “(a) IN GENERAL.—In the case of a qualified manu-
 19 facturer, gross income shall not include gain from the sale
 20 or exchange of qualified relocation disposition property.

21 “(b) QUALIFIED RELOCATION DISPOSITION PROP-
 22 PERTY.—For purposes of this section, the term ‘qualified
 23 relocation disposition property’ means any property
 24 which—

1 “(1) is sold or exchanged by a qualified manu-
2 facturer in connection with a qualified relocation of
3 manufacturing, and

4 “(2) was used by such qualified manufacturer
5 in the trade or business of manufacturing any tan-
6 gible personal property in the foreign country from
7 which such manufacturing is being relocated.

8 “(c) OTHER TERMS.—Terms used in this section
9 which are also used in subsection (n) of section 168 shall
10 have the same meaning when used in this section as when
11 used in such subsection.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions for part III of subchapter B of chapter 1 of
14 such Code is amended by inserting after the item re-
15 lating to section 139I the following new item:

 “Sec. 139J. Exclusion of gain on disposition of property in connection with
 qualified relocation of manufacturing.”.

16 (c) EFFECTIVE DATES.—

17 (1) ACCELERATED DEPRECIATION.—The
18 amendment made by subsection (a) shall apply to
19 property placed in service after the date of the en-
20 actment of this Act.

21 (2) EXCLUSION OF GAIN.—The amendments
22 made by subsection (b) shall apply to sales and ex-
23 changes after the date of the enactment of this Act.

1 **SEC. 303. PERMANENT FULL EXPENSING FOR QUALIFIED**
2 **PROPERTY.**

3 (a) IN GENERAL.—Paragraph (6) of section 168(k)
4 of the Internal Revenue Code of 1986 is amended to read
5 as follows:

6 “(6) APPLICABLE PERCENTAGE.—For purposes
7 of this subsection, the term ‘applicable percentage’
8 means, in the case of property placed in service (or,
9 in the case of a specified plant described in para-
10 graph (5), a plant which is planted or grafted) after
11 September 27, 2017, 100 percent.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) Section 168(k) of the Internal Revenue
14 Code of 1986 is amended—

15 (A) in paragraph (2)—

16 (i) in subparagraph (A)—

17 (I) in clause (i)(V), by inserting
18 “and” at the end;

19 (II) in clause (ii), by striking
20 “clause (ii) of subparagraph (E),
21 and” and inserting “clause (i) of sub-
22 paragraph (E).”; and

23 (III) by striking clause (iii);

24 (ii) in subparagraph (B)—

25 (I) in clause (i)—

1 (aa) by striking subclauses
2 (II) and (III); and

3 (bb) by redesignating sub-
4 clauses (IV) through (VI) as sub-
5 clauses (II) through (IV), respec-
6 tively;

7 (II) by striking clause (ii); and

8 (III) by redesignating clauses
9 (iii) and (iv) as clauses (ii) and (iii),
10 respectively;

11 (iii) in subparagraph (C)—

12 (I) in clause (i), by striking “and
13 subclauses (II) and (III) of subpara-
14 graph (B)(i)”;

15 (II) in clause (ii), by striking
16 “subparagraph (B)(iii)” and inserting
17 “subparagraph (B)(ii)”;

18 (iv) in subparagraph (E)—

19 (I) by striking clause (i); and

20 (II) by redesignating clauses (ii)
21 and (iii) as clauses (i) and (ii), respec-
22 tively; and

23 (B) in paragraph (5)(A), by striking
24 “planted before January 1, 2027, or is grafted
25 before such date to a plant that has already

1 been planted,” and inserting “planted or graft-
2 ed”.

3 (2) Section 460(c)(6)(B) of such Code is
4 amended by striking “which” and all that follows
5 through the period and inserting “which has a recov-
6 ery period of 7 years or less.”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect as if included in section
9 13201 of Public Law 115–97.

10 **SEC. 304. PRINCIPAL NEGOTIATING OBJECTIVES OF THE**
11 **UNITED STATES RELATING TO TRADE IN**
12 **COVERED PHARMACEUTICAL PRODUCTS.**

13 Section 102(b) of the Bipartisan Congressional Trade
14 Priorities and Accountability Act of 2015 (19 U.S.C.
15 4201(b)) is amended by adding at the end the following:

16 “(23) TRADE IN COVERED PHARMACEUTICAL
17 PRODUCTS.—

18 “(A) IN GENERAL.—It is the objective of
19 the United States to negotiate a plurilateral
20 agreement among trusted allies relating to
21 trade in covered pharmaceutical products to
22 which section 103(b) will apply, for which the
23 principal negotiating objectives of the United
24 States are the following:

1 “(i) To ensure that a party to the
2 agreement adopts and maintains measures
3 to eliminate the imposition or reimposition
4 of tariffs on imports of such products, par-
5 ticularly in the event of a declared emer-
6 gency.

7 “(ii) To ensure that a party to the
8 agreement—

9 “(I) will reduce or eliminate reg-
10 ulatory and other technical barriers in
11 the pharmaceutical sector;

12 “(II) will promote expedited ap-
13 proval of facilities for the production
14 of such products being built by busi-
15 ness enterprises that operate one or
16 more such facilities in the territory of
17 the party;

18 “(III) will promote the use of
19 good regulatory practices and stream-
20 lined regulatory review and approval
21 processes for the production of such
22 products in the territory of the party;

23 “(IV) will eliminate duplicated
24 actions and other barriers to reduce

1 the time for approvals of both facili-
2 ties and such products; and

3 “(V) will expand transparency
4 and cooperation with other parties
5 and their manufacturers, working col-
6 laboratively, to ensure regulatory
7 processes are streamlined and har-
8 monized among other parties to the
9 maximum extent possible.

10 “(iii) To prohibit export restraints
11 against parties to the agreement, particu-
12 larly in the event of a declared emergency.

13 “(iv) With respect to use of sub-
14 sidies—

15 “(I) to encourage the coordinated
16 provision of those types of subsidies
17 that are classified under World Trade
18 Organization rules as ‘non-prohibited’,
19 such as subsidies that are not contin-
20 gent on exports or import-substi-
21 tution, to incentivize manufacturing of
22 such products, including the provision
23 of grants, loans, tax incentives, and
24 guaranteed price and volume con-
25 tracts;

1 “(II) to explicitly permit, among
2 parties to the agreement, the use of
3 production subsidies to build pharma-
4 ceutical manufacturing capacity;

5 “(III) to affirm that subsidies
6 provided by parties are not intended
7 to be used primarily for export or to
8 distort trade;

9 “(IV) to affirm parties’ commit-
10 ments under the Antidumping Agree-
11 ment and the Agreement on Subsidies
12 and Countervailing Measures, includ-
13 ing the recognition that ‘dumping, by
14 which products of one country are in-
15 troduced into the commerce of an-
16 other country at less than the normal
17 value of the products, is to be con-
18 demned if it causes or threatens mate-
19 rial injury to an established industry
20 in the territory of a contracting party
21 or materially retards the establish-
22 ment of a domestic industry’; and

23 “(V) to encourage notification
24 and consultation among parties as
25 they are considering pharmaceutical

1 manufacturing subsidies to increase
2 coordination and avoid creating condi-
3 tions such as oversupply or market in-
4 efficiencies among the parties.

5 “(v) With respect to government pro-
6 curement—

7 “(I) to provide reciprocal access
8 to government procurements for such
9 products in parties to the agreement;

10 “(II) to increase coordination be-
11 tween participant countries and facili-
12 tate the involvement of participant
13 countries’ companies in bids to supply
14 such products; and

15 “(III) to ensure that any partici-
16 pant in the agreement that is not al-
17 ready so designated, becomes des-
18 ignated for purposes of section 301 of
19 the Trade Agreements Act of 1979
20 (19 U.S.C. 2511).

21 “(vi) With respect to trade in serv-
22 ices—

23 “(I) to obtain fair, open, and
24 transparent access to supply chain
25 services in the markets of parties to

1 the agreement, such as distribution,
2 logistics, and transportation services;

3 “(II) to ensure any restrictions
4 or regulatory requirements maintained
5 on such services are adopted and
6 maintained in a transparent and effi-
7 cient manner; and

8 “(III) to require parties to estab-
9 lish an internal process for identifying
10 restrictions or regulatory require-
11 ments that could be waived in the
12 event of a declared emergency.

13 “(vii) With respect to transparency
14 and trade facilitation—

15 “(I) to obtain commitments
16 among parties to the agreement to de-
17 velop mechanisms for sharing infor-
18 mation on pharmaceutical supply
19 chain constraints and coordinate ap-
20 proaches with parties to minimize
21 risks that could lead to supply chain
22 failures; and

23 “(II) to the extent they have not
24 done so yet, to obtain commitments
25 from parties that they will fully imple-

1 ment the obligations under the World
2 Trade Organization’s Agreement on
3 Trade Facilitation prior to the date
4 the agreement enters into force.

5 “(viii) With respect to enforcement—

6 “(I) to ensure that benefits under
7 the agreement can only be obtained by
8 parties that are fully meeting their ob-
9 ligations under the agreement;

10 “(II) to ensure that parties will
11 not bring a dispute under another
12 agreement for actions that are con-
13 sistent with the agreement; and

14 “(III) to provide a dispute settle-
15 ment mechanism comparable to the
16 dispute settlement provisions of the
17 Agreement between the United States
18 of America, the United Mexican
19 States, and Canada.

20 “(ix) To minimize the ability of par-
21 ties to the agreement to undermine the ef-
22 fectiveness of the agreement by abusing ex-
23 ceptions in the agreement by including ad-
24 ditional procedural requirements, such as
25 notification of intent to rely on an excep-

1 tion at the time an inconsistent action is
2 taken, and limiting the duration that par-
3 ticipants may rely on an exception.

4 “(B) DEFINITIONS.—In this paragraph:

5 “(i) ACTIVE PHARMACEUTICAL INGRE-
6 DIENT.—The term ‘active pharmaceutical
7 ingredient’—

8 “(I) means any component that
9 is intended to furnish pharmacological
10 activity or other direct effect in the
11 diagnosis, cure, mitigation, treatment,
12 or prevention of a disease, or to affect
13 the structure or any function of the
14 body of a human or animal; and

15 “(II) does not include—

16 “(aa) intermediates used in
17 the synthesis of a drug product;
18 or

19 “(bb) components that may
20 undergo chemical change in the
21 manufacture of a drug product
22 and be present in a drug product
23 in a modified form that is in-
24 tended to furnish such activity or
25 effect.

1 “(ii) AGREEMENT ON SUBSIDIES AND
2 COUNTERVAILING MEASURES.—The term
3 ‘Agreement on Subsidies and Counter-
4 vailing Measures’ means the agreement re-
5 ferred to in section 101(d)(12) of the Uru-
6 guay Round Agreements Act (19 U.S.C.
7 3511(d)(12)).

8 “(iii) ANTIDUMPING AGREEMENT.—
9 The term ‘Antidumping Agreement’ means
10 the Agreement on Implementation of Arti-
11 cle VI of the General Agreement on Tariffs
12 and Trade 1994 referred to in section
13 101(d)(7) of the Uruguay Round Agree-
14 ments Act (19 U.S.C. 3511(d)(7)).

15 “(iv) BIOLOGICAL PRODUCT.—The
16 term ‘biological product’ has the meaning
17 given to such term in section 351(i) of the
18 Public Health Service Act (42 U.S.C.
19 262(i)).

20 “(v) COVERED PHARMACEUTICAL
21 PRODUCT.—The term ‘covered pharma-
22 ceutical product’ means—

23 “(I) a drug (including a biologi-
24 cal product); or

1 “(II) an active pharmaceutical
2 ingredient.”.

3 **SEC. 305. REAUTHORIZATION OF TRADE AGREEMENTS AU-**
4 **THORITY.**

5 Section 103 of the Bipartisan Congressional Trade
6 Priorities and Accountability Act of 2015 (19 U.S.C.
7 4202) is amended—

8 (1) in subsection (a)—

9 (A) by striking “July 1, 2018” each place
10 it appears and inserting “July 1, 2023”; and

11 (B) by striking “July 1, 2021” each place
12 it appears and inserting “July 1, 2026”;

13 (2) in subsection (b)—

14 (A) by striking “July 1, 2018” each place
15 it appears and inserting “July 1, 2023”; and

16 (B) by striking “July 1, 2021” each place
17 it appears and inserting “July 1, 2026”; and

18 (3) in subsection (c)—

19 (A) by striking “July 1, 2018” each place
20 it appears and inserting “July 1, 2023”;

21 (B) by striking “June 30, 2018” and in-
22 sserting “June 30, 2023”;

23 (C) in paragraph (1)(B), by striking “July
24 1, 2021” and inserting “July 1, 2026”;

1 (D) in paragraph (2), by striking “April 1,
2 2018” and inserting “April 1, 2023”; and

3 (E) in paragraph (3), by striking “June 1,
4 2018” and inserting “June 1, 2023”.

5 **SEC. 306. SECURING ESSENTIAL MEDICAL MATERIALS.**

6 (a) STATEMENT OF POLICY.—Section 2(b) of the De-
7 fense Production Act of 1950 (50 U.S.C. 4502) is amend-
8 ed—

9 (1) by redesignating paragraphs (3) through
10 (8) as paragraphs (4) through (9), respectively; and

11 (2) by inserting after paragraph (2) the fol-
12 lowing:

13 “(3) authorities under this Act should be used
14 when appropriate to ensure the availability of med-
15 ical materials essential to national defense, including
16 through measures designed to secure the drug sup-
17 ply chain, and taking into consideration the impor-
18 tance of United States competitiveness, scientific
19 leadership and cooperation, and innovative capac-
20 ity;”.

21 (b) STRENGTHENING DOMESTIC CAPABILITY.—Sec-
22 tion 107 of the Defense Production Act of 1950 (50
23 U.S.C. 4517) is amended—

24 (1) in subsection (a), by inserting “(including
25 medical materials)” after “materials”; and

1 (2) in subsection (b)(1), by inserting “(includ-
2 ing medical materials such as drugs, devices, and bi-
3 ological products to diagnose, cure, mitigate, treat,
4 or prevent disease that are essential to national de-
5 fense)” after “essential materials”.

6 (c) STRATEGY ON SECURING SUPPLY CHAINS FOR
7 MEDICAL MATERIALS.—Title I of the Defense Production
8 Act of 1950 (50 U.S.C. 4511 et seq.) is amended by add-
9 ing at the end the following:

10 **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**
11 **MEDICAL MATERIALS.**

12 “(a) IN GENERAL.—Not later than 180 days after
13 the date of the enactment of this section, the President,
14 in consultation with the Secretary of Health and Human
15 Services, the Secretary of Commerce, the Secretary of
16 Homeland Security, and the Secretary of Defense, shall
17 transmit a strategy to the appropriate Members of Con-
18 gress that includes the following:

19 “(1) A detailed plan to use the authorities
20 under this title and title III, or any other provision
21 of law, to ensure the supply of medical materials (in-
22 cluding drugs, devices, and biological products (as
23 that term is defined in section 351 of the Public
24 Health Service Act (42 U.S.C. 262)) to diagnose,
25 cure, mitigate, treat, or prevent disease) essential to

1 national defense, to the extent necessary for the pur-
2 poses of this Act.

3 “(2) An analysis of vulnerabilities to existing
4 supply chains for such medical materials, and rec-
5 ommendations to address the vulnerabilities.

6 “(3) Measures to be undertaken by the Presi-
7 dent to diversify such supply chains, as appropriate
8 and as required for national defense.

9 “(4) A discussion of—

10 “(A) any significant effects resulting from
11 the plan and measures described in this sub-
12 section on the production, cost, or distribution
13 of biological products (as that term is defined
14 in section 351 of the Public Health Service Act
15 (42 U.S.C. 262)) or any other devices or drugs
16 (as defined under the Federal Food, Drug, and
17 Cosmetic Act (21 U.S.C. 301 et seq.));

18 “(B) a timeline to ensure that essential
19 components of the supply chain for medical ma-
20 terials are not under the exclusive control of a
21 foreign government in a manner that the Presi-
22 dent determines could threaten the national de-
23 fense of the United States; and

24 “(C) efforts to mitigate any risks resulting
25 from the plan and measures described in this

1 subsection to United States competitiveness,
2 scientific leadership, and innovative capacity,
3 including efforts to cooperate and proactively
4 engage with United States allies.

5 “(b) PROGRESS REPORT.—Following submission of
6 the strategy under subsection (a), the President shall sub-
7 mit to the appropriate Members of Congress an annual
8 progress report until September 30, 2025, evaluating the
9 implementation of the strategy, and may include updates
10 to the strategy as appropriate. The strategy and progress
11 reports shall be submitted in unclassified form but may
12 contain a classified annex.

13 “(c) APPROPRIATE MEMBERS OF CONGRESS.—The
14 term ‘appropriate Members of Congress’ means the
15 Speaker, majority leader, and minority leader of the
16 House of Representatives, the majority leader and minor-
17 ity leader of the Senate, the Chairman and Ranking Mem-
18 ber of the Committee on Financial Services of the House
19 of Representatives, and the Chairman and Ranking Mem-
20 ber of the Committee on Banking, Housing, and Urban
21 Affairs of the Senate.”.

22 **SEC. 307. INVESTMENT IN SUPPLY CHAIN SECURITY.**

23 (a) IN GENERAL.—Section 303 of the Defense Pro-
24 duction Act of 1950 (50 U.S.C. 4533) is amended by add-
25 ing at the end the following:

1 “(h) INVESTMENT IN SUPPLY CHAIN SECURITY.—

2 “(1) IN GENERAL.—In addition to other au-
3 thorities in this title, the President may make avail-
4 able to an eligible entity described in paragraph (2)
5 payments to increase the security of supply chains
6 and supply chain activities, if the President certifies
7 to Congress not less than 30 days before making
8 such a payment that the payment is critical to meet
9 national defense requirements of the United States.

10 “(2) ELIGIBLE ENTITY.—An eligible entity de-
11 scribed in this paragraph is an entity that—

12 “(A) is organized under the laws of the
13 United States or any jurisdiction within the
14 United States; and

15 “(B) produces—

16 “(i) one or more critical components;

17 “(ii) critical technology; or

18 “(iii) one or more products or raw
19 materials for the security of supply chains
20 or supply chain activities.

21 “(3) DEFINITIONS.—In this subsection, the
22 terms ‘supply chain’ and ‘supply chain activities’
23 have the meanings given those terms by the Presi-
24 dent by regulation.”.

25 (b) REGULATIONS.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, the President
3 shall prescribe regulations setting forth definitions
4 for the terms “supply chain” and “supply chain ac-
5 tivities” for the purposes of section 303(h) of the
6 Defense Production Act of 1950 (50 U.S.C.
7 4533(h)), as added by subsection (a).

8 (2) SCOPE OF DEFINITIONS.—The definitions
9 required by paragraph (1)—

10 (A) shall encompass—

11 (i) the organization, people, activities,
12 information, and resources involved in the
13 delivery and operation of a product or serv-
14 ice used by the Government; or

15 (ii) critical infrastructure as defined
16 in Presidential Policy Directive 21 (Feb-
17 ruary 12, 2013; relating to critical infra-
18 structure security and resilience); and

19 (B) may include variations as determined
20 necessary and appropriate by the President for
21 purposes of national defense.

1 **SEC. 308. PERMIT PROCESS FOR PROJECTS RELATING TO**
2 **EXTRACTION, RECOVERY, OR PROCESSING**
3 **OF CRITICAL MATERIALS.**

4 (a) DEFINITION OF COVERED PROJECT.—Section
5 41001(6)(A) of the FAST Act (42 U.S.C. 4370(m)(6)(A))
6 is amended—

7 (1) in clause (i)(III), by striking “; or” and in-
8 serting a semicolon;

9 (2) in clause (ii)(II), by striking the period and
10 inserting “; or”; and

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

12 “(iii) is related to the extraction, re-
13 covery, or processing from coal, coal waste,
14 coal processing waste, pre- or post-combus-
15 tion coal byproducts, or acid mine drainage
16 from coal mines of one of the following
17 materials:

18 “(I) Critical minerals (as such
19 term is defined in section 7002 of the
20 Energy Act of 2020).

21 “(II) Rare earth elements.

22 “(III) Microfine carbon or carbon
23 from coal.”.

24 (b) REPORT.—Not later than 6 months after the date
25 of enactment of this Act, the Secretary of the Interior
26 shall submit to the Committees on Energy and Natural

1 Resources and Commerce, Science, and Transportation of
2 the Senate and the Committees on Transportation and In-
3 frastructure, Natural Resources, and Energy and Com-
4 merce of the House of Representatives a report evaluating
5 the timeliness of implementation of reforms of the permit-
6 ting process required as a result of the amendments made
7 by this Act on the following:

8 (1) The economic and national security of the
9 United States.

10 (2) Domestic production and supply of critical
11 minerals, rare earths, and microfine carbon or car-
12 bon from coal.

13 **TITLE IV—MATTERS RELATING**
14 **TO RESEARCH AND DEVELOP-**
15 **MENT**

16 **SEC. 401. PERMANENT FULL EXPENSING FOR QUALIFIED**
17 **PROPERTY.**

18 (a) IN GENERAL.—Paragraph (6) of section 168(k)
19 of the Internal Revenue Code of 1986 is amended to read
20 as follows:

21 “(6) APPLICABLE PERCENTAGE.—For purposes
22 of this subsection, the term ‘applicable percentage’
23 means, in the case of property placed in service (or,
24 in the case of a specified plant described in para-

1 graph (5), a plant which is planted or grafted) after
2 September 27, 2017, 100 percent.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 168(k) of the Internal Revenue
5 Code of 1986 is amended—

6 (A) in paragraph (2)—

7 (i) in subparagraph (A)—

8 (I) in clause (i)(V), by inserting
9 “and” at the end;

10 (II) in clause (ii), by striking
11 “clause (ii) of subparagraph (E),
12 and” and inserting “clause (i) of sub-
13 paragraph (E).”; and

14 (III) by striking clause (iii);

15 (ii) in subparagraph (B)—

16 (I) in clause (i)—

17 (aa) by striking subclauses

18 (II) and (III); and

19 (bb) by redesignating sub-
20 clauses (IV) through (VI) as sub-
21 clauses (II) through (IV), respec-
22 tively;

23 (II) by striking clause (ii); and

1 (III) by redesignating clauses
2 (iii) and (iv) as clauses (ii) and (iii),
3 respectively;

4 (iii) in subparagraph (C)—

5 (I) in clause (i), by striking “and
6 subclauses (II) and (III) of subpara-
7 graph (B)(i)”;

8 (II) in clause (ii), by striking
9 “subparagraph (B)(iii)” and inserting
10 “subparagraph (B)(ii)”;

11 (iv) in subparagraph (E)—

12 (I) by striking clause (i); and

13 (II) by redesignating clauses (ii)
14 and (iii) as clauses (i) and (ii), respec-
15 tively; and

16 (B) in paragraph (5)(A), by striking
17 “planted before January 1, 2027, or is grafted
18 before such date to a plant that has already
19 been planted,” and inserting “planted or graft-
20 ed”.

21 (2) Section 460(c)(6)(B) of such Code is
22 amended by striking “which” and all that follows
23 through the period and inserting “which has a recov-
24 ery period of 7 years or less.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in section
3 13201 of Public Law 115–97.

4 **SEC. 402. RESEARCH AND EXPERIMENTAL EXPENDITURES.**

5 (a) IN GENERAL.—Section 174 of the Internal Rev-
6 enue Code of 1986 is amended to read as follows:

7 **“§ 174. Research and experimental expenditures**

8 **“(a) TREATMENT AS EXPENSES.—**

9 **“(1) IN GENERAL.—**A taxpayer may treat re-
10 search or experimental expenditures which are paid
11 or incurred by him during the taxable year in con-
12 nection with his trade or business as expenses which
13 are not chargeable to capital account. The expendi-
14 tures so treated shall be allowed as a deduction.

15 **“(2) WHEN METHOD MAY BE ADOPTED.—**

16 **“(A) WITHOUT CONSENT.—**A taxpayer
17 may, without the consent of the Secretary,
18 adopt the method provided in this subsection
19 for his first taxable year for which expenditures
20 described in paragraph (1) are paid or incurred.

21 **“(B) WITH CONSENT.—**A taxpayer may,
22 with the consent of the Secretary, adopt at any
23 time the method provided in this subsection.

24 **“(3) SCOPE.—**The method adopted under this
25 subsection shall apply to all expenditures described

1 in paragraph (1). The method adopted shall be ad-
2 hered to in computing taxable income for the taxable
3 year and for all subsequent taxable years unless,
4 with the approval of the Secretary, a change to a
5 different method is authorized with respect to part
6 or all of such expenditures.

7 “(b) AMORTIZATION OF CERTAIN RESEARCH AND
8 EXPERIMENTAL EXPENDITURES.—

9 “(1) IN GENERAL.—At the election of the tax-
10 payer, made in accordance with regulations pre-
11 scribed by the Secretary, research or experimental
12 expenditures which are—

13 “(A) paid or incurred by the taxpayer in
14 connection with his trade or business,

15 “(B) not treated as expenses under sub-
16 section (a), and

17 “(C) chargeable to capital account but not
18 chargeable to property of a character which is
19 subject to the allowance under section 167 (re-
20 lating to allowance for depreciation, etc.) or sec-
21 tion 611 (relating to allowance for depletion),

22 may be treated as deferred expenses. In computing
23 taxable income, such deferred expenses shall be al-
24 lowed as a deduction ratably over such period of not
25 less than 60 months as may be selected by the tax-

1 payer (beginning with the month in which the tax-
2 payer first realizes benefits from such expenditures).
3 Such deferred expenses are expenditures properly
4 chargeable to capital account for purposes of section
5 1016(a)(1) (relating to adjustments to basis of prop-
6 erty).

7 “(2) TIME FOR AND SCOPE OF ELECTION.—The
8 election provided by paragraph (1) may be made for
9 any taxable year, but only if made not later than the
10 time prescribed by law for filing the return for such
11 taxable year (including extensions thereof). The
12 method so elected, and the period selected by the
13 taxpayer, shall be adhered to in computing taxable
14 income for the taxable year for which the election is
15 made and for all subsequent taxable years unless,
16 with the approval of the Secretary, a change to a
17 different method (or to a different period) is author-
18 ized with respect to part or all of such expenditures.
19 The election shall not apply to any expenditure paid
20 or incurred during any taxable year before the tax-
21 able year for which the taxpayer makes the election.

22 “(c) LAND AND OTHER PROPERTY.—This section
23 shall not apply to any expenditure for the acquisition or
24 improvement of land, or for the acquisition or improve-
25 ment of property to be used in connection with the re-

1 search or experimentation and of a character which is sub-
2 ject to the allowance under section 167 (relating to allow-
3 ance for depreciation, etc.) or section 611 (relating to al-
4 lowance for depletion); but for purposes of this section al-
5 lowances under section 167, and allowances under section
6 611, shall be considered as expenditures.

7 “(d) EXPLORATION EXPENDITURES.—This section
8 shall not apply to any expenditure paid or incurred for
9 the purpose of ascertaining the existence, location, extent,
10 or quality of any deposit of ore or other mineral (including
11 oil and gas).

12 “(e) ONLY REASONABLE RESEARCH EXPENDITURES
13 ELIGIBLE.—This section shall apply to a research or ex-
14 perimental expenditure only to the extent that the amount
15 thereof is reasonable under the circumstances.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 for part VI of subchapter B of chapter 1 of such Code
18 is amended by striking the item relating to section 174
19 and inserting the following new item:

“Sec. 174. Research and experimental expenditures.”.

20 (c) CONFORMING AMENDMENTS.—

21 (1) Section 41(d)(1)(A) of such Code is amend-
22 ed by striking “specified research or experimental
23 expenditures under section 174” and inserting “ex-
24 penses under section 174”.

1 (2) Section 280C(c) of such Code is amended to
2 read as follows:

3 “(c) CREDIT FOR INCREASING RESEARCH ACTIVI-
4 TIES.—

5 “(1) IN GENERAL.—No deduction shall be al-
6 lowed for that portion of the qualified research ex-
7 penses (as defined in section 41(b)) or basic re-
8 search expenses (as defined in section 41(e)(2)) oth-
9 erwise allowable as a deduction for the taxable year
10 which is equal to the amount of the credit deter-
11 mined for such taxable year under section 41(a).

12 “(2) SIMILAR RULE WHERE TAXPAYER CAP-
13 ITALIZES RATHER THAN DEDUCTS EXPENSES.—If—

14 “(A) the amount of the credit determined
15 for the taxable year under section 41(a)(1), ex-
16 ceeds

17 “(B) the amount allowable as a deduction
18 for such taxable year for qualified research ex-
19 penses or basic research expenses (determined
20 without regard to paragraph (1)),

21 the amount chargeable to capital account for the
22 taxable year for such expenses shall be reduced by
23 the amount of such excess.

24 “(3) ELECTION OF REDUCED CREDIT.—

1 “(A) IN GENERAL.—In the case of any
2 taxable year for which an election is made
3 under this paragraph—

4 “(i) paragraphs (1) and (2) shall not
5 apply, and

6 “(ii) the amount of the credit under
7 section 41(a) shall be the amount deter-
8 mined under subparagraph (B).

9 “(B) AMOUNT OF REDUCED CREDIT.—The
10 amount of credit determined under this sub-
11 paragraph for any taxable year shall be the
12 amount equal to the excess of—

13 “(i) the amount of credit determined
14 under section 41(a) without regard to this
15 paragraph, over

16 “(ii) the product of—

17 “(I) the amount described in
18 clause (i), and

19 “(II) the rate of tax under sec-
20 tion 11(b).

21 “(C) ELECTION.—An election under this
22 paragraph for any taxable year shall be made
23 not later than the time for filing the return of
24 tax for such year (including extensions), shall
25 be made on such return, and shall be made in

1 such manner as the Secretary may prescribe.
2 Such an election, once made, shall be irrev-
3 ocable.

4 “(4) CONTROLLED GROUPS.—Paragraph (3) of
5 subsection (b) shall apply for purposes of this sub-
6 section.”.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to amounts paid or incurred in tax-
9 able years beginning after December 31, 2021.

10 **SEC. 403. REPEAL AND CODIFICATION OF CERTAIN EXECU-**
11 **TIVE ORDERS.**

12 (a) REPEAL.—The Executive order relating to the
13 revocation of certain Executive orders concerning Federal
14 regulation, signed on January 20, 2021, is hereby re-
15 scinded.

16 (b) CODIFICATION OF EXECUTIVE ORDERS.—The
17 following Executive orders shall have the force and effect
18 of law:

19 (1) Executive Order 13771 (82 Fed. Reg.
20 12866; relating to reducing regulation and control-
21 ling regulatory costs).

22 (2) Executive Order 13777 (82 Fed. Reg.
23 12285; relating to enforcing the regulatory reform
24 agenda).

1 (3) Executive Order 13891 (84 Fed. Reg.
2 55235; relating to improving agency guidance docu-
3 ments).

4 (4) Executive Order 13892 (84 Fed. Reg.
5 55239; relating to transparency in administrative
6 enforcement and adjudication).

7 (5) Executive Order 13893 (84 Fed. Reg.
8 55487; relating to accountability for administrative
9 actions).

10 **SEC. 404. EDUCATIONAL ASSISTANCE EXCLUSION FROM**
11 **GROSS INCOME INCREASED.**

12 (a) Section 127(b)(2) of the Internal Revenue Code
13 of 1986 is amended to read as follows:

14 “(2) MAXIMUM EXCLUSION.—

15 “(A) IN GENERAL.—If but for this para-
16 graph, this section would exclude from gross in-
17 come more than the maximum amount of edu-
18 cational assistance furnished to an individual
19 during a calendar year, this section shall apply
20 only to the maximum amount of such assistance
21 so furnished.

22 “(B) MAXIMUM AMOUNT.—For purposes
23 of subparagraph (B), the term ‘maximum
24 amount’ means, for any calendar year, an
25 amount equal to the applicable dollar amount

1 for elective deferrals described in section
2 402(g)(1)(B) (as such amount is adjusted for
3 inflation for such calendar year).”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 this section shall apply to educational assistance furnished
6 in taxable years beginning after December 31, 2020.

7 (a) IN GENERAL.—Section 174 of the Internal Rev-
8 enue Code of 1986 is amended to read as follows:

9 **“§ 174. Research and experimental expenditures**

10 “(a) TREATMENT AS EXPENSES.—

11 “(1) IN GENERAL.—A taxpayer may treat re-
12 search or experimental expenditures which are paid
13 or incurred by him during the taxable year in con-
14 nection with his trade or business as expenses which
15 are not chargeable to capital account. The expendi-
16 tures so treated shall be allowed as a deduction.

17 “(2) WHEN METHOD MAY BE ADOPTED.—

18 “(A) WITHOUT CONSENT.—A taxpayer
19 may, without the consent of the Secretary,
20 adopt the method provided in this subsection
21 for his first taxable year for which expenditures
22 described in paragraph (1) are paid or incurred.

23 “(B) WITH CONSENT.—A taxpayer may,
24 with the consent of the Secretary, adopt at any
25 time the method provided in this subsection.

1 “(3) SCOPE.—The method adopted under this
2 subsection shall apply to all expenditures described
3 in paragraph (1). The method adopted shall be ad-
4 hered to in computing taxable income for the taxable
5 year and for all subsequent taxable years unless,
6 with the approval of the Secretary, a change to a
7 different method is authorized with respect to part
8 or all of such expenditures.

9 “(b) AMORTIZATION OF CERTAIN RESEARCH AND
10 EXPERIMENTAL EXPENDITURES.—

11 “(1) IN GENERAL.—At the election of the tax-
12 payer, made in accordance with regulations pre-
13 scribed by the Secretary, research or experimental
14 expenditures which are—

15 “(A) paid or incurred by the taxpayer in
16 connection with his trade or business,

17 “(B) not treated as expenses under sub-
18 section (a), and

19 “(C) chargeable to capital account but not
20 chargeable to property of a character which is
21 subject to the allowance under section 167 (re-
22 lating to allowance for depreciation, etc.) or sec-
23 tion 611 (relating to allowance for depletion),
24 may be treated as deferred expenses. In computing
25 taxable income, such deferred expenses shall be al-

1 lowed as a deduction ratably over such period of not
2 less than 60 months as may be selected by the tax-
3 payer (beginning with the month in which the tax-
4 payer first realizes benefits from such expenditures).
5 Such deferred expenses are expenditures properly
6 chargeable to capital account for purposes of section
7 1016(a)(1) (relating to adjustments to basis of prop-
8 erty).

9 “(2) TIME FOR AND SCOPE OF ELECTION.—The
10 election provided by paragraph (1) may be made for
11 any taxable year, but only if made not later than the
12 time prescribed by law for filing the return for such
13 taxable year (including extensions thereof). The
14 method so elected, and the period selected by the
15 taxpayer, shall be adhered to in computing taxable
16 income for the taxable year for which the election is
17 made and for all subsequent taxable years unless,
18 with the approval of the Secretary, a change to a
19 different method (or to a different period) is author-
20 ized with respect to part or all of such expenditures.
21 The election shall not apply to any expenditure paid
22 or incurred during any taxable year before the tax-
23 able year for which the taxpayer makes the election.

24 “(c) LAND AND OTHER PROPERTY.—This section
25 shall not apply to any expenditure for the acquisition or

1 improvement of land, or for the acquisition or improve-
2 ment of property to be used in connection with the re-
3 search or experimentation and of a character which is sub-
4 ject to the allowance under section 167 (relating to allow-
5 ance for depreciation, etc.) or section 611 (relating to al-
6 lowance for depletion); but for purposes of this section al-
7 lowances under section 167, and allowances under section
8 611, shall be considered as expenditures.

9 “(d) EXPLORATION EXPENDITURES.—This section
10 shall not apply to any expenditure paid or incurred for
11 the purpose of ascertaining the existence, location, extent,
12 or quality of any deposit of ore or other mineral (including
13 oil and gas).

14 “(e) ONLY REASONABLE RESEARCH EXPENDITURES
15 ELIGIBLE.—This section shall apply to a research or ex-
16 perimental expenditure only to the extent that the amount
17 thereof is reasonable under the circumstances.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 for part VI of subchapter B of chapter 1 of such Code
20 is amended by striking the item relating to section 174
21 and inserting the following new item:

“Sec. 174. Research and experimental expenditures.”.

22 (c) CONFORMING AMENDMENTS.—

23 (1) Section 41(d)(1)(A) of such Code is amend-
24 ed by striking “specified research or experimental

1 expenditures under section 174” and inserting “ex-
2 penses under section 174”.

3 (2) Section 280C(c) of such Code is amended to
4 read as follows:

5 “(c) CREDIT FOR INCREASING RESEARCH ACTIVI-
6 TIES.—

7 “(1) IN GENERAL.—No deduction shall be al-
8 lowed for that portion of the qualified research ex-
9 penses (as defined in section 41(b)) or basic re-
10 search expenses (as defined in section 41(e)(2)) oth-
11 erwise allowable as a deduction for the taxable year
12 which is equal to the amount of the credit deter-
13 mined for such taxable year under section 41(a).

14 “(2) SIMILAR RULE WHERE TAXPAYER CAP-
15 ITALIZES RATHER THAN DEDUCTS EXPENSES.—If—

16 “(A) the amount of the credit determined
17 for the taxable year under section 41(a)(1), ex-
18 ceeds

19 “(B) the amount allowable as a deduction
20 for such taxable year for qualified research ex-
21 penses or basic research expenses (determined
22 without regard to paragraph (1)),
23 the amount chargeable to capital account for the
24 taxable year for such expenses shall be reduced by
25 the amount of such excess.

1 “(3) ELECTION OF REDUCED CREDIT.—

2 “(A) IN GENERAL.—In the case of any
3 taxable year for which an election is made
4 under this paragraph—

5 “(i) paragraphs (1) and (2) shall not
6 apply, and

7 “(ii) the amount of the credit under
8 section 41(a) shall be the amount deter-
9 mined under subparagraph (B).

10 “(B) AMOUNT OF REDUCED CREDIT.—The
11 amount of credit determined under this sub-
12 paragraph for any taxable year shall be the
13 amount equal to the excess of—

14 “(i) the amount of credit determined
15 under section 41(a) without regard to this
16 paragraph, over

17 “(ii) the product of—

18 “(I) the amount described in
19 clause (i), and

20 “(II) the rate of tax under sec-
21 tion 11(b).

22 “(C) ELECTION.—An election under this
23 paragraph for any taxable year shall be made
24 not later than the time for filing the return of
25 tax for such year (including extensions), shall

1 be made on such return, and shall be made in
2 such manner as the Secretary may prescribe.
3 Such an election, once made, shall be irrev-
4 ocable.

5 “(4) CONTROLLED GROUPS.—Paragraph (3) of
6 subsection (b) shall apply for purposes of this sub-
7 section.”.

8 (d) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to amounts paid or incurred in tax-
10 able years beginning after December 31, 2021.

11 **TITLE V—MATTERS RELATED TO**
12 **EDUCATION**

13 **Subtitle A—Restrictions Relating**
14 **to Foreign Funding of Edu-**
15 **cational Institutions**

16 **SEC. 501. RESTRICTIONS ON INSTITUTIONS PARTNERING**
17 **WITH THE PEOPLE’S REPUBLIC OF CHINA.**

18 (a) FUNDING RESTRICTED.—An institution of higher
19 education or other post-secondary educational institution
20 shall not be eligible to receive Federal funds (except funds
21 under title IV of the Higher Education Act of 1965 (20
22 U.S.C. 1070 et seq.) or other Department of Education
23 funds that are provided directly to students) if such insti-
24 tution:

1 (1) has a contractual partnership in effect with
2 an entity that is owned or controlled, directly or in-
3 directly, by the Government of the People’s Republic
4 of China;

5 (2) has a contractual partnership in effect with
6 an entity that is organized under the laws of the
7 People’s Republic of China; or

8 (3) employs a CCP-funded instructor.

9 (b) RESTORING ELIGIBILITY.—An institution ineli-
10 gible to receive Federal funds under subsection (a) may
11 reestablish eligibility by—

12 (1) in the case of a contractual partnership
13 with an entity described in subsection (a)(1) or
14 (a)(2):

15 (A) disclosing to the Secretary of Edu-
16 cation all contractual partnerships with the ap-
17 plicable entity from the previous 10 years; and

18 (B) providing to the Secretary of Edu-
19 cation sufficient evidence that such partnerships
20 have been terminated; or

21 (2) in the case of the employment of a CCP-
22 funded instructor as described in subsection (a)(3),
23 by demonstrating, to the satisfaction of the Sec-
24 retary of Education, that the institution no longer
25 employs a CCP-funded instructor.

1 (c) CCP-FUNDED INSTRUCTOR DEFINED.—In this
2 section, the term “CCP-funded instructor” means a pro-
3 fessor, teacher, or any other individual who—

4 (1) provides instruction directly to the students
5 of an institution of higher education; and

6 (2) received funds, directly or indirectly, from
7 the Chinese Communist Party while employed by
8 such institution.

9 (d) EFFECTIVE DATE.—The restrictions under this
10 section shall take effect 180 days after the date of the
11 enactment of this Act.

12 **SEC. 502. LIMITING EXEMPTION FROM FOREIGN AGENT**
13 **REGISTRATION REQUIREMENT FOR PERSONS**
14 **ENGAGING IN ACTIVITIES IN FURTHERANCE**
15 **OF CERTAIN PURSUITS TO ACTIVITIES NOT**
16 **PROMOTING POLITICAL AGENDA OF FOR-**
17 **EIGN GOVERNMENTS.**

18 (a) LIMITATION ON EXEMPTION.—Section 3(e) of the
19 Foreign Agents Registration Act of 1938 (22 U.S.C.
20 613(e)) is amended by striking the semicolon at the end
21 and inserting the following: “, but only if the activities
22 do not promote the political agenda of a government of
23 a foreign country;”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall apply with respect to activities carried
3 out on or after the date of the enactment of this Act.

4 **SEC. 503. REPORTING EXCHANGE VISITOR CHANGE IN**
5 **FIELD OF STUDY.**

6 With respect to a principal nonimmigrant exchange
7 visitor admitted into the United States in the J–1 classi-
8 fication under section 101(a)(15)(J) of the Immigration
9 and Nationality Act (8 U.S.C. 1101(a)(15)(J)) in order
10 to study, the Secretary of State shall take such action as
11 may be necessary to ensure that the applicable program
12 sponsor is required to use the Student and Exchange Vis-
13 itor Information System to report any change to the non-
14 immigrant’s primary field of study. In carrying out this
15 section, the Secretary of State shall take into account the
16 record keeping and reporting requirements of the Sec-
17 retary of Homeland Security with regard to non-
18 immigrants admitted into the United States in the F–1
19 and M–1 classifications under subparagraphs (F) and (M)
20 of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

21 **SEC. 504. REPORTING CERTAIN RESEARCH PROGRAM PAR-**
22 **TICIPATION.**

23 (a) IN GENERAL.—With respect to a principal non-
24 immigrant admitted into the United States in the J–1
25 classification under section 101(a)(15)(J) of the Immigra-

1 tion and Nationality Act (8 U.S.C. 1101(a)(15)(J)), in the
2 F-1 classification under section 101(a)(15)(F) of such
3 Act, or in the M-1 classification under section
4 101(a)(15)(M) of such Act, the Secretary of State and the
5 Secretary of Homeland Security shall take such action as
6 may be necessary to ensure that the applicable program
7 sponsor or academic or nonacademic institution is re-
8 quired to use the Student and Exchange Visitor Informa-
9 tion System to report when the nonimmigrant is partici-
10 pating in a research program funded in whole or in part
11 through a grant, contract, or other similar form of support
12 provided by the Federal Government, as well as program
13 identification information.

14 (b) NOTIFICATIONS.—

15 (1) SECRETARY.—In the case of a non-
16 immigrant described in subsection (a), the Secretary
17 of Homeland Security shall notify the appropriate
18 program manager at an Executive agency (as de-
19 fined in section 105 of title 5, United States Code)
20 if and when the Secretary obtains information that
21 the nonimmigrant is participating in a research pro-
22 gram funded in whole or in part through a grant,
23 contract, or other similar form of support provided
24 by such agency prior to the commencement of that

1 nonimmigrant's participation and not later than 21
2 days after authorizing such participation.

3 (2) SPONSOR OR INSTITUTION.—In the case of
4 a nonimmigrant described in subsection (a), the ap-
5 plicable program sponsor or academic or nonaca-
6 demic institution shall notify the appropriate pro-
7 gram manager at an Executive agency (as defined in
8 section 105 of title 5, United States Code) if and
9 when the sponsor or institution obtains information
10 that the nonimmigrant is participating in a research
11 program funded in whole or in part through a grant,
12 contract, or other similar form of support provided
13 by such agency prior to the commencement of that
14 nonimmigrant's participation and not later than 21
15 days after authorizing such participation.

16 **SEC. 505. REVIEW AND REVOCATION OF CERTAIN NON-**
17 **IMMIGRANT VISAS.**

18 (a) IN GENERAL.—The Secretary of Homeland Secu-
19 rity shall have the authority to review and revoke a non-
20 immigrant visa granted under subparagraph (F), (J), or
21 (M) of section 101(a)(15) of the Immigration and Nation-
22 ality Act (8 U.S.C. 1101(a)(15)) if, in consultation with
23 the Attorney General, the Secretary finds that—

1 (1) the visa holder has misrepresented his or
2 her intention to pursue a certain program or field of
3 study;

4 (2) following a change to the nonimmigrant's
5 primary field of study as described under section
6 504, that the new primary field of study would have
7 triggered a higher level of scrutiny during the visa
8 application process, and that the visa holder poses a
9 risk to the homeland security of the United States,
10 the national security of the United States, or re-
11 search integrity at their applicable program sponsor
12 or institution;

13 (3) the visa holder's enrollment in a research
14 program funded in whole or in part through a grant,
15 contract, or other similar form of support provided
16 by the Federal Government poses a risk to the
17 homeland security of the United States, the national
18 security of the United States, or research integrity
19 at their applicable program sponsor or institution; or

20 (4) the visa was granted to an alien who is a
21 citizen of the People's Republic of China if the Sec-
22 retary of State determines that the alien seeks to
23 enter the United States to participate in graduate-
24 level or post-graduate-level coursework or academic
25 research in a field of science, technology, engineer-

1 ing, or mathematics at an institution of higher edu-
2 cation.

3 (b) NOTICE.—Thirty days before the commencement
4 of a review under subsection (a), the Secretary of Home-
5 land Security shall provide the applicable program sponsor
6 or institution with a notice containing the specific basis
7 of the forthcoming review. During this 30-day period, the
8 program sponsor or institution may take corrective action
9 to alleviate any concerns raised by the Secretary. At the
10 conclusion of the 30-day period, the Secretary shall deter-
11 mine whether the program sponsor or institution has satis-
12 factorily addressed the concerns or a review remains nec-
13 essary.

14 (c) ADMINISTRATIVE AND JUDICIAL REVIEW.—

15 (1) IN GENERAL.—There shall be no adminis-
16 trative or judicial review of a determination to re-
17 voke a visa under this section except in accordance
18 with this subsection.

19 (2) ADMINISTRATIVE REVIEW.—

20 (A) SINGLE LEVEL OF ADMINISTRATIVE
21 APPELLATE REVIEW.—The Secretary of Home-
22 land Security shall establish an appellate au-
23 thority to provide for a single level of adminis-
24 trative appellate review of such a determination.

1 (B) STANDARD FOR REVIEW.—Such ad-
2 ministrative appellate review shall be based
3 solely upon the administrative record estab-
4 lished at the time of the determination and
5 upon such additional or newly discovered evi-
6 dence as may not have been available at the
7 time of the determination.

8 (3) JUDICIAL REVIEW.—

9 (A) LIMITATION TO REVIEW OF RE-
10 MOVAL.—There shall be judicial review of a de-
11 termination to revoke a visa under this section
12 only in the judicial review of an order of re-
13 moval under section 242 of the Immigration
14 and Nationality Act (8 U.S.C. 1252).

15 (B) STANDARD FOR JUDICIAL REVIEW.—
16 Such judicial review shall be based solely upon
17 the administrative record established at the
18 time of the review by the appellate authority
19 and the findings of fact and determinations
20 contained in such record shall be conclusive un-
21 less the applicant can establish abuse of discre-
22 tion or that the findings are directly contrary to
23 clear and convincing facts contained in the
24 record considered as a whole.

1 **SEC. 506. ANNUAL REPORT.**

2 (a) IN GENERAL.—The Secretary of Homeland Secu-
3 rity shall require the Academic Institutions Subcommittee
4 of the Homeland Security Advisory Council of the Depart-
5 ment of Homeland Security to provide an annual report
6 to the Committee on the Judiciary, the Committee on
7 Homeland Security, and the Committee on Foreign Af-
8 fairs of the House of Representatives, and the Committee
9 on the Judiciary, the Committee on Homeland Security
10 and Governmental Affairs, and the Committee on Foreign
11 Relations of the Senate, on—

12 (1) the implementation and execution of any
13 visa reviews and revocations undertaken under sec-
14 tion 506;

15 (2) the number of alien students enrolled at
16 academic or nonacademic institutions in the United
17 States, disaggregated by—

18 (A) program of study;

19 (B) previous and current nationality; and

20 (C) participation in a research program
21 (which may or may not be classified) funded in
22 whole or in part through a grant, contract, or
23 other similar form of support provided by the
24 Federal Government, differentiated by agency,
25 sub-agency, and program; and

1 (3) the number of alien students who have
2 changed their field of study, including their original
3 and subsequent field of study, disaggregated by the
4 information described in subparagraphs (A), (B),
5 and (C) of paragraph (2).

6 (b) APPENDIX.—Each report under subsection (a)
7 shall include an appendix containing any feedback pro-
8 vided on a voluntary basis by any program sponsor or in-
9 stitution affected by a visa review or revocation under-
10 taken under section 506.

11 **Subtitle B—Protecting Our**
12 **Universities Act**

13 **SEC. 511. SENSITIVE RESEARCH PROJECT LIST.**

14 (a) SENSITIVE RESEARCH PROJECT LIST.—The Of-
15 fice of the Director of National Intelligence shall, in con-
16 sultation with the National Security Advisor shall actively
17 maintain a list of sensitive research projects. Such list
18 shall—

19 (1) be referred to as the Sensitive Research
20 Projects List; and

21 (2) for each project included on the list, indi-
22 cate—

23 (A) the qualified funding agency that is
24 funding the project;

1 (B) whether the project is open to student
2 participation; and

3 (C) whether the project is related to—

4 (i) an item listed on the Commerce
5 Control List (CCL) maintained by the De-
6 partment of Commerce;

7 (ii) an item listed on the United
8 States Munitions List maintained by the
9 Department of State; or

10 (iii) technology designated by the Sec-
11 retary of Defense as having a technology
12 readiness level of 1, 2, or 3.

13 (b) REPORT TO CONGRESS.—Not later than one year
14 after the date of enactment of this Act, and every six
15 months thereafter, the interagency working group de-
16 scribed in section 1746 of the National Defense Authoriza-
17 tion Act for Fiscal Year 2020 (42 U.S.C. 6601 note) shall
18 provide a report to the Committee on Education and the
19 Workforce, the Committee on Armed Services, and the
20 Permanent Select Committee on Intelligence of the House
21 of Representatives, and to the Committee on Health, Edu-
22 cation, Labor, and Pensions, the Committee on Armed
23 Services, and the Select Committee on Intelligence of the
24 Senate, regarding the threat of espionage at institutions
25 of higher education. In each such briefing, the interagency

1 working group shall identify actions that may be taken
2 to reduce espionage carried out through student participa-
3 tion in sensitive research projects. The interagency work-
4 ing group shall also include in this report an assessment
5 of whether the current licensing regulations relating to the
6 International Traffic in Arms Regulations and the Export
7 Administration Regulations are sufficient to protect the
8 security of the projects listed on the Sensitive Research
9 Project List.

10 **SEC. 512. FOREIGN STUDENT PARTICIPATION IN SENSITIVE**
11 **RESEARCH PROJECTS.**

12 (a) APPROVAL OF FOREIGN STUDENT PARTICIPA-
13 TION REQUIRED.—Beginning on the date that is one year
14 after the date of enactment of this Act, for each project
15 on the Sensitive Research Project List that is open to stu-
16 dent participation, the head of such project at the institu-
17 tion of higher education at which the project is being car-
18 ried out shall ensure that each student participating in
19 such project shall be required to provide proof of citizen-
20 ship before the student is permitted to participate in such
21 project. A student who is a citizen of a country identified
22 in subsection (b) shall be permitted to participate in such
23 a project only if—

24 (1) the student applies for, and receives ap-
25 proval from, the Director of National Intelligence to

1 participate in such project, based on a background
2 check and any other information the Director deter-
3 mines to be appropriate; and

4 (2) in the case of such a project that is related
5 to an item or technology described in subparagraph
6 (C) of section 3(e)(2), the student applies for, and
7 receives approval from, the head of the qualified
8 funding agency, to participate in such project.

9 (b) LIST OF CITIZENSHIP REQUIRING APPROVAL.—
10 Approval under subsection (a) shall be required for any
11 student who is a citizen of a country that is one of the
12 following:

13 (1) The People’s Republic of China.

14 (2) The Democratic People’s Republic of Korea.

15 (3) The Russian Federation.

16 (4) The Islamic Republic of Iran.

17 (5) Any country identified by the head of the
18 qualified funding agency as requiring approval for
19 the purposes of this section.

20 **SEC. 513. FOREIGN ENTITIES.**

21 (a) LIST OF FOREIGN ENTITIES THAT POSE AN IN-
22 TELLIGENCE THREAT.—Not later than one year after the
23 date of the enactment of this Act, the Director of National
24 Intelligence shall identify foreign entities, including gov-
25 ernments, corporations, non-profit and for-profit organiza-

1 tions, and any subsidiary or affiliate of such an entity,
2 that the Director determines pose a threat of espionage
3 with respect to sensitive research projects, and shall de-
4 velop and maintain a list of such entities. The Director
5 may add or remove entities from such list at any time.
6 The initial list developed by the Director shall include the
7 following entities (including any subsidiary or affiliate):

- 8 (1) Huawei Technologies Company.
- 9 (2) ZTE Corporation.
- 10 (3) Hytera Communications Corporation.
- 11 (4) Hangzhou Hikvision Digital Technology
12 Company.
- 13 (5) Dahua Technology Company.
- 14 (6) Kaspersky Lab.
- 15 (7) Any entity that is owned or controlled by,
16 or otherwise has demonstrated financial ties to, the
17 government of a country identified under section
18 4(b).

19 (b) NOTICE TO INSTITUTIONS OF HIGHER EDU-
20 CATION.—The Director of National Intelligence shall
21 make the initial list required under subsection (a), and
22 any changes to such list, available to the Secretary of Edu-
23 cation, the interagency working group, and the head of
24 each qualified funding agency as soon as practicable. The
25 Secretary of Education shall provide such initial list and

1 subsequent amendments to each institution of higher edu-
2 cation at which a project on the Sensitive Research Project
3 List is being carried out.

4 (c) PROHIBITION ON USE OF CERTAIN TECH-
5 NOLOGIES.—Beginning on the date that is one year after
6 the date of the enactment of this Act, the head of each
7 sensitive research project shall, as a condition of receipt
8 of funds from a qualified funding agency, provide an as-
9 surance to such qualified funding agency that, beginning
10 on the date that is two years after the date of the enact-
11 ment of this Act, any technology developed by an entity
12 included on the list maintained under subsection (a) shall
13 not be utilized in carrying out the sensitive research
14 project.

15 **SEC. 514. ENFORCEMENT.**

16 The head of each qualified funding agency shall take
17 such steps as may be necessary to enforce the provisions
18 of sections 510 and 511 of this Act. Upon determination
19 that the head of a sensitive research project has failed to
20 meet the requirements of either section 510 or section
21 511, the head of a qualified funding agency may determine
22 the appropriate enforcement action, including—

23 (1) imposing a probationary period, not to ex-
24 ceed 6 months, on the head of such project, or on
25 the project;

1 (2) reducing or otherwise limiting the funding
2 for such project until the violation has been rem-
3 edied;

4 (3) permanently cancelling the funding for such
5 project; or

6 (4) any other action the head of the qualified
7 funding agency determines to be appropriate.

8 **SEC. 515. DEFINITIONS.**

9 In this subtitle:

10 (1) **CITIZEN OF A COUNTRY.**—The term “cit-
11 izen of a country”, with respect to a student, in-
12 cludes all countries in which the student has held or
13 holds citizenship or holds permanent residency.

14 (2) **INSTITUTION OF HIGHER EDUCATION.**—The
15 term “institution of higher education” means an in-
16 stitution described in section 102 of the Higher
17 Education Act of 1965 (20 U.S.C. 1002) that re-
18 ceives Federal funds in any amount and for any pur-
19 pose.

20 (3) **INTELLIGENCE COMMUNITY.**—The term
21 “intelligence community” has the meaning given
22 that term in section 3 of the National Security Act
23 of 1947 (50 U.S.C. 3003).

1 (4) QUALIFIED FUNDING AGENCY.—The term
2 “qualified funding agency”, with respect to a sen-
3 sitive research project, means—

4 (A) the Department of Defense, if the sen-
5 sitive research project is funded in whole or in
6 part by the Department of Defense;

7 (B) the Department of Energy, if the sen-
8 sitive research project is funded in whole or in
9 part by the Department of Energy; or

10 (C) an element of the intelligence commu-
11 nity, if the sensitive research project is funded
12 in whole or in part by the element of the intel-
13 ligence community.

14 (5) SENSITIVE RESEARCH PROJECT.—The term
15 “sensitive research project” means a research
16 project at an institution of higher education that is
17 funded by a qualified funding agency, except that
18 such term shall not include any research project that
19 is classified or that requires the participants in such
20 project to obtain a security clearance.

21 (6) STUDENT PARTICIPATION.—The term “stu-
22 dent participation” shall not include student activity
23 in—

24 (A) a research project that is required for
25 completion of a course in which the student is

1 enrolled at an institution of higher education;
2 or

3 (B) a research project for which the stu-
4 dent is conducting unpaid research.

5 **SEC. 516. DISCLOSURE OF FOREIGN GIFTS.**

6 (a) IN GENERAL.—Section 117 of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1011(f) is amended to read
8 as follows:

9 **“SEC. 117. DISCLOSURES OF FOREIGN GIFTS.**

10 “(a) DISCLOSURE REPORTS.—

11 “(1) AGGREGATE GIFTS AND CONTRACT DIS-
12 CLOSURES.—An institution shall file a disclosure re-
13 port in accordance with subsection (b)(1) with the
14 Secretary on July 31 of the calendar year imme-
15 diately following any calendar year in which—

16 “(A) the institution receives a gift from, or
17 enters into a contract with, a foreign source
18 (other than a foreign country of concern or for-
19 eign entity of concern)—

20 “(i) the value of which is \$50,000 or
21 more, considered alone or in combination
22 with all other gifts from, or contracts with,
23 that foreign source within the calendar
24 year; or

1 “(ii) the value of which is undeter-
2 mined; or

3 “(B) the institution receives a gift from a
4 foreign country of concern or foreign entity of
5 concern, or, upon receiving a waiver under sec-
6 tion 117A to enter into a contract with such a
7 country or entity, enters into such contract,
8 without regard to the value of such gift or con-
9 tract.

10 “(2) FOREIGN SOURCE OWNERSHIP OR CON-
11 TROL DISCLOSURES.—In the case of an institution
12 that is substantially controlled (as described in sec-
13 tion 668.174(c)(3) of title 34, Code of Federal Reg-
14 ulations) (or successor regulations) by a foreign
15 source, the institution shall file a disclosure report
16 in accordance with subsection (b)(2) with the Sec-
17 retary on July 31 of each year.

18 “(3) TREATMENT OF AFFILIATED ENTITIES.—
19 For purposes of this section, any gift to, or contract
20 with, an affiliated entity of an institution shall be
21 considered a gift to or contract with, respectively,
22 such institution.

23 “(b) CONTENTS OF REPORT.—

1 “(1) GIFTS AND CONTRACTS.—Each report to
2 the Secretary required under subsection (a)(1) shall
3 contain the following:

4 “(A) With respect to a gift received from,
5 or a contract entered into with, any foreign
6 source—

7 “(i) the terms of such gift or contract,
8 including—

9 “(I) the name of the individual,
10 department, or benefactor at the insti-
11 tution receiving the gift or carrying
12 out the contract;

13 “(II) the intended purpose of
14 such gift or contract, as provided to
15 the institution by such foreign source,
16 or if no such purpose is provided by
17 such foreign source, the intended use
18 of such gift or contract, as provided
19 by the institution; and

20 “(III) in the case of a restricted
21 or conditional gift or contract, a de-
22 scription of the restrictions or condi-
23 tions of such gift or contract;

24 “(ii) with respect to a gift—

1 “(I) the total fair market dollar
2 amount or dollar value of the gift, as
3 of the date of submission of such re-
4 port; and;

5 “(II) the date on which the insti-
6 tution received such gift;

7 “(iii) with respect to a contract—

8 “(I) the date on which such con-
9 tract commences;

10 “(II) as applicable, the date on
11 which such contract terminates; and

12 “(III) an assurance that the in-
13 stitution will—

14 “(aa) maintain an
15 unredacted copy of the contract
16 until the latest of—

17 “(AA) the date that is
18 5 years after the date on
19 which the contract com-
20 mences;

21 “(BB) the date on
22 which the contract termi-
23 nates; or

24 “(CC) the last day of
25 any period that applicable

1 State law requires a copy of
2 such contract to be main-
3 tained; and

4 “(bb) upon request of the
5 Secretary during an investigation
6 under subsection section
7 117D(a)(1), produce such an
8 unredacted copy of the contract;
9 and

10 “(iv) an assurance that in a case in
11 which information is required to be dis-
12 closed under this section with respect to a
13 gift or contract that is not in English, such
14 information is translated into English in
15 compliance with the requirements of sub-
16 section (c)(1).

17 “(B) With respect to a gift received from,
18 or a contract entered into with, a foreign source
19 that is a foreign government (other than the
20 government of a foreign country of concern)—

21 “(i) the name of such foreign govern-
22 ment;

23 “(ii) the department, agency, office,
24 or division of such foreign government that

1 approved such gift or contract, as applica-
2 ble; and

3 “(iii) the physical mailing address of
4 such department, agency, office, or divi-
5 sion.

6 “(C) With respect to a gift received from,
7 or contract entered into with, a foreign source
8 (other than a foreign government subject to the
9 requirements of subparagraph (B))—

10 “(i) the legal name of the foreign
11 source, or, if such name is not available, a
12 statement certified by the compliance offi-
13 cer in accordance with subsection (f)(2)
14 that the institution has reasonably at-
15 tempted to obtain such name;

16 “(ii) in the case of a foreign source
17 that is a natural person, the country of
18 citizenship of such person, or, if such coun-
19 try is not known, the principal country of
20 residence of such person;

21 “(iii) in the case of a foreign source
22 that is a legal entity, the country in which
23 such entity is incorporated, or if such in-
24 formation is not available, the principal
25 place of business of such entity;

1 “(iv) the physical mailing address of
2 such foreign source, or if such address is
3 not available, a statement certified by the
4 compliance officer in accordance with sub-
5 section (f)(2) that the institution has rea-
6 sonably attempted to obtain such address;
7 and

8 “(v) any affiliation of the foreign
9 source to an organization that is des-
10 ignated as a foreign terrorist organization
11 pursuant to section 219 of the Immigra-
12 tion and Nationality Act (8 U.S.C. 1189).

13 “(D) With respect to a contract entered
14 into with a foreign source that is a foreign
15 country of concern or a foreign entity of con-
16 cern—

17 “(i) a complete and unredacted text of
18 the original contract, and if such original
19 contract is not in English, a translated
20 copy of the text into English;

21 “(ii) a copy of the waiver received
22 under section 117A for such contract; and

23 “(iii) the statement submitted by the
24 institution for purposes of receiving such a
25 waiver under section 117A(b)(1).

1 “(2) FOREIGN SOURCE OWNERSHIP OR CON-
2 TROL.—Each report to the Secretary required under
3 subsection (a)(2) shall contain—

4 “(A) the legal name and address of the
5 foreign source that owns or controls the institu-
6 tion;

7 “(B) the date on which the foreign source
8 assumed ownership or control; and

9 “(C) any changes in program or structure
10 resulting from the change in ownership or con-
11 trol.

12 “(c) TRANSLATION REQUIREMENTS.—Any informa-
13 tion required to be disclosed under this section with re-
14 spect to a gift or contract that is not in English shall be
15 translated, for purposes of such disclosure, by a person
16 that is not an affiliated entity or agent of the foreign
17 source involved with such gift or contract.

18 “(d) PUBLIC INSPECTION.—

19 “(1) DATABASE REQUIREMENT.—Beginning not
20 later than 60 days before the July 31 immediately
21 following the date of the enactment of the DETER-
22 RENT Act, the Secretary shall—

23 “(A) establish and maintain a searchable
24 database on a website of the Department, under
25 which all reports submitted under this section

1 (including any report submitted under this sec-
2 tion before the date of the enactment of the
3 DETERRENT Act)—

4 “(i) are made publicly available (in
5 electronic and downloadable format), in-
6 cluding any information provided in such
7 reports (other than the information prohib-
8 ited from being publicly disclosed pursuant
9 to paragraph (2));

10 “(ii) can be individually identified and
11 compared; and

12 “(iii) are searchable and sortable by—

13 “(I) the date the institution filed
14 such report;

15 “(II) the date on which the insti-
16 tution received the gift, or entered
17 into the contract, which is the subject
18 of the report;

19 “(III) the attributable country of
20 such gift or contract; and

21 “(IV) the name of the foreign
22 source (other than a foreign source
23 that is a natural person);

1 “(B) not later than 30 days after receipt
2 of a disclosure report under this section, include
3 such report in such database;

4 “(C) indicate, as part of the public record
5 of a report included in such database, whether
6 the report is with respect to a gift received
7 from, or a contract entered into with—

8 “(i) a foreign source that is a foreign
9 government; or

10 “(ii) a foreign source that is not a for-
11 eign government; and

12 “(D) with respect to a disclosure report
13 that does not include the name or address of a
14 foreign source, indicate, as part of the public
15 record of such report included in such database,
16 that such report did not include such informa-
17 tion.

18 “(2) NAME AND ADDRESS OF FOREIGN
19 SOURCE.—The Secretary shall not disclose the name
20 or address of a foreign source that is a natural per-
21 son (other than the attributable country of such for-
22 eign source) included in a disclosure report—

23 “(A) as part of the public record of such
24 disclosure report described in paragraph (1); or

1 “(B) in response to a request under sec-
2 tion 552 of title 5, United States Code (com-
3 monly known as the ‘Freedom of Information
4 Act’), pursuant to subsection (b)(3) of such sec-
5 tion.

6 “(e) INTERAGENCY INFORMATION SHARING.—Not
7 later than 30 days after receiving a disclosure report from
8 an institution in compliance with this section, the Sec-
9 retary shall transmit an unredacted copy of such report
10 (that includes the name and address of a foreign source
11 disclosed in such report) to the Director of the Federal
12 Bureau of Investigation, the Director of National Intel-
13 ligence, the Director of the Central Intelligence Agency,
14 the Secretary of State, the Secretary of Defense, the At-
15 torney General, the Secretary of Commerce, the Secretary
16 of Homeland Security, the Secretary of Energy, the Direc-
17 tor of the National Science Foundation, and the Director
18 of the National Institutes of Health.

19 “(f) COMPLIANCE OFFICER.—Any institution that is
20 required to file a disclosure report under subsection (a)
21 shall designate, before the filing deadline for such report,
22 and maintain a compliance officer, who shall—

23 “(1) be a current employee or legally authorized
24 agent of such institution; and

1 “(2) be responsible, on behalf of the institution,
2 for personally certifying accurate compliance with
3 the foreign gift reporting requirement under this
4 section.

5 “(g) DEFINITIONS.—In this section:

6 “(1) AFFILIATED ENTITY.—The term ‘affiliated
7 entity’, when used with respect to an institution,
8 means an entity or organization that operates pri-
9 marily for the benefit of, or under the auspices of,
10 such institution, including a foundation of the insti-
11 tution or a related entity (such as any educational,
12 cultural, or language entity).

13 “(2) ATTRIBUTABLE COUNTRY.—The term ‘at-
14 tributable country’ means—

15 “(A) the country of citizenship of a foreign
16 source who is a natural person, or, if such
17 country is unknown, the principal residence (as
18 applicable) of such foreign source; or

19 “(B) the country of incorporation of a for-
20 eign source that is a legal entity, or, if such
21 country is unknown, the principal place of busi-
22 ness (as applicable) of such foreign source.

23 “(3) CONTRACT.—The term ‘contract’—

24 “(A) means—

1 “(i) any agreement for the acquisition
2 by purchase, lease, or barter of property or
3 services by the foreign source;

4 “(ii) any affiliation, agreement, or
5 similar transaction with a foreign source
6 that involves the use or exchange of an in-
7 stitution’s name, likeness, time, services, or
8 resources; and

9 “(iii) any agreement for the acqui-
10 sition by purchase, lease, or barter, of prop-
11 erty or services from a foreign source
12 (other than an arms-length agreement for
13 such acquisition from a foreign source that
14 is not a foreign country of concern or a
15 foreign entity of concern); and

16 “(B) does not include an agreement made
17 between an institution and a foreign source re-
18 garding any payment of one or more elements
19 of a student’s cost of attendance (as such term
20 is defined in section 472), unless such an agree-
21 ment is made for more than 15 students or is
22 made under a restricted or conditional contract.

23 “(4) FOREIGN SOURCE.—The term ‘foreign
24 source’ means—

1 “(A) a foreign government, including an
2 agency of a foreign government;

3 “(B) a legal entity, governmental or other-
4 wise, created under the laws of a foreign state
5 or states;

6 “(C) a legal entity, governmental or other-
7 wise, substantially controlled (as described in
8 section 668.174(c)(3) of title 34, Code of Fed-
9 eral Regulations) (or successor regulations) by
10 a foreign source;

11 “(D) a natural person who is not a citizen
12 or a national of the United States or a trust
13 territory or protectorate thereof;

14 “(E) an agent of a foreign source, includ-
15 ing—

16 “(i) a subsidiary or affiliate of a for-
17 eign legal entity, acting on behalf of a for-
18 eign source;

19 “(ii) a person that operates primarily
20 for the benefit of, or under the auspices of,
21 a foreign source, including a foundation or
22 a related entity (such as any educational,
23 cultural, or language entity); and

24 “(iii) a person who is an agent of a
25 foreign principal (as such term is defined

1 in section 1 of the Foreign Agents Reg-
2 istration Act of 1938 (22 U.S.C. 611));
3 and

4 “(F) an international organization (as such
5 term is defined in the International Organiza-
6 tions Immunities Act (22 U.S.C. 288)).

7 “(5) GIFT.—The term ‘gift’—

8 “(A) means any gift of money, property,
9 resources, staff, or services; and

10 “(B) does not include—

11 “(i) any payment of one or more ele-
12 ments of a student’s cost of attendance (as
13 such term is defined in section 472) to an
14 institution by, or scholarship from, a for-
15 eign source who is a natural person, acting
16 in their individual capacity and not as an
17 agent for, at the request or direction of, or
18 on behalf of, any person or entity (except
19 the student), made for not more than 15
20 students, and that is not made under a re-
21 stricted or conditional contract with such
22 foreign source;

23 “(ii) assignment or license of reg-
24 istered industrial and intellectual property
25 rights, such as patents, utility models,

1 trademarks, or copyrights, or technical as-
2 sistance, that are not associated with a
3 category listed in the Commerce Control
4 List maintained by the Bureau of Industry
5 and Security of the Department of Com-
6 merce and set forth in Supplement No. 1
7 to part 774 of title 15, Code of Federal
8 Regulations; or

9 “(iii) decorations (as such term is de-
10 fined in section 7342(a) of title 5, United
11 States Code).

12 “(6) RESTRICTED OR CONDITIONAL GIFT OR
13 CONTRACT.—The term ‘restricted or conditional gift
14 or contract’ means any endowment, gift, grant, con-
15 tract, award, present, or property of any kind which
16 includes provisions regarding—

17 “(A) the employment, assignment, or ter-
18 mination of faculty;

19 “(B) the establishment of departments,
20 centers, institutes, instructional programs, re-
21 search or lecture programs, or new faculty posi-
22 tions;

23 “(C) the selection, admission, or education
24 of students;

1 “(D) the award of grants, loans, scholar-
2 ships, fellowships, or other forms of financial
3 aid restricted to students of a specified country,
4 religion, sex, ethnic origin, or political opinion;
5 or

6 “(E) any other restriction on the use of a
7 gift or contract.”.

8 (b) PROHIBITION ON CONTRACTS WITH CERTAIN
9 FOREIGN ENTITIES AND COUNTRIES.—Part B of title I
10 of the Higher Education Act of 1965 (20 U.S.C. 1011
11 et seq.) is amended by inserting after section 117 the fol-
12 lowing:

13 **“SEC. 117A. PROHIBITION ON CONTRACTS WITH CERTAIN**
14 **FOREIGN ENTITIES AND COUNTRIES.**

15 “(a) IN GENERAL.—An institution shall not enter
16 into a contract with a foreign country of concern or a for-
17 eign entity of concern.

18 “(b) WAIVERS.—

19 “(1) SUBMISSION.—

20 “(A) FIRST WAIVER REQUESTS.—

21 “(i) IN GENERAL.—An institution
22 that desires to enter into a contract with
23 a foreign entity of concern or a foreign
24 country of concern may submit to the Sec-
25 retary, not later than 120 days before the

1 institution enters into such a contract, a
2 request to waive the prohibition under sub-
3 section (a) with respect to such contract.

4 “(ii) CONTENTS OF WAIVER RE-
5 QUEST.—A waiver request submitted by an
6 institution under clause (i) shall include—

7 “(I) the complete and unredacted
8 text of the proposed contract for
9 which the waiver is being requested,
10 and if such original contract is not in
11 English, a translated copy of the text
12 into English (in a manner that com-
13 plies with section 117(c)); and

14 “(II) a statement that—

15 “(aa) is signed by the com-
16 pliance officer of the institution
17 designated in accordance with
18 section 117(f); and

19 “(bb) includes information
20 that demonstrates that such con-
21 tract is for the benefit of the in-
22 stitution’s mission and students
23 and will promote the security,
24 stability, and economic vitality of
25 the United States.

1 “(B) RENEWAL WAIVER REQUESTS.—

2 “(i) IN GENERAL.—An institution
3 that has entered into a contract pursuant
4 to a waiver issued under this section, the
5 term of which is longer than the 1-year
6 waiver period and the terms and conditions
7 of which remain the same as the proposed
8 contract submitted as part of the request
9 for such waiver may submit, not later than
10 120 days before the expiration of such
11 waiver period, a request for a renewal of
12 such waiver for an additional 1-year period
13 (which shall include any information re-
14 quested by the Secretary).

15 “(ii) TERMINATION.—If the institu-
16 tion fails to submit a request under clause
17 (i) or is not granted a renewal under such
18 clause, such institution shall terminate
19 such contract on the last day of the origi-
20 nal 1-year waiver period.

21 “(2) WAIVER ISSUANCE.—The Secretary—

22 “(A) not later than 60 days before an in-
23 stitution enters into a contract pursuant to a
24 waiver request under paragraph (1)(A), or be-
25 fore a contract described in paragraph (1)(B)(i)

1 is renewed pursuant to a renewal request under
2 such paragraph, shall notify the institution—

3 “(i) if the waiver or renewal will be
4 issued by the Secretary; and

5 “(ii) in a case in which the waiver or
6 renewal will be issued, the date on which
7 the 1-year waiver period starts; and

8 “(B) may only issue a waiver under this
9 section to an institution if the Secretary deter-
10 mines, in consultation with the heads of each
11 agency and department listed in section 117(e),
12 that the contract for which the waiver is being
13 requested is for the benefit of the institution’s
14 mission and students and will promote the secu-
15 rity, stability, and economic vitality of the
16 United States.

17 “(3) DISCLOSURE.—Not less than 2 weeks
18 prior to issuing a waiver under paragraph (2), the
19 Secretary shall notify—

20 “(A) the Committee on Education and the
21 Workforce of the House of Representatives; and

22 “(B) the Committee on Health, Education,
23 Labor, and Pensions of the Senate,
24 of the intent to issue the waiver, including a jus-
25 tification for the waiver.

1 “(4) APPLICATION OF WAIVERS.—A waiver
2 issued under this section to an institution with re-
3 spect to a contract shall only—

4 “(A) waive the prohibition under sub-
5 section (a) for a 1-year period; and

6 “(B) apply to the terms and conditions of
7 the proposed contract submitted as part of the
8 request for such waiver.

9 “(c) DESIGNATION DURING CONTRACT TERM.—In
10 the case of an institution that enters into a contract with
11 a foreign source that is not a foreign country of concern
12 or a foreign entity of concern but which, during the term
13 of such contract, is designated as a foreign country of con-
14 cern or foreign entity of concern, such institution shall ter-
15 minate such contract not later than 60 days after the Sec-
16 retary notifies the institution of such designation.

17 “(d) CONTRACTS PRIOR TO DATE OF ENACTMENT.—

18 “(1) IN GENERAL.—In the case of an institu-
19 tion that has entered into a contract with a foreign
20 country of concern or foreign entity of concern prior
21 to the date of the enactment of the DETERRENT
22 Act—

23 “(A) the institution shall immediately sub-
24 mit to the Secretary a waiver request in accord-
25 ance with subsection (b)(1)(A)(ii); and

1 “(B) the Secretary shall, upon receipt of
2 the request submitted under paragraph (1), im-
3 mediately issue a waiver to the institution for a
4 period beginning on the date on which the waiv-
5 er is issued and ending on the sooner of—

6 “(i) the date that is 1 year after the
7 date of the enactment of the DETER-
8 RENT Act; or

9 “(ii) the date on which the contract
10 terminates.

11 “(2) RENEWAL.—An institution that has en-
12 tered into a contract described in paragraph (1), the
13 term of which is longer than the waiver period de-
14 scribed in subparagraph (B) of such paragraph and
15 the terms and conditions of which remain the same
16 as the contract submitted as part of the request re-
17 quired under subparagraph (A) of such paragraph,
18 may submit a request for renewal of the waiver
19 issued under such paragraph in accordance with
20 subsection (b)(1)(B).

21 “(e) CONTRACT DEFINED.—The term ‘contract’ has
22 the meaning given such term in section 117(g).”.

23 (c) INTERAGENCY INFORMATION SHARING.—Not
24 later than 90 days after the date of enactment of this Act,
25 the Secretary of Education shall transmit to the heads of

1 each agency and department listed in section 117(e) of
2 the Higher Education Act of 1965, as amended by this
3 section—

4 (1) any report received by the Department of
5 Education under section 117 of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1011f) prior to the
7 date of the enactment of this Act; and

8 (2) any report, document, or other record gen-
9 erated by the Department of Education in the
10 course of an investigation—

11 (A) of an institution with respect to the
12 compliance of such institution with such sec-
13 tion; and

14 (B) initiated prior to the date of the enact-
15 ment of this Act.

16 **Subtitle C—Other Matters**

17 **SEC. 521. REPORT ON CHINA BENEFITTING FROM UNITED** 18 **STATES TAXPAYER-FUNDED RESEARCH.**

19 (a) IN GENERAL.—Not later than one year after the
20 date of enactment of the Act, the Attorney General, in
21 consultation with the Secretary of the Treasury, the Sec-
22 retary of Commerce, the Secretary of State, and the Direc-
23 tor of National Intelligence, shall submit to the Committee
24 on the Judiciary of the House of Representatives and the
25 Committee on the Judiciary of the Senate a report on the

1 extent to which China has benefitted from United States
2 taxpayer-funded research.

3 (b) ELEMENTS.—The report under subsection (a)
4 shall include the following:

5 (1) The extent to which United States tax-
6 payer-funded research has benefitted China, includ-
7 ing a list of United States Government-funded enti-
8 ties, such as research institutions, laboratories, and
9 institutions of higher education, which have hired
10 Chinese nationals or allowed Chinese nationals to
11 conduct research, including an estimate in the num-
12 ber of nationals hired or involved in research
13 projects.

14 (2) A list of United States Government pro-
15 grams, grants, and other forms of research funding
16 in the fields of science, technology, engineering, and
17 math (STEM) fields that have directly or indirectly
18 cooperated or affiliated with research institutions in
19 China or Chinese Communist Party entities.

20 (3) The extent to which China's funding of
21 United States taxpayer-funded research institutions
22 has benefitted China.

23 (4) How the Government of China and the Chi-
24 nese Communist Party have used United States tax-
25 payer-funded research, including as part of China's

1 efforts to support “civil-military fusion” and human
2 rights abuses.

3 (c) DEFINITION.—In this section, the term “United
4 States taxpayer-funded research” means research—

5 (1) funded by a grant from the Federal Govern-
6 ment or a State government; or

7 (2) conducted at an institution that receives
8 funding from the Federal Government or a State
9 government.

10 **SEC. 522. CONDITIONS ON FEDERAL RESEARCH GRANTS.**

11 As a condition of receiving a Federal research and
12 development grant in a field of science, technology, engi-
13 neering, or mathematics, a grant recipient shall certify
14 that the recipient—

15 (1) is not—

16 (A) a citizen of the People’s Republic of
17 China; or

18 (B) a participant in a foreign talent re-
19 cruitment program of the People’s Republic of
20 China listed by the Secretary of State in ac-
21 cordance with section 521; and

22 (2) will not knowingly employ to carry out ac-
23 tivities funded by the Federal research and develop-
24 ment grant—

1 (A) a citizen of the People’s Republic of
2 China; or

3 (B) a participant in a foreign talent re-
4 cruitment program of the People’s Republic of
5 China listed by the Secretary of State in ac-
6 cordance with section 521.

7 **SEC. 523. PROTECTING INSTITUTIONS, LABORATORIES,**
8 **AND RESEARCH INSTITUTES.**

9 (a) IN GENERAL.—Notwithstanding any other provi-
10 sion of law, the head of each Federal agency shall ensure
11 that any institution of higher education, laboratory, or re-
12 search institute receiving Federal assistance agrees, as a
13 condition of such assistance, to not knowingly employ any
14 individual who is a participant in a foreign talent recruit-
15 ment program of the People’s Republic of China.

16 (b) PROGRAM PARTICIPATION AGREEMENTS.—Sec-
17 tion 487(a) of the Higher Education Act of 1965 (20
18 U.S.C. 1094(a)) is amended by adding at the end the fol-
19 lowing:

20 “(30) The institution will not knowingly employ
21 any individual who is a participant in a foreign tal-
22 ent recruitment program of the People’s Republic of
23 China listed by the Secretary of State in accordance
24 with section 7 of the SECURE CAMPUS Act of
25 2021.”.

1 **SEC. 524. REGISTRATION OF PARTICIPANTS IN FOREIGN**
2 **TALENT RECRUITMENT PROGRAMS OF THE**
3 **PEOPLE'S REPUBLIC OF CHINA AS AGENTS**
4 **OF THE GOVERNMENT OF THE PEOPLE'S RE-**
5 **PUBLIC OF CHINA.**

6 Notwithstanding section 3 of the Foreign Agents
7 Registration Act of 1938 (22 U.S.C. 613), any individual
8 in the United States who is associated with a foreign tal-
9 ent recruitment program of the People's Republic of
10 China, either as a recruiter or as a recruit—

11 (1) shall be deemed to be an agent of a foreign
12 principal (as defined in section 1(c) of such Act (22
13 U.S.C. 611(e)); and

14 (2) shall comply with the registration require-
15 ments set forth in section 2 of such Act (22 U.S.C.
16 612) not later than 30 days after the later of—

17 (A) the date of the enactment of this Act;

18 or

19 (B) the date on which the individual en-
20 tered the United States.

21 **SEC. 525. ECONOMIC ESPIONAGE.**

22 Section 1839(1) of title 18, United States Code, is
23 amended—

24 (1) by inserting “education, research,” after
25 “commercial,”; and

1 (2) by inserting “or otherwise incorporated or
2 substantially located in or composed of citizens of
3 countries subject to compulsory political or govern-
4 mental representation within corporate leadership”
5 after “foreign government”.

6 **SEC. 526. DEPARTMENT OF STATE LIST OF FOREIGN TAL-**
7 **ENT RECRUITMENT PROGRAMS OF THE PEO-**
8 **PLE’S REPUBLIC OF CHINA.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, the Secretary of State,
11 in consultation with the Attorney General, the Secretary
12 of Defense, and the Director of National Intelligence, shall
13 compile and publish in the Federal Register a list of for-
14 eign talent recruitment programs of the People’s Republic
15 of China.

16 (b) ANNUAL REVIEW AND REVISION.—Not less fre-
17 quently than annually, the Secretary of State shall—

18 (1) review and revise the list compiled under
19 subsection (a); and

20 (2) publish the revised list in the Federal Reg-
21 ister.

22 **SEC. 527. DEFINITIONS.**

23 For purposes of sections 521 through 526:

24 (1) FOREIGN TALENT RECRUITMENT PROGRAM
25 OF THE PEOPLE’S REPUBLIC OF CHINA.—The term

1 “foreign talent recruitment program of the People’s
2 Republic of China” means any effort organized,
3 managed, funded, or otherwise controlled by the
4 Government of the People’s Republic of China or the
5 Chinese Communist Party to employ, contract, or
6 otherwise compensate 1 or more individuals to con-
7 duct research, development, testing, or any other
8 science or technology activity for the direct or indi-
9 rect benefit of the People’s Republic of China.

10 (2) INSTITUTION OF HIGHER EDUCATION.—The
11 term “institution of higher education” has the
12 meaning given the term in section 101(a) of the
13 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

14 **SEC. 528. DISCLOSURE ON CERTAIN VISA APPLICATIONS.**

15 (a) DISCLOSURE REQUIREMENT FOR F AND M
16 VISAS.—Not later than 180 days after the date of the en-
17 actment of this Act, the Secretary of Homeland Security
18 shall update Form I–20, or a successor form with respect
19 to eligibility for nonimmigrant student status, to require
20 an alien submitting such form to report—

21 (1) whether the alien has received or plans to
22 receive certain funds;

23 (2) the amount of any certain funds received by
24 the alien; and

1 (3) a description of the entity providing any
2 certain funds to the alien.

3 (b) DISCLOSURE REQUIREMENT FOR J VISAS.—Not
4 later than 180 days after the date of the enactment of
5 this Act, the Secretary of State shall update Form DS–
6 2019, or a successor form with respect to eligibility for
7 a exchange visitor status, to require an alien submitting
8 such form to report—

9 (1) whether the alien has received or plans to
10 receive certain funds;

11 (2) the amount of any certain funds received by
12 the alien; and

13 (3) a description of the entity providing any
14 certain funds to the alien.

15 (c) UPDATED DISCLOSURE REQUIREMENT.—

16 (1) IN GENERAL.—An alien who receives cer-
17 tain funds after receiving a visa under subparagraph
18 (F), (J), or (M) of section 101(a)(15) of the Immi-
19 gration and Nationality Act (8 U.S.C. 1101(a)(15))
20 shall report to the Secretary of Homeland Security
21 and the Secretary of State the receipt of such funds
22 not more than 90 days after the date on which such
23 funds are received.

24 (2) PROVISIONAL REVOCATION BASED ON FAIL-
25 URE TO COMPLY WITH DISCLOSURE REQUIRE-

1 MENT.—An alien who receives certain funds and
2 does not report such receipt pursuant to paragraph
3 (1) is subject to revocation of any visa or other entry
4 documentation regardless of when the visa or other
5 entry documentation was issued.

6 (d) DISCLOSURE FOR ALIEN SPOUSE AND MINOR
7 CHILDREN.—The disclosure requirements under sub-
8 sections (a) through (e) shall apply to an alien spouse or
9 any minor children applying for or receiving a visa under
10 subparagraph (F), (J), or (M) of section 101(a)(15) of
11 the Immigration and Nationality Act (8 U.S.C.
12 1101(a)(15)).

13 (e) APPLICABILITY.—Not later than 180 days after
14 the date of the enactment of this Act, an alien, alien
15 spouse, or any minor children who have a valid visa under
16 subparagraph (F), (J), or (M) of section 101(a)(15) of
17 the Immigration and Nationality Act (8 U.S.C.
18 1101(a)(15)) on the date of the enactment of this Act,
19 shall report to the Secretary of Homeland Security—

20 (1) whether such alien has received or plans to
21 receive certain funds;

22 (2) the amount of any certain funds received by
23 the alien; and

24 (3) a description of the entity providing any
25 certain funds to the alien.

1 (f) CERTAIN FUNDS DEFINED.—In this section, the
2 term “certain funds” includes any amount of money pro-
3 vided to an alien from—

4 (1) the Government of the People’s Republic of
5 China;

6 (2) the Chinese Communist Party; or

7 (3) any entity owned or controlled by the Gov-
8 ernment of the People’s Republic of China or the
9 Chinese Communist Party.

10 **SEC. 529. REVIEW BY COMMITTEE ON FOREIGN INVEST-**
11 **MENT IN THE UNITED STATES OF CERTAIN**
12 **FOREIGN GIFTS TO AND CONTRACTS WITH**
13 **INSTITUTIONS OF HIGHER EDUCATION.**

14 (a) AMENDMENTS TO DEFENSE PRODUCTION ACT
15 OF 1950.—

16 (1) DEFINITION OF COVERED TRANSACTION.—
17 Subsection (a)(4) of section 721 of the Defense Pro-
18 duction Act of 1950 (50 U.S.C. 4565) is amended—

19 (A) in subparagraph (A)—

20 (i) in clause (i), by striking “; and”
21 and inserting a semicolon;

22 (ii) in clause (ii), by striking the pe-
23 riod at the end and inserting “; and”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(iii) any transaction described in
2 subparagraph (B)(vi) proposed or pending
3 after the date of the enactment of the
4 China Strategic Competition Act of
5 2021.”;

6 (B) in subparagraph (B), by adding at the
7 end the following:

8 “(vi) Any gift to an institution of
9 higher education from a foreign person, or
10 the entry into a contract by such an insti-
11 tution with a foreign person, if—

12 “(I)(aa) the value of the gift or
13 contract equals or exceeds
14 \$1,000,000; or

15 “(bb) the institution receives, di-
16 rectly or indirectly, more than one gift
17 from or enters into more than one
18 contract, directly or indirectly, with
19 the same foreign person for the same
20 purpose the aggregate value of which,
21 during the period of 2 consecutive cal-
22 endar years, equals or exceeds
23 \$1,000,000; and

24 “(II) the gift or contract—

1 “(aa) relates to research, de-
2 velopment, or production of crit-
3 ical technologies and provides the
4 foreign person potential access to
5 any material nonpublic technical
6 information (as defined in sub-
7 paragraph (D)(ii)) in the posses-
8 sion of the institution; or

9 “(bb) is a restricted or con-
10 ditional gift or contract (as de-
11 fined in section 117(h) of the
12 Higher Education Act of (20
13 U.S.C. 1011f(h))) that estab-
14 lishes control. and”;

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

16 “(G) FOREIGN GIFTS TO AND CONTRACTS
17 WITH INSTITUTIONS OF HIGHER EDUCATION.—

18 For purposes of subparagraph (B)(vi):

19 “(i) CONTRACT.—The term ‘contract’
20 means any agreement for the acquisition
21 by purchase, lease, or barter of property or
22 services by a foreign person, for the direct
23 benefit or use of either of the parties.

24 “(ii) GIFT.—The term ‘gift’ means
25 any gift of money or property.

1 “(iii) INSTITUTION OF HIGHER EDU-
2 CATION.—The term ‘institution of higher
3 education’ means any institution, public or
4 private, or, if a multicampus institution,
5 any single campus of such institution, in
6 any State—

7 “(I) that is legally authorized
8 within such State to provide a pro-
9 gram of education beyond secondary
10 school;

11 “(II) that provides a program for
12 which the institution awards a bach-
13 elor’s degree (or provides not less
14 than a 2-year program which is ac-
15 ceptable for full credit toward such a
16 degree) or a more advanced degree;

17 “(III) that is accredited by a na-
18 tionally recognized accrediting agency
19 or association; and

20 “(IV) to which the Federal Gov-
21 ernment extends Federal financial as-
22 sistance (directly or indirectly through
23 another entity or person), or that re-
24 ceives support from the extension of

1 Federal financial assistance to any of
2 the institution's subunits.”.

3 (2) MANDATORY DECLARATIONS.—Subsection
4 (b)(1)(C)(v)(IV)(aa) of such section is amended by
5 adding at the end the following: “Such regulations
6 shall require a declaration under this subclause with
7 respect to a covered transaction described in sub-
8 section (a)(4)(B)(vi)(II)(aa).”.

9 (3) FACTORS TO BE CONSIDERED.—Subsection
10 (f) of such section is amended—

11 (A) in paragraph (10), by striking “; and”
12 and inserting a semicolon;

13 (B) by redesignating paragraph (11) as
14 paragraph (12); and

15 (C) by inserting after paragraph (10) the
16 following:

17 “(11) as appropriate, and particularly with re-
18 spect to covered transactions described in subsection
19 (a)(4)(B)(vi), the importance of academic freedom at
20 institutions of higher education in the United States;
21 and”.

22 (4) MEMBERSHIP OF CFIUS.—Subsection (k) of
23 such section is amended—

24 (A) in paragraph (2)—

1 (i) by redesignating subparagraphs
2 (H), (I), and (J) as subparagraphs (I),
3 (J), and (K), respectively; and

4 (ii) by inserting after subparagraph
5 (G) the following:

6 “(H) In the case of a covered transaction
7 involving an institution of higher education (as
8 defined in subsection (a)(4)(G)), the Secretary
9 of Education.”; and

10 (B) by adding at the end the following:

11 “(8) INCLUSION OF OTHER AGENCIES ON COM-
12 MITTEE.—In considering including on the Com-
13 mittee under paragraph (2)(K) the heads of other
14 executive departments, agencies, or offices, the
15 President shall give due consideration to the heads
16 of relevant research and science agencies, depart-
17 ments, and offices, including the Secretary of Health
18 and Human Services, the Director of the National
19 Institutes of Health, and the Director of the Na-
20 tional Science Foundation.”.

21 (5) CONTENTS OF ANNUAL REPORT RELATING
22 TO CRITICAL TECHNOLOGIES.—Subsection (m)(3) of
23 such section is amended—

24 (A) in subparagraph (B), by striking “;
25 and” and inserting a semicolon;

1 (B) in subparagraph (C), by striking the
2 period at the end and inserting a semicolon;
3 and

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

5 “(D) an evaluation of whether there are
6 foreign malign influence or espionage activities
7 directed or directly assisted by foreign govern-
8 ments against institutions of higher education
9 (as defined in subsection (a)(4)(G)) aimed at
10 obtaining research and development methods or
11 secrets related to critical technologies; and

12 “(E) an evaluation of, and recommenda-
13 tion for any changes to, reviews conducted
14 under this section that relate to institutions of
15 higher education, based on an analysis of dislo-
16 sure reports submitted to the chairperson under
17 section 117(a) of the Higher Education Act of
18 1965 (20 U.S.C. 1011f(a)).”.

19 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
20 ments made by subsection (a) shall—

21 (1) take effect on the date of the enactment of
22 this Act, subject to the requirements of subsections
23 (d) and (e); and

24 (2) apply with respect to any covered trans-
25 action the review or investigation of which is initi-

1 ated under section 721 of the Defense Production
2 Act of 1950 on or after the date that is 30 days
3 after the publication in the Federal Register of the
4 notice required under subsection (e)(2).

5 (c) REGULATIONS.—

6 (1) IN GENERAL.—The Committee on Foreign
7 Investment in the United States (in this section re-
8 ferred to as the “Committee”), which shall include
9 the Secretary of Education for purposes of this sub-
10 section, shall prescribe regulations as necessary and
11 appropriate to implement the amendments made by
12 subsection (a).

13 (2) ELEMENTS.—The regulations prescribed
14 under paragraph (1) shall include—

15 (A) regulations accounting for the burden
16 on institutions of higher education likely to re-
17 sult from compliance with the amendments
18 made by subsection (a), including structuring
19 penalties and filing fees to reduce such burdens,
20 shortening timelines for reviews and investiga-
21 tions, allowing for simplified and streamlined
22 declaration and notice requirements, and imple-
23 menting any procedures necessary to protect
24 academic freedom; and

25 (B) guidance with respect to—

1 (i) which gifts and contracts described
2 in clause (vi)(II)(aa) of subsection
3 (a)(4)(B) of section 721 of the Defense
4 Production Act of 1950, as added by sub-
5 section (a)(1), would be subject to filing
6 mandatory declarations under subsection
7 (b)(1)(C)(v)(IV) of that section; and

8 (ii) the meaning of “control”, as de-
9 fined in subsection (a) of that section, as
10 that term applies to covered transactions
11 described in clause (vi) of paragraph
12 (4)(B) of that section, as added by sub-
13 section (a)(1).

14 (3) ISSUANCE OF FINAL RULE.—The Com-
15 mittee shall issue a final rule to carry out the
16 amendments made by subsection (a) after assessing
17 the findings of the pilot program required by sub-
18 section (e).

19 (d) PILOT PROGRAM.—

20 (1) IN GENERAL.—Beginning on the date that
21 is 30 days after the publication in the Federal Reg-
22 ister of the matter required by paragraph (2) and
23 ending on the date that is 570 days thereafter, the
24 Committee shall conduct a pilot program to assess
25 methods for implementing the review of covered

1 transactions described in clause (vi) of section
2 721(a)(4)(B) of the Defense Production Act of
3 1950, as added by subsection (a)(1).

4 (2) PROPOSED DETERMINATION.—Not later
5 than 270 days after the date of the enactment of
6 this Act, the Committee shall, in consultation with
7 the Secretary of Education, publish in the Federal
8 Register—

9 (A) a proposed determination of the scope
10 of and procedures for the pilot program re-
11 quired by paragraph (1);

12 (B) an assessment of the burden on insti-
13 tutions of higher education likely to result from
14 compliance with the pilot program;

15 (C) recommendations for addressing any
16 such burdens, including shortening timelines for
17 reviews and investigations, structuring penalties
18 and filing fees, and simplifying and stream-
19 lining declaration and notice requirements to
20 reduce such burdens; and

21 (D) any procedures necessary to ensure
22 that the pilot program does not infringe upon
23 academic freedom.

24 (3) REPORT ON FINDINGS.—Upon conclusion of
25 the pilot program required by paragraph (1), the

1 Committee shall submit to Congress a report on the
2 findings of that pilot program that includes—

3 (A) a summary of the reviews conducted
4 by the Committee under the pilot program and
5 the outcome of such reviews;

6 (B) an assessment of any additional re-
7 sources required by the Committee to carry out
8 this section or the amendments made by sub-
9 section (a);

10 (C) findings regarding the additional bur-
11 den on institutions of higher education likely to
12 result from compliance with the amendments
13 made by subsection (a) and any additional rec-
14 ommended steps to reduce those burdens; and

15 (D) any recommendations for Congress to
16 consider regarding the scope or procedures de-
17 scribed in this section or the amendments made
18 by subsection (a).

19 **SEC. 530. DISCLOSURES OF FOREIGN GIFTS AND CON-**
20 **TRACTS AT INSTITUTIONS OF HIGHER EDU-**
21 **CATION.**

22 (a) DISCLOSURES OF FOREIGN GIFTS.—Section 117
23 of the Higher Education Act of 1965 (20 U.S.C. 1011f)
24 is amended to read as follows:

1 **“SEC. 117. DISCLOSURES OF FOREIGN GIFTS AND AGREE-**
2 **MENTS.**

3 “(a) DISCLOSURE REPORTS.—

4 “(1) AGGREGATE GIFTS AND CONTRACT DIS-
5 CLOSURES.—An institution shall file a disclosure re-
6 port described in subsection (b) with the Secretary
7 and the Secretary of the Treasury (in the capacity
8 of the Secretary as the chairperson of the Committee
9 on Foreign Investment in the United States under
10 section 721(k)(3) of the Defense Production Act of
11 1950 (50 U.S.C. 4565(k)(3))) not later than March
12 31 immediately following any calendar year in which
13 the institution receives a gift from, or enters into a
14 contract with, a foreign source, the value of which
15 is \$50,000 or more, considered alone or in combina-
16 tion with all other gifts from, or contracts with, that
17 foreign source within the calendar year.

18 “(2) DISCLOSURE OF CONTRACTS WITH UNDE-
19 TERMINED MONETARY VALUE.—An institution shall
20 file a disclosure report described in subsection (b)
21 with the Secretary and the Secretary of the Treas-
22 ury (in the capacity of the Secretary as the chair-
23 person of the Committee on Foreign Investment in
24 the United States under section 721(k)(3) of the
25 Defense Production Act of 1950 (50 U.S.C.
26 4565(k)(3))) not later than March 31 immediately

1 following any calendar year in which the institution
2 enters into a contract with a foreign source that has
3 an undetermined monetary value.

4 “(3) FOREIGN SOURCE OWNERSHIP OR CON-
5 TROL DISCLOSURES.—In the case of an institution
6 that is owned or controlled by a foreign source, the
7 institution shall file a disclosure report described in
8 subsection (b) with the Secretary and the Secretary
9 of the Treasury (in the capacity of the Secretary as
10 the chairperson of the Committee on Foreign Invest-
11 ment in the United States under section 721(k)(3)
12 of the Defense Production Act of 1950 (50 U.S.C.
13 4565(k)(3))) not later than March 31 of every year.

14 “(b) CONTENTS OF REPORT.—Each report to the
15 Secretary required by subsection (a) shall contain the fol-
16 lowing:

17 “(1)(A) In the case of an institution required to
18 file a report under paragraph (1) or (2) of sub-
19 section (a)—

20 “(i) for gifts received from or contracts en-
21 tered into with a foreign government, the aggre-
22 gate amount of such gifts and contracts re-
23 ceived from each foreign government, including
24 the content of each such contract; and

1 “(ii) for gifts received from or contracts
2 entered into with a foreign source other than a
3 foreign government, the aggregate dollar
4 amount of such gifts and contracts attributable
5 to a particular country and the legal or formal
6 name of the foreign source, and the content of
7 each such contract.

8 “(B) For purposes of this paragraph, the coun-
9 try to which a gift is attributable is—

10 “(i) the country of citizenship, or if un-
11 known, the principal residence, for a foreign
12 source who is a natural person; or

13 “(ii) the country of incorporation, or if un-
14 known, the principal place of business, for a
15 foreign source which is a legal entity.

16 “(2) In the case of an institution required to
17 file a report under subsection (a)(3)—

18 “(A) the information described in para-
19 graph (1)(A) (without regard to any gift or con-
20 tract threshold described in subsection (a)(1));

21 “(B) the identity of the foreign source that
22 owns or controls the institution;

23 “(C) the date on which the foreign source
24 assumed ownership or control; and

1 “(D) any changes in program or structure
2 resulting from the change in ownership or con-
3 trol.

4 “(3) An assurance that the institution will
5 maintain a true copy of each gift or contract agree-
6 ment subject to the disclosure requirements under
7 this section, until the latest of—

8 “(A) the date that is 4 years after the date
9 of the agreement;

10 “(B) the date on which the agreement ter-
11 minates; or

12 “(C) the last day of any period that appli-
13 cable State public record law requires a true
14 copy of such agreement to be maintained.

15 “(4) An assurance that the institution will
16 produce true copies of gift and contract agreements
17 subject to the disclosure requirements under this
18 section upon request of the Secretary during a com-
19 pliance audit or other institutional investigation and
20 shall ensure all gifts and contracts from the foreign
21 source are translated into English by a third party
22 unaffiliated with the foreign source or institution for
23 this purpose.

24 “(c) ADDITIONAL DISCLOSURES FOR RESTRICTED
25 AND CONDITIONAL GIFTS AND CONTRACTS.—Notwith-

1 standing the provisions of subsection (b), whenever any
2 institution receives a restricted or conditional gift or con-
3 tract from a foreign source, the institution shall disclose
4 the following to the Department translated into English
5 by a third party unaffiliated with the foreign source or
6 institution:

7 “(1) For such gifts received from or contracts
8 entered into with a foreign source other than a for-
9 eign government, the amount, the date, and a de-
10 scription of such conditions or restrictions. The re-
11 port shall also disclose the country of citizenship, or
12 if unknown, the principal residence for a foreign
13 source which is a natural person, and the country of
14 incorporation, or if unknown, the principal place of
15 business for a foreign source which is a legal entity.

16 “(2) For gifts received from or contracts en-
17 tered into with a foreign government, the amount,
18 the date, a description of such conditions or restric-
19 tions, and the name of the foreign government.

20 “(d) RELATION TO OTHER REPORTING REQUIRE-
21 MENTS.—

22 “(1) STATE REQUIREMENTS.—If an institution
23 that is required to file a disclosure report under sub-
24 section (a) is within a State which has enacted re-
25 quirements for public disclosure of gifts from or con-

1 tracts with a foreign source that includes all infor-
2 mation required under this section for the same or
3 an equivalent time period, a copy of the disclosure
4 report filed with the State may be filed with the Sec-
5 retary and the Secretary of the Treasury in lieu of
6 the report required under such subsection. The State
7 in which the institution is located shall provide to
8 the Secretaries such assurances as the Secretaries
9 may require to establish that the institution has met
10 the requirements for public disclosure under State
11 law if the State report is filed.

12 “(2) USE OF OTHER FEDERAL REPORTS.—If an
13 institution receives a gift from, or enters into a con-
14 tract with, a foreign source, where any other depart-
15 ment, agency, or bureau of the executive branch re-
16 quires a report containing all the information re-
17 quired under this section for the same or an equiva-
18 lent time period, a copy of the report may be filed
19 with the Secretary and the Secretary of the Treas-
20 ury in lieu of a report required under subsection (a).

21 “(e) CONFUCIUS INSTITUTE AGREEMENTS.—

22 “(1) DEFINED TERM.—In this subsection, the
23 term ‘Confucius Institute’ means a cultural institute
24 directly or indirectly funded by the Government of
25 the People’s Republic of China.

1 “(2) DISCLOSURE REQUIREMENT.—Any institu-
2 tion that has entered into an agreement with a Con-
3 fucius Institute shall immediately make the full text
4 of such agreement available—

5 “(A) on the publicly accessible website of
6 the institution;

7 “(B) to the Department of Education;

8 “(C) to the Committee on Health, Edu-
9 cation, Labor, and Pensions of the Senate; and

10 “(D) to the Committee on Education and
11 the Workforce of the House of Representatives.

12 “(3) In subsection (i), as redesignated—

13 “(A) in paragraph (2), by amending sub-
14 paragraph (A) to read as follows:

15 “(A) a foreign government, including—

16 “(i) any agency of a foreign govern-
17 ment, and any other unit of foreign gov-
18 ernmental authority, including any foreign
19 national, State, local, and municipal gov-
20 ernment;

21 “(ii) any international or multi-
22 national organization whose membership is
23 composed of any unit of foreign govern-
24 ment described in clause (i); and

1 “(iii) any agent or representative of
2 any such unit or such organization, while
3 acting as such;’; and

4 “(B) in paragraph (3), by inserting before
5 the semicolon at the end the following: ‘, or the
6 fair market value of an in-kind gift’.

7 “(f) PUBLIC DISCLOSURE AND MODIFICATION OF
8 REPORTS.—

9 “(1) IN GENERAL.—Not later than 30 days
10 after receiving a disclosure report under this section,
11 the Secretary shall make such report electronically
12 available to the public for downloading on a search-
13 able database under which institutions can be indi-
14 vidually identified and compared.

15 “(2) MODIFICATIONS.—The Secretary shall in-
16 corporate a process permitting institutions to revise
17 and update previously filed disclosure reports under
18 this section to ensure accuracy, compliance, and abil-
19 ity to cure.

20 “(g) SANCTIONS FOR NONCOMPLIANCE.—

21 “(1) IN GENERAL.—As a sanction for non-
22 compliance with the requirements under this section,
23 the Secretary may impose a fine on an institution
24 that in any year knowingly or willfully violates this
25 section, that is—

1 “(A) in the case of a failure to disclose a
2 gift or contract with a foreign source as re-
3 quired under this section or to comply with the
4 requirements of subsection (b)(4), in an amount
5 that is not less than \$250 but not more than
6 the amount of the gift or contract with the for-
7 eign source; or

8 “(B) in the case of any violation of the re-
9 quirements of subsection (a)(3), in an amount
10 that is not more than 25 percent of the total
11 amount of funding received by the institution
12 under this Act.

13 “(2) REPEATED FAILURES.—

14 “(A) KNOWING AND WILLFUL FAIL-
15 URES.—In addition to a fine for a violation in
16 any year in accordance with paragraph (1) and
17 subject to subsection (e)(2), the Secretary shall
18 impose a fine on an institution that knowingly
19 and willfully fails in 3 consecutive years to com-
20 ply with the requirements of this section, that
21 is—

22 “(i) in the case of a failure to disclose
23 a gift or contract with a foreign source as
24 required under this section or to comply
25 with the requirements of subsection (b)(4),

1 in an amount that is not less than
2 \$100,000 but not more than twice the
3 amount of the gift or contract with the for-
4 eign source; or

5 “(ii) in the case of any violation of the
6 requirements of subsection (a)(3), in an
7 amount that is not more than 25 percent
8 of the total amount of funding received by
9 the institution under this Act.

10 “(B) ADMINISTRATIVE FAILURES.—The
11 Secretary shall impose a fine on an institution
12 that fails to comply with the requirements of
13 this section in 3 consecutive years, in an
14 amount that is not less than \$250 but not more
15 than the amount of the gift or contract with the
16 foreign source.

17 “(C) COMPLIANCE PLAN REQUIREMENT.—
18 An institution that fails to file a disclosure re-
19 port for a receipt of a gift from or contract with
20 a foreign source in 2 consecutive years, shall be
21 required to submit a compliance plan to the
22 Secretary.

23 “(h) COMPLIANCE OFFICER.—Any institution that is
24 required to report a gift or contract under this section
25 shall designate and maintain a compliance officer who—

1 “(1) shall be a current employee or legally au-
2 thorized agent of such institution; and

3 “(2) shall be responsible, on behalf of the insti-
4 tution, for compliance with the foreign gift reporting
5 requirement under this section and section 124, if
6 applicable.

7 “(i) SINGLE POINT OF CONTACT.—The Secretary
8 shall maintain a single point of contact to—

9 “(1) receive and respond to inquiries and re-
10 quests for technical assistance from institutions of
11 higher education regarding compliance with the re-
12 quirements of this section; and

13 “(2) coordinate the disclosure of information on
14 the searchable database, and process for modifica-
15 tions of disclosures and ability to cure, as described
16 in subsection (e).

17 “(j) TREATMENT OF CERTAIN PAYMENTS AND
18 GIFTS.—

19 “(1) EXCLUSIONS.—The following shall not be
20 considered a gift from a foreign source under this
21 section:

22 “(A) Any payment of one or more elements
23 of a student’s cost of attendance (as defined in
24 section 472) to an institution by, or scholarship
25 from, a foreign source who is a natural person,

1 acting in their individual capacity and not as an
2 agent for, at the request or direction of, or on
3 behalf of, any person or entity (except the stu-
4 dent), made on behalf of no more than 15 stu-
5 dents that is not made under contract with
6 such foreign source, except for the agreement
7 between the institution and such student cov-
8 ering one or more elements of such student's
9 cost of attendance.

10 “(B) Assignment or license of registered
11 industrial and intellectual property rights, such
12 as patents, utility models, trademarks, or copy-
13 rights, or technical assistance, that are not
14 identified as being associated with a national
15 security risk or concern by the Federal Re-
16 search Security Council as described under sec-
17 tion 7902 of title 31, United States Code, as
18 added by section 4493 of the Securing Amer-
19 ica's Future Act.

20 “(2) INCLUSIONS.—Any gift to, or contract
21 with, an entity or organization, such as a research
22 foundation, that operates substantially for the ben-
23 efit or under the auspices of an institution shall be
24 considered a gift to or with respectively, such insti-
25 tution.

1 “(k) DEFINITIONS.—In this section—

2 “(1) the term ‘contract’—

3 “(A) means any—

4 “(i) agreement for the acquisition by
5 purchase, lease, or barter of property or
6 services by the foreign source, for the di-
7 rect benefit or use of either of the parties,
8 except as provided in subparagraph (B); or

9 “(ii) affiliation, agreement, or similar
10 transaction with a foreign source and is
11 based on the use or exchange of an institu-
12 tion’s name, likeness, time, services, or re-
13 sources, except as provided in subpara-
14 graph (B); and

15 “(B) does not include any agreement made
16 by an institution located in the United States
17 for the acquisition, by purchase, lease, or bar-
18 ter, of property or services from a foreign
19 source;

20 “(2) the term ‘foreign source’ means—

21 “(A) a foreign government, including an
22 agency of a foreign government;

23 “(B) a legal entity, governmental or other-
24 wise, created under the laws of a foreign state
25 or states;

1 “(C) an individual who is not a citizen or
2 a national of the United States or a trust terri-
3 tory or protectorate thereof; and

4 “(D) an agent, including a subsidiary or
5 affiliate of a foreign legal entity, acting on be-
6 half of a foreign source;

7 “(3) the term ‘gift’ means any gift of money,
8 property, resources, staff, or services;

9 “(4) the term ‘institution’ means an institution
10 of higher education, as defined in section 102, or, if
11 a multicampus institution, any single campus of
12 such institution, in any State; and

13 “(5) the term ‘restricted or conditional gift or
14 contract’ means any endowment, gift, grant, con-
15 tract, award, present, or property of any kind which
16 includes provisions regarding—

17 “(A) the employment, assignment, or ter-
18 mination of faculty;

19 “(B) the establishment of departments,
20 centers, institutes, instructional programs, re-
21 search or lecture programs, or new faculty posi-
22 tions;

23 “(C) the selection or admission of stu-
24 dents; or

1 “(D) the award of grants, loans, scholar-
2 ships, fellowships, or other forms of financial
3 aid restricted to students of a specified country,
4 religion, sex, ethnic origin, or political opin-
5 ion.”.

6 (b) POLICY REGARDING CONFLICTS OF INTEREST
7 FROM FOREIGN GIFTS AND CONTRACTS.—Part B of title
8 I of the Higher Education Act of 1965 (20 U.S.C. 1011
9 et seq.) is amended by adding at the end the following:
10 **“SEC. 124. INSTITUTIONAL POLICY REGARDING FOREIGN**
11 **GIFTS AND CONTRACTS TO FACULTY AND**
12 **STAFF.**

13 “(a) REQUIREMENT TO MAINTAIN POLICY AND
14 DATABASE.—Each institution of higher education de-
15 scribed in subsection (b) shall—

16 “(1) maintain a policy requiring faculty, profes-
17 sional staff, and other staff engaged in research and
18 development (as determined by the institution) em-
19 ployed at such institution to disclose to such institu-
20 tion any gifts received from, or contracts entered
21 into with, a foreign source;

22 “(2) maintain a searchable database of infor-
23 mation disclosed in paragraph (1) for the previous
24 five years, except an institution shall not be required
25 to include in the database gifts or contracts received

1 or entered into before the date of enactment of the
2 Securing America’s Future Act; and

3 “(3) maintain a plan to effectively identify and
4 manage potential information gathering by foreign
5 sources through espionage targeting faculty, profes-
6 sional staff, and other staff engaged in research and
7 development (as determined by the institution) that
8 may arise from gifts received from, or contracts en-
9 tered into with, a foreign source, including through
10 the use of periodic communications and enforcement
11 of the policy described in paragraph (1).

12 “(b) INSTITUTIONS.—An institution of higher edu-
13 cation shall be subject to the requirements of this section
14 if such institution—

15 “(1) is an institution of higher education as de-
16 fined under section 102; and

17 “(2) had more than \$5,000,000 in research and
18 development expenditures in any of the previous five
19 years.

20 “(c) SANCTIONS FOR NONCOMPLIANCE.—

21 “(1) IN GENERAL.—As a sanction for non-
22 compliance with the requirements under this section,
23 the Secretary may impose a fine on an institution
24 that in any year knowingly or willfully violates this

1 section, in an amount that is not less than \$250 but
2 not more than \$1,000.

3 “(2) SECOND FAILURE.—In addition to a fine
4 for a violation in accordance with paragraph (1), the
5 Secretary shall impose a fine on an institution that
6 knowingly, willfully, and repeatedly fails to comply
7 with the requirements of this section in a second
8 consecutive year in an amount that is not less than
9 \$1,000 but not more than \$25,000.

10 “(3) THIRD AND ADDITIONAL FAILURES.—In
11 addition to a fine for a violation in accordance with
12 paragraph (1) or (2), the Secretary shall impose a
13 fine on an institution that knowingly, willfully, and
14 repeatedly fails to comply with the requirements of
15 this section in a third consecutive year, or any con-
16 secutive year thereafter, in an amount that is not
17 less than \$25,000 but not more than \$50,000.

18 “(4) ADMINISTRATIVE FAILURES.—The Sec-
19 retary shall impose a fine on an institution that fails
20 in 3 consecutive years to comply with the require-
21 ments of this section in an amount that is not less
22 than \$250 but not more than \$25,000.

23 “(5) COMPLIANCE PLAN REQUIREMENT.—An
24 institution that fails to comply with the require-
25 ments under this section for 2 consecutive years

1 shall be required to submit a compliance plan to the
2 Secretary.

3 “(d) DEFINITIONS.—In this section—

4 “(1) the terms ‘foreign source’ and ‘gift’ have
5 the meaning given the terms in section 117;

6 “(2) the term ‘contract’ means any—

7 “(A) agreement for the acquisition by pur-
8 chase, lease, or barter of property or services by
9 the foreign source, for the direct benefit or use
10 of either of the parties; or

11 “(B) affiliation, agreement, or similar
12 transaction with a foreign source based on the
13 use or exchange of the name, likeness, time,
14 services, or resources of faculty, professional
15 staff, and other staff engaged in research and
16 development (as determined by the institution);
17 and

18 “(3) the term ‘professional staff’ means profes-
19 sional employees, as defined in section 3 of the Fair
20 Labor Standards Act of 1938 (29 U.S.C. 203).”.

21 (e) REGULATIONS.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this Act, the Secretary of
24 Education shall begin the negotiated rulemaking
25 process under section 492 of the Higher Education

1 Act of 1965 (20 U.S.C. 1098a) to carry out the
2 amendments made by subsections (a) and (b).

3 (2) ISSUES.—Regulations issued pursuant to
4 paragraph (1) to carry out the amendment made by
5 subsection (a) shall, at a minimum, address the fol-
6 lowing issues:

7 (A) Instructions on reporting structured
8 gifts and contracts.

9 (B) The inclusion in institutional reports
10 of gifts received from, and contracts entered
11 into with, foreign sources by entities and orga-
12 nizations, such as research foundations, that
13 operate substantially for the benefit or under
14 the auspices of the institution.

15 (C) Procedures to protect confidential or
16 proprietary information included in gifts and
17 contracts.

18 (D) The alignment of such regulations
19 with the reporting and disclosure of foreign
20 gifts or contracts required by other Federal
21 agencies.

22 (E) The treatment of foreign gifts or con-
23 tracts involving research or technologies identi-
24 fied as being associated with a national security
25 risk or concern by the Federal Research Secu-

1 rity Council as described under section 7902 of
2 title 31, United States Code, as added by sec-
3 tion 4493 of this Act.

4 **SEC. 531. PUBLIC DATABASE.**

5 There is established an interagency group, which
6 shall be led by the Director of National Intelligence, to
7 be responsible for creating and maintaining a public data-
8 base assisting United States persons, including companies,
9 universities, and individuals, in conducting due diligence
10 on potential business or academic partners in China. Such
11 database should contain information enabling users to
12 identify the manner and extent to which the military,
13 United Front Work Department, intelligence agencies, or
14 security agencies of the Government of the People's Re-
15 public of China may be linked to Chinese companies, in-
16 vestment firms, other financial institutions, research insti-
17 tutes, and universities.

18 **SEC. 532. DUMP INVESTMENTS IN TROUBLESOME COM-**
19 **MUNIST HOLDINGS.**

20 (a) **SHORT TITLE.**—This section may be cited as the
21 “Dump Investments in Troublesome Communist Holdings
22 Act” or as the “DITCH Act”.

23 (b) **RESTRICTION ON INVESTMENT IN CHINESE COM-**
24 **PANIES BY TAX-EXEMPT ENTITIES.**—

1 (1) IN GENERAL.—Section 501 of the Internal
2 Revenue Code of 1986 is amended by adding at the
3 end the following new subsection:

4 “(s) RESTRICTION ON INVESTMENT IN CHINESE
5 COMPANIES.—

6 “(1) IN GENERAL.—An organization shall not
7 be treated as described in subsection (c) or (d) or
8 section 401(a) for any taxable year if such organiza-
9 tion—

10 “(A) holds any interest in a disqualified
11 Chinese company at any time during such tax-
12 able year, or

13 “(B) fails to timely transmit the annual re-
14 port described in paragraph (5) for such tax-
15 able year.

16 “(2) DISQUALIFIED CHINESE COMPANY.—For
17 purposes of this subsection—

18 “(A) IN GENERAL.—The term ‘disqualified
19 Chinese company’ means any corporation—

20 “(i) that is incorporated in China, or

21 “(ii) more than 10 percent of the
22 stock of which (determined by vote or
23 value) is held (directly or indirectly
24 through any chain of ownership) by any of
25 the following (or combination thereof):

1 “(I) 1 or more corporations de-
2 scribed in clause (i).

3 “(II) China or any governmental
4 agency thereof.

5 “(III) Provincial, regional, mu-
6 nicipal, Special Administrative Re-
7 gions, prefecture, county, township,
8 village, or any other Chinese sub-na-
9 tional governmental entity or agency.

10 “(IV) Any entity controlled (di-
11 rectly or indirectly) by the Chinese
12 Communist Party or any Chinese
13 Communist Party organ.

14 “(V) Any Chinese national.

15 “(B) APPLICATION TO ENTITIES OTHER
16 THAN CORPORATIONS.—In the case of any busi-
17 ness organization which is not a corporation,
18 subparagraph (A) shall apply to such organiza-
19 tion in the same manner as though such organi-
20 zation were a corporation.

21 “(C) APPLICATION TO INDIRECT, DERIVA-
22 TIVE, OR OTHER CONTRACTUAL INTERESTS,
23 ETC.—For purposes of this subsection, an orga-
24 nization shall be treated as holding an interest

1 in a disqualified Chinese company if such orga-
2 nization—

3 “(i) holds such interest (or any instru-
4 ment described in subparagraph (A)) di-
5 rectly or indirectly through any chain of
6 ownership, or

7 “(ii) holds any derivative financial in-
8 strument or other contractual arrangement
9 with respect to such interest or company
10 (including any financial instrument or
11 other contract which seeks to replicate any
12 financial return with respect to such inter-
13 est or such company).

14 “(D) PUBLICATION OF LIST BY SEC-
15 RETARY.—The Secretary shall, not later than
16 120 days after the date of the enactment of this
17 subsection, establish a process for the periodic
18 publishing of a list of certified pooled invest-
19 ments, including exchange traded funds and
20 mutual funds, that do not have exposure to dis-
21 qualified Chinese companies.

22 “(3) WAIVERS.—

23 “(A) IN GENERAL.—Paragraph (1) shall
24 not apply with respect to any interest in a dis-
25 qualified Chinese company held by any organi-

1 zation during any taxable year if the Secretary
2 issues a waiver to such organization with re-
3 spect to such interest for such taxable year
4 under this paragraph. Any waiver issued under
5 this paragraph shall be subject to renewal or
6 expiration on a biannual basis.

7 “(B) WAIVER PROCESS.—

8 “(i) APPLICATION.—Not later than 60
9 days after the date of the enactment of
10 this subsection, the Secretary shall estab-
11 lish a process under which an organization
12 may submit a written application for a
13 waiver under this paragraph. Such applica-
14 tion shall be made publicly available and
15 shall include the following:

16 “(I) An explanation of the need
17 for such waiver and the reasons that
18 the need for such waiver outweigh the
19 threat posed to the United States by
20 China and the lack of separation be-
21 tween China and the disqualified Chi-
22 nese company involved.

23 “(II) The type (including sector
24 of the economy), amount, and dura-

1 tion of the investment in the disquali-
2 fied Chinese company.

3 “(III) The relationship between
4 the disqualified Chinese company and
5 China.

6 “(IV) The extenuating cir-
7 cumstances justifying the applicant’s
8 need to invest in the disqualified Chi-
9 nese company.

10 “(ii) RESPONSE.—The Secretary shall
11 provide a written response to each com-
12 pleted application under clause (i) not later
13 than 60 days after receipt of such applica-
14 tion. Such written response shall be made
15 publicly available and shall include the fol-
16 lowing:

17 “(I) A statement of whether the
18 waiver has been provided or withheld.

19 “(II) The reasons for providing
20 or withholding the waiver.

21 “(III) The identification of any
22 future investments with respect to
23 which such waiver applies.

24 “(IV) The date on which such
25 waiver expires (which may not be later

1 than the earlier of the termination of
2 the extenuating circumstances re-
3 ferred to in clause (i)(IV) or the end
4 of the biannual period referred to in
5 subparagraph (A)).

6 “(C) STANDARDS FOR DETERMINING IF
7 WAIVER IS PROVIDED.—The Secretary may pro-
8 vide a waiver under this paragraph only if the
9 Secretary independently determines that—

10 “(i) the need for such waiver, and the
11 reasons for the need for such waiver, out-
12 weigh the threat posed to the United
13 States by China and the lack of separation
14 between China and the disqualified Chinese
15 company involved, and

16 “(ii) extenuating circumstances justify
17 the applicant’s need to invest in the dis-
18 qualified Chinese company.

19 For purposes of this subparagraph, the Sec-
20 retary shall not consider the past or future fi-
21 nancial returns of any investment in any dis-
22 qualified Chinese company, or any other jus-
23 tification based on the applicant’s own financial
24 needs, as an extenuating circumstance justi-
25 fying such an investment.

1 “(D) PUBLICATION OF WAIVERS PRO-
2 VIDED.—With respect to each calendar quarter,
3 the Secretary shall publish and make publicly
4 available a list of the waivers provided by the
5 Secretary under this paragraph during such
6 quarter.

7 “(4) CHINA.—For purposes of this section, the
8 term ‘China’ means the People’s Republic of China
9 and includes any subordinate Special Administrative
10 Regions thereof.

11 “(5) ANNUAL REPORT.—Each organization de-
12 scribed in paragraph (1) with respect to each taxable
13 year shall, not later than the due date for the return
14 of tax for such taxable year, transmit to the Sec-
15 retary a written report including—

16 “(A) a description of each interest in a dis-
17 qualified Chinese company held by such organi-
18 zation during such taxable year,

19 “(B) the period during which such interest
20 was so held, and

21 “(C) whether such organization has a
22 waiver under paragraph (3) to hold such inter-
23 est during such period.”.

24 (2) EFFECTIVE DATE.—

1 (A) IN GENERAL.—The amendment made
2 by this section shall apply to taxable years end-
3 ing after the date of the enactment of this Act,
4 except that only periods after the date that is
5 270 days after the date of the enactment of this
6 Act shall be taken into account in determining
7 whether the requirement of section 501(s) of
8 the Internal Revenue Code of 1986 (as added
9 by paragraph (1)) is met with respect to any
10 taxable year.

11 (B) 1-YEAR GRACE PERIOD UNDER CER-
12 TAIN CIRCUMSTANCES.—In the case of organi-
13 zation that, after intensive due diligence, is un-
14 aware of the failure to satisfy the requirement
15 of such section 501(s), subparagraph (A) shall
16 be applied by substituting “1 year” for “270
17 days”.

18 (3) PUBLIC REPORT.—Not later than 360 days
19 after the date of the enactment of this Act, and an-
20 nually thereafter, the Secretary of the Treasury (or
21 the Secretary’s delegate) shall publicly release a re-
22 port describing the patterns of United States out-
23 bound investment in China, including such invest-
24 ment by organizations described in section 501(s)(1)
25 of the Internal Revenue Code of 1986 (as added by

1 paragraph (1)). Such report shall detail the sectoral
2 breakdown of such investments.

3 **TITLE VI—MATTERS RELATED**
4 **TO DEMOCRACY, HUMAN**
5 **RIGHTS AND TAIWAN**

6 **SEC. 601. SUPPORTING A FREE AND DEMOCRATIC CHINA.**

7 It is the policy of the United States to support a free
8 and democratic China which respects the human rights
9 and civil liberties of the people of China.

10 **SEC. 602. AMERICAN INSTITUTE IN TAIWAN.**

11 The position of Director of the American Institute in
12 Taiwan's Taipei office shall be subject to the advice and
13 consent of the Senate, and effective upon enactment of
14 this Act shall have the title of Representative.

15 **SEC. 603. PROHIBITIONS AGAINST UNDERMINING UNITED**
16 **STATES POLICY REGARDING TAIWAN.**

17 (a) FINDING.—Congress finds that the efforts by the
18 Government of the People's Republic of China (PRC) and
19 the Chinese Communist Party to compel private United
20 States businesses, corporations, and nongovernmental en-
21 tities to use PRC-mandated language to describe the rela-
22 tionship between Taiwan and China are an intolerable at-
23 tempt to enforce political censorship globally and should
24 be considered an attack on the fundamental underpinnings

1 of all democratic and free societies, including the constitu-
2 tionally protected right to freedom of speech.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the United States Government, in coordination
5 with United States businesses and nongovernmental enti-
6 ties, should formulate a code of conduct for interacting
7 with the Government of the People’s Republic of China
8 and the Chinese Communist Party and affiliated entities,
9 the aim of which is—

10 (1) to counter PRC sharp power operations,
11 which threaten free speech, academic freedom, and
12 the normal operations of United States businesses
13 and nongovernmental entities; and

14 (2) to counter PRC efforts to censor the way
15 the world refers to issues deemed sensitive to the
16 Government of the People’s Republic of China and
17 Chinese Communist Party leaders, including issues
18 related to Taiwan, Tibet, the Tiananmen Square
19 Massacre, and the mass internment of Uyghurs and
20 other Turkic Muslims, among many other issues.

21 (c) PROHIBITION ON RECOGNITION OF PRC CLAIMS
22 TO SOVEREIGNTY OVER TAIWAN.—

23 (1) SENSE OF CONGRESS.—It is the sense of
24 Congress that—

1 (A) issues related to the sovereignty of
2 Taiwan are for the people of Taiwan to decide
3 through the democratic process they have estab-
4 lished;

5 (B) the dispute between the People's Re-
6 public of China and Taiwan must be resolved
7 peacefully and with the assent of the people of
8 Taiwan;

9 (C) the primary obstacle to peaceful reso-
10 lution is the authoritarian nature of the PRC
11 political system under one-party rule of the Chi-
12 nese Communist Party, which is fundamentally
13 incompatible with Taiwan's democracy; and

14 (D) any attempt to coerce the people of
15 Taiwan to accept a political arrangement that
16 would subject them to direct or indirect rule by
17 the PRC, including a "one country, two sys-
18 tems" framework, would constitute a grave
19 challenge to United States security interests in
20 the region.

21 (2) STATEMENT OF POLICY.—It is the policy of
22 the United States to oppose any attempt by the
23 PRC authorities to unilaterally impose a timetable
24 or deadline for unification on Taiwan.

1 (3) PROHIBITION ON RECOGNITION OF PRC
2 CLAIMS WITHOUT ASSENT OF PEOPLE OF TAIWAN.—
3 No department or agency of the United States Gov-
4 ernment may formally or informally recognize PRC
5 claims to sovereignty over Taiwan without the assent
6 of the people of Taiwan, as expressed directly
7 through the democratic process.

8 (4) TREATMENT OF TAIWAN GOVERNMENT.—

9 (A) IN GENERAL.—The Department of
10 State and other United States Government
11 agencies shall treat the democratically elected
12 government of Taiwan as the legitimate rep-
13 resentative of the people of Taiwan and end the
14 outdated practice of referring to the govern-
15 ment in Taiwan as the “authorities”. Notwith-
16 standing the continued supporting role of the
17 American Institute in Taiwan in carrying out
18 United States foreign policy and protecting
19 United States interests in Taiwan, the United
20 States Government shall not place any restric-
21 tions on the ability of officials of the Depart-
22 ment of State and other United States Govern-
23 ment agencies from interacting directly and
24 routinely with counterparts in the Taiwan gov-
25 ernment.

1 (d) STRATEGY TO PROTECT UNITED STATES BUSI-
2 NESSES AND NONGOVERNMENTAL ENTITIES FROM COER-
3 CION.—Not later than 90 days after the date of the enact-
4 ment of this Act, the Secretary of State, in consultation
5 with the Secretary of Commerce, the Secretary of the
6 Treasury, and the heads of other relevant Federal agen-
7 cies, shall submit an unclassified report, with a classified
8 annex if necessary, to protect United States businesses
9 and nongovernmental entities from sharp power oper-
10 ations, including coercion and threats that lead to censor-
11 ship or self-censorship, or which compel compliance with
12 political or foreign policy positions of the Government of
13 the People’s Republic of China and the Chinese Com-
14 munist Party. The strategy shall include the following ele-
15 ments:

16 (1) Information on efforts by the Government
17 of the People’s Republic of China to censor the
18 websites of United States airlines, hotels, and other
19 businesses regarding the relationship between Tai-
20 wan and the People’s Republic of China.

21 (2) Information on efforts by the Government
22 of the People’s Republic of China to target United
23 States nongovernmental entities through sharp
24 power operations intended to weaken support for
25 Taiwan.

1 (3) Information on United States Government
2 efforts to counter the threats posed by Chinese
3 state-sponsored propaganda and disinformation, in-
4 cluding information on best practices, current suc-
5 cesses, and existing barriers to responding to this
6 threat.

7 (4) Details of any actions undertaken to create
8 a code of conduct pursuant to subsection (b) and a
9 timetable for implementation.

10 **SEC. 604. NEGOTIATION OF A FREE TRADE AGREEMENT**
11 **WITH TAIWAN.**

12 Subject to section 605, the President is authorized
13 to enter into an agreement with Taiwan consistent with
14 the policy described in section 603, and the provisions of
15 section 151(c) of the Trade Act of 1974 (19 U.S.C.
16 2191(c)) shall apply with respect to a bill to implement
17 such agreement.

18 **SEC. 605. INTRODUCTION AND FAST TRACK CONSIDER-**
19 **ATION OF IMPLEMENTING BILL.**

20 (a) INTRODUCTION IN HOUSE OF REPRESENTATIVES
21 AND SENATE.—Whenever the President submits to Con-
22 gress a bill to implement a trade agreement described in
23 section 604, the bill shall be introduced (by request) in
24 the House of Representatives and in the Senate as de-

1 scribed in section 151(c) of the Trade Act of 1974 (19
2 U.S.C. 2191(c)).

3 (b) PERMISSIBLE CONTENT IN IMPLEMENTING LEG-
4 ISLATION.—A bill to implement a trade agreement de-
5 scribed in section 604 shall contain provisions that are
6 necessary to implement the trade agreement, and shall in-
7 clude trade-related labor and environmental protection
8 standards, but may not include amendments to title VII
9 of the Tariff Act of 1930, title II of the Trade Act of
10 1974, or any antitrust law of the United States.

11 (c) APPLICABILITY OF FAST TRACK PROCEDURES.—
12 Section 151 of the Trade Act of 1974 (19 U.S.C. 2191)
13 is amended—

14 (1) in subsection (b)(1), by inserting “section
15 604 of the Countering Communist China Act,” after
16 “section 282 of the Uruguay Round Agreements
17 Act,”; and

18 (2) in subsection (c)(1), by inserting “section
19 604 of the Countering Communist China Act,” after
20 “the Uruguay Round Agreements Act,”.

21 **SEC. 606. STRATEGY TO ADDRESS GENOCIDE IN THE**
22 **XINJIANG UYGHUR AUTONOMOUS REGION.**

23 (a) STRATEGY REQUIRED.—Not later than 60 days
24 after the date of the enactment of this Act, the President

1 shall submit to the appropriate congressional committees
2 a report that includes a strategy specifically describing—

3 (1) the steps already taken to tangibly address
4 atrocity crimes occurring in the Xinjiang Uyghur
5 Autonomous Region, especially during the period fol-
6 lowing the January 19, 2021, determination that
7 genocide and crimes against humanity were occur-
8 ring in the Xinjiang Uyghur Autonomous Region;
9 and

10 (2) a strategy for ending the atrocity crimes oc-
11 curring in the Xinjiang Uyghur Autonomous Region,
12 including by—

13 (A) holding accountable persons or entities
14 responsible for committing such atrocity crimes
15 by addressing, through existing or new export
16 controls or import restrictions, the issues of
17 mass biometric surveillance and forced labor
18 programs in China;

19 (B) gaining access for United Nations,
20 United States, and other diplomats and foreign
21 journalists to the Xinjiang Uyghur Autonomous
22 Region; and

23 (C) protecting Uyghurs, Kazakhs, Kyrgyz,
24 and other ethnic minorities affected by the

1 atrocities committed by the Government of the
2 People's Republic of China.

3 (b) FORM AND PUBLICATION.—The report required
4 under subsection (b) shall be submitted in unclassified
5 form and shall be made publicly available, but may include
6 a classified annex.

7 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—
8 In this section, the term “appropriate congressional com-
9 mittees” means—

10 (1) The Committee on Foreign Affairs, the
11 Committee on Armed Services, and the Committee
12 on Appropriations of the House of Representatives.

13 (2) The Committee on Foreign Relations, the
14 Committee on Armed Services, and the Committee
15 on Appropriations of the Senate.

16 **SEC. 607. SANCTIONS WITH RESPECT TO INDIVIDUALS RE-**
17 **SPONSIBLE FOR OR COMPLICIT IN FORCED**
18 **STERILIZATIONS, FORCED ABORTIONS, OR**
19 **OTHER SEXUAL VIOLENCE.**

20 (a) STATEMENT OF POLICY.—It is the policy of the
21 United States to consider any foreign person or entity re-
22 sponsible for, complicit in, or having directly or indirectly
23 engaged in forced sterilizations, forced abortions, or other
24 sexual violence targeting any individual in the Xinjiang
25 Uyghur Autonomous Region as having committed gross

1 violations of internationally recognized human rights for
2 purposes of imposing the sanctions detailed in the Global
3 Magnitsky Human Rights Accountability Act (22 U.S.C.
4 2656 note).

5 (b) DENIAL OF ENTRY FOR FOREIGN NATIONALS
6 ENGAGED IN ESTABLISHMENT OR ENFORCEMENT OF
7 FORCED ABORTION OR STERILIZATION POLICY.—Section
8 801 of the Admiral James W. Nance and Meg Donovan
9 Foreign Relations Authorization Act, Fiscal Years 2000
10 and 2001 (Public Law 106–113; 8 U.S.C. 1182e) is
11 amended—

12 (1) in subsection (b), by striking “minister.”
13 and inserting minister, unless—

14 “(1) the Secretary of State makes a public de-
15 termination that the forced sterilizations, forced
16 abortions, or other coercive population control poli-
17 cies were being committed or enforced with the in-
18 tent to destroy, in whole or in part, a national, eth-
19 nic, racial or religious group and therefore constitute
20 genocide or crimes against humanity; or

21 “(2) the Secretary of State finds that such co-
22 ercive population control policies were targeting
23 Uyghurs, Kazakhs, Tibetan or other ethnic minori-
24 ties or individuals peacefully expressing internation-

1 ally recognized human rights in the People’s Repub-
2 lic of China.”;

3 (2) in subsection (c), by striking “national in-
4 terest” and inserting “national security interest”;
5 and

6 (3) by adding at the end the following new sub-
7 sections:

8 “(d) NOTICE.—The Secretary of State shall make a
9 public announcement each time sanctions are imposed
10 under this section as a result of a determination or finding
11 described in subsection (b)(1) or (b)(2), respectively.

12 “(e) INFORMATION REQUESTED BY CONGRESS.—The
13 Secretary of State shall, upon request of a Member of
14 Congress—

15 “(1) provide information about the use of the
16 sanctions described in this section, including the
17 number of times imposed, disaggregated by country
18 and by year; or

19 “(2) provide a classified briefing that includes
20 information about the individuals or entities sanc-
21 tioned pursuant to this section and any other Act
22 authorizing sanctions with respect to the conduct of
23 such individuals or entities.”.

1 **SEC. 608. LIMITATIONS ON FUNDS MADE AVAILABLE FOR**
2 **THE UNITED NATIONS POPULATION FUND.**

3 Chapter 3 of part I of the Foreign Assistance Act
4 of 1961 (22 U.S.C. 2221 et seq.) is amended by adding
5 at the end the following:

6 **“SEC. 308. LIMITATIONS ON FUNDS MADE AVAILABLE FOR**
7 **THE UNITED NATIONS POPULATION FUND.**

8 “(a) AVAILABILITY OF FUNDS.—

9 “(1) IN GENERAL.—Funds made available to
10 carry out this part for the United Nations Popu-
11 lation Fund (UNFPA) that are not made available
12 for UNFPA because of the operation of any provi-
13 sion of law shall be transferred to the ‘Global Health
14 Programs’ account and shall be made available for
15 family planning, maternal, and reproductive health
16 activities.

17 “(2) NOTIFICATION.—The President shall no-
18 tify the appropriate congressional committees of any
19 transfer of funds under this subsection not later
20 than 10 days after the date on which funds are so
21 transferred.

22 “(b) PROHIBITION ON USE OF FUNDS IN CHINA.—
23 None of the funds made available to carry out this part
24 may be used by UNFPA for a country program in the
25 People’s Republic of China.

1 “(c) CONDITIONS ON AVAILABILITY OF FUNDS.—
2 Funds made available to carry out this part for UNFPA
3 may not be made available unless—

4 “(1) UNFPA maintains funds made available
5 to carry out this part in an account separate from
6 other accounts of UNFPA and does not commingle
7 such funds with other sums; and

8 “(2) UNFPA does not fund abortions.

9 “(d) REPORT TO CONGRESS AND DOLLAR-FOR-DOL-
10 LAR WITHHOLDING OF FUNDS.—

11 “(1) IN GENERAL.—Not later than 4 months
12 after the start of each fiscal year, the Secretary of
13 State shall submit to the appropriate congressional
14 committees a report indicating the amount of funds
15 that UNFPA is budgeting for the year in which the
16 report is submitted for a country program in the
17 People’s Republic of China.

18 “(2) DEDUCTION OF FUNDS.—If a report under
19 paragraph (1) indicates that UNFPA plans to spend
20 funds for a country program in the People’s Repub-
21 lic of China in the year covered by the report, then
22 an amount of funds equal to the amount of funds
23 UNFPA plans to spend in the People’s Republic of
24 China shall be deducted from the funds made avail-
25 able to UNFPA after March 1 for obligation for the

1 remainder of the fiscal year in which the report is
2 submitted.

3 “(e) APPROPRIATE CONGRESSIONAL COMMITTEES
4 DEFINED.—In this section, the term ‘appropriate congress-
5 sional committees’ means—

6 “(1) the Committee on Appropriations and the
7 Committee on Foreign Affairs of the House of Rep-
8 resentatives; and

9 “(2) the Committee on Appropriations and the
10 Committee on Foreign Relations of the Senate.”.

11 **SEC. 609. PROHIBITION ON USE OF FUNDS FOR ABORTIONS**
12 **AND INVOLUNTARY STERILIZATIONS.**

13 Section 104(f) of the Foreign Assistance Act of 1961
14 (22 U.S.C. 2151b(f)) is amended by adding at the end
15 the following:

16 “(4) None of the funds made available to carry
17 out this Act nor any unobligated balances from prior
18 appropriations Acts may be made available to any
19 organization or program which supports or partici-
20 pates in the management of a program of coercive
21 abortion or involuntary sterilization.”.

1 **SEC. 610. PROHIBITION ON CERTAIN FUNDING RELATING**
2 **TO PROVISION OF AN OPEN PLATFORM FOR**
3 **CHINA.**

4 (a) **FUNDING PROHIBITION.**—Notwithstanding any
5 other provision of law, no funding made available to the
6 United States Agency for Global Media (USAGM) may
7 be used to provide an open platform for representatives
8 of the People’s Republic of China (PRC), members of the
9 Chinese Communist Party (CCP), or any entity owned or
10 controlled by the PRC or CCP.

11 (b) **REPORT.**—Not later than 180 days after the date
12 of the enactment of this Act, the USAGM shall submit
13 to the Committee on Foreign Affairs of the House of Rep-
14 resentatives and the Committee on Foreign Relations of
15 the Senate a report describing whether or not any of its
16 broadcast entities, including its grantee organizations, has
17 provided at any time during the five-year period imme-
18 diately preceding such report an open platform for rep-
19 resentatives of the PRC, members of the CCP, or any enti-
20 ty owned or controlled by the PRC or CCP. Such report
21 shall be made available on a publicly available website by
22 the Federal Government.

1 **SEC. 611. ESTABLISHMENT OF NEW MANDARIN CHINESE**
2 **LANGUAGE PLATFORMS OF THE UNITED**
3 **STATES AGENCY FOR GLOBAL MEDIA.**

4 (a) IN GENERAL.—The Chief Executive Officer of the
5 United States Agency for Global Media (USAGM) shall
6 establish new platforms in the Mandarin Chinese lan-
7 guage, including new social media accounts, an internet
8 website hosting radio channels and video and audio
9 podcasts, and an interactive website and mobile applica-
10 tion, for the following purposes:

11 (1) Exposing the corruption and human rights
12 abuses of the Chinese Communist Party.

13 (2) Supporting the right for the people of the
14 People’s Republic of China to live in democracy.

15 (3) Explaining the failures of Communism.

16 (4) Explaining to a Chinese audience the con-
17 cepts of rule of law, constitutionalism, limited gov-
18 ernment, separation of powers, democracy, and
19 human rights.

20 (5) Highlighting the voices of Chinese civil soci-
21 ety, democracy activists, and opposition movements
22 advocating for a free and democratic China.

23 (b) STRATEGY.—In carrying out subsection (a), the
24 Chief Executive Officer of USAGM shall develop a strat-
25 egy for—

1 (1) bypassing the firewall and internet censor-
2 ship of the People’s Republic of China; and

3 (2) supporting programs for bypassing such
4 firewall and internet censorship in order to reach the
5 people of China.

6 **SEC. 612. ANNUAL MEETINGS OF INTERPARLIAMENTARY**
7 **GROUP BETWEEN CONGRESS AND LEGISLA-**
8 **TURE OF TAIWAN.**

9 (a) MEETINGS.—The Speaker of the House of Rep-
10 resentatives and the President pro tempore of the Senate
11 shall each appoint members to serve on an interparliamen-
12 tary group which will meet annually with representatives
13 of the Legislative Yuan of Taiwan to discuss areas of mu-
14 tual interest between the United States and Taiwan, in-
15 cluding—

16 (1) deterring military aggression by the Peo-
17 ple’s Republic of China and countering the malign
18 influence of the Chinese Communist Party in both
19 the United States and Taiwan;

20 (2) strengthening security cooperation between
21 the United States and Taiwan; and

22 (3) enhancing bilateral trade between the
23 United States and Taiwan.

24 (b) APPOINTMENT OF MEMBERS.—

1 (1) HOUSE.—The Speaker of the House of
2 Representatives shall appoint 6 Members of the
3 House to serve on the group under this section,
4 based on recommendations made by the majority
5 leader and the minority leader of the House, and
6 shall designate one of the Members as the co-chair
7 of the group.

8 (2) SENATE.—The President pro tempore of
9 the Senate shall appoint 6 Senators to serve on the
10 group under this section, based on recommendations
11 made by the majority leader and the minority leader
12 of the Senate, and shall designate one of the Sen-
13 ators as the co-chair of the group.

14 (c) SOURCE OF FUNDING.—Of the amounts obligated
15 and expended to carry out this section—

16 (1) 50 percent shall be derived from the appli-
17 cable accounts of the House of Representatives; and

18 (2) 50 percent shall be derived form the contin-
19 gent fund of the Senate.

20 (d) REPEAL OF EXISTING INTERPARLIAMENTARY
21 GROUP BETWEEN SENATE AND PEOPLE’S REPUBLIC OF
22 CHINA.—Section 153 of the Miscellaneous Appropriations
23 and Offsets Act, 2004 (22 U.S.C. 276n) is hereby re-
24 pealed.

1 **SEC. 613. PROHIBITION ON IMPORTATION OF GOODS MADE**
2 **IN THE XINJIANG UYGHUR AUTONOMOUS RE-**
3 **GION.**

4 (a) IN GENERAL.—Except as provided in subsection
5 (b), all goods, wares, articles, and merchandise mined,
6 produced, or manufactured wholly or in part in the
7 Xinjiang Uyghur Autonomous Region of China, or by per-
8 sons working with the Xinjiang Uyghur Autonomous Re-
9 gion government for purposes of the “poverty alleviation”
10 program or the “pairing-assistance” program which sub-
11 sidizes the establishment of manufacturing facilities in the
12 Xinjiang Uyghur Autonomous Region, shall be deemed to
13 be goods, wares, articles, and merchandise described in
14 section 307 of the Tariff Act of 1930 (19 U.S.C. 1307)
15 and shall not be entitled to entry at any of the ports of
16 the United States.

17 (b) EXCEPTION.—The prohibition described in sub-
18 section (a) shall not apply if the Commissioner of U.S.
19 Customs and Border Protection—

20 (1) determines, by clear and convincing evi-
21 dence, that any specific goods, wares, articles, or
22 merchandise described in subsection (a) were not
23 produced wholly or in part by convict labor, forced
24 labor, or indentured labor under penal sanctions;
25 and

1 (2) submits to the appropriate congressional
2 committees and makes available to the public a re-
3 port that contains such determination.

4 (c) **EFFECTIVE DATE.**—This section shall take effect
5 on the date that is 120 days after the date of the enact-
6 ment of this Act.

7 **SEC. 614. DESIGNATION AND REFERENCES TO TAIWAN REP-**
8 **RESENTATIVE OFFICE.**

9 (a) **STATEMENT OF POLICY.**—It shall be the policy
10 of the United States, consistent with the Taiwan Relations
11 Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) and the
12 Six Assurances—

13 (1) to provide the people of Taiwan with de
14 facto diplomatic treatment equivalent to foreign
15 countries, nations, states, governments, or similar
16 entities; and

17 (2) to rename the “Taipei Economic and Cul-
18 tural Representative Office” in the United States as
19 the “Taiwan Representative Office”.

20 (b) **RENAMING.**—The Secretary of State shall seek
21 to enter into negotiations with the Taipei Economic and
22 Cultural Representative Office to rename its office in
23 Washington, DC, the “Taiwan Representative Office”.

24 (c) **REFERENCES.**—If the negotiations under sub-
25 section (b) results in the renaming of the Taipei Economic

1 and Cultural Representative Office as the Taiwan Rep-
2 resentative Office, any reference in a law, map, regulation,
3 document, paper, or other record of the United States
4 Government to the Taipei Economic and Cultural Rep-
5 resentative Office shall be deemed to be a reference to the
6 Taiwan Representative Office, including for all official
7 purposes of the United States Government, all courts of
8 the United States, and any proceedings by such Govern-
9 ment or in such courts.

10 **SEC. 615. DETERRING AMERICA'S TECHNOLOGICAL ADVER-**
11 **SARIES.**

12 (a) **SHORT TITLE.**—This section may be cited as the
13 “Deterring America’s Technological Adversaries Act” or
14 the “DATA Act”.

15 (b) **FINDINGS.**—Congress finds the following:

16 (1) On December 2, 2022, the Director of the
17 Federal Bureau of Investigation, Christopher Wray,
18 stated, “We . . . do have national security concerns
19 about the app TikTok. Its parent company is con-
20 trolled by the Chinese government. And it gives
21 them the potential to leverage the app in ways that
22 I think should concern us . . . One, it gives them
23 the ability to control the recommendation algorithm
24 which allows them to manipulate content and if they
25 want to, to use it for influence operations which are

1 a lot more worrisome in the hands of the Chinese
2 Communist Party than whether or not you're steer-
3 ing somebody as an influencer to one product or an-
4 other. They also have the ability to collect data
5 through it on users which can be used for traditional
6 espionage operations, for example. They also have
7 the ability on it to get access, they have essentially
8 access to the software to devices. So you're talking
9 about millions of devices and that gives them the
10 ability to engage in different kinds of malicious
11 cyber activity through that. And so all of these
12 things are in the hands of a government that doesn't
13 share our values and that has a mission that's very
14 much at odds with what's in the best interest of the
15 United States that that should concern us."

16 (2) On December 3, 2022, the Director of Na-
17 tional Intelligence, Avril Haines, "It is extraordinary
18 the degree to which China, in particular, but they're
19 not the only ones, obviously, are developing just
20 frameworks for collecting foreign data and pulling it
21 in and their capacity to then turn that around and
22 use it to target audiences for information campaigns
23 or for other things, but also to have it for the future
24 so that they can use it for a variety of means that
25 they're interested in."

1 (3) On December 16, 2022, the Director of
2 Central Intelligence, Bill Burns, stated, “I think it’s
3 a genuine concern . . . for the U.S. government, in
4 the sense that, because the parent company of
5 TikTok is a Chinese company, the Chinese govern-
6 ment is able to insist upon extracting the private
7 data of a lot of TikTok users in this country, and
8 also to shape the content of what goes on to TikTok
9 as well to suit the interests of the Chinese leadership
10 . . . What I would underscore, though, is that it’s
11 genuinely troubling to see what the Chinese govern-
12 ment could do to manipulate TikTok.”.

13 (4) On December 23, 2022, both chambers of
14 Congress passed a bipartisan spending bill that in-
15 cluded a ban on using TikTok from Government de-
16 vices.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—No addi-
18 tional amounts are authorized to be made available to
19 carry out this section.

20 (d) SEVERABILITY.—If any provision of this section
21 or its application to any person or circumstance is held
22 invalid, the invalidity does not affect other provisions or
23 applications of this section that can be given effect without
24 the invalid provision or application, and to this end the
25 provisions of this section are severable.

1 (e) DEFINITIONS.—In this section:

2 (1) AGENCY OR INSTRUMENTALITY OF A FOR-
3 EIGN STATE.—The term “agency or instrumentality
4 of a foreign state” has the meaning given such term
5 under section 1603(b) of title 28, United States
6 Code.

7 (2) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Foreign Affairs,
11 Committee on Ways and Means, and the Com-
12 mittee on Financial Services of the House of
13 Representatives; and

14 (B) the Committee on Foreign Relations
15 and the Committee on Banking, Housing, and
16 Urban Affairs of the Senate.

17 (3) CHINA.—The term “China” means—

18 (A) when used in the geographic sense, the
19 country of the People’s Republic of China; and

20 (B) otherwise, the Government of the
21 country of the People’s Republic of China, in-
22 cluding any entity acting on behalf of, or the
23 benefit of—

24 (i) the country of the People’s Repub-
25 lic of China; or

1 (ii) the Government of the country of
2 the People’s Republic of China.

3 (4) CONNECTED SOFTWARE APPLICATION.—

4 The term “connected software application” has the
5 meaning given such term in Executive Order 14034
6 (86 Fed. Reg. 31423; relating to protecting Ameri-
7 cans’ sensitive data from foreign adversaries).

8 (5) ELECTION INTERFERENCE IN OR AGAINST A
9 FOREIGN COUNTRY THAT IS A TREATY ALLY OF THE
10 UNITED STATES OR A DEMOCRATIC OR EMERGING
11 DEMOCRATIC PARTNER OF THE UNITED STATES.—

12 The term “election interference in or against a for-
13 eign country that is a treaty ally of the United
14 States or a democratic or emerging democratic part-
15 ner of the United States” means actions to engage
16 in, directly or indirectly, activities originating from,
17 or directed by, persons located, in whole or in sub-
18 stantial part, outside the territory of a treaty ally of
19 the United States or a democratic or emerging
20 democratic partner of the United States that have
21 the purpose or effect of tampering with, altering, un-
22 lawfully accessing, or causing a misappropriation of
23 information with the purpose or effect of interfering
24 with or undermining election processes or institu-
25 tions.

1 (6) ELECTION INTERFERENCE IN OR AGAINST
2 THE UNITED STATES.—The term “election inter-
3 ference in or against the United States” includes ac-
4 tions to engage in, directly or indirectly, activities
5 originating from, or directed by persons located, in
6 whole or in substantial part, outside the United
7 States that—

8 (A) have the purpose or effect of tam-
9 pering with, altering, unlawfully accessing, or
10 causing a misappropriation of information with
11 the purpose or effect of undermining election
12 processes or institutions;

13 (B) deny access, block, degrade, or alter
14 election and campaign infrastructure, or related
15 systems or data related to political parties, can-
16 didates in elections for public office, the admin-
17 istration of elections for public office, or any
18 public election activity; or

19 (C) consist of the making of contributions
20 or donations, or any other activity prohibited
21 under section 319 of the Federal Election Cam-
22 paign Act of 1971 (52 U.S.C. 30121), with the
23 purpose or effect of undermining election proc-
24 esses or institutions.

1 (7) FOREIGN PERSON.—The term “foreign per-
2 son”—

3 (A) means a person that is not a United
4 States person; and

5 (B) includes a nonresident alien individual,
6 foreign corporation, foreign partnership, foreign
7 trust, or foreign estate.

8 (8) KNOWINGLY.—The term “knowingly”, with
9 respect to conduct, a circumstance, or a result,
10 means that a person has actual knowledge, or should
11 have known, of the conduct, the circumstance, or the
12 result.

13 (9) SENSITIVE PERSONAL DATA.—The term
14 “sensitive personal data” has the meaning given
15 such term in section 7.2 of title 15, Code of Federal
16 Regulations (or any successor regulation).

17 (10) TREATY ALLY OF THE UNITED STATES.—
18 The term “treaty ally of the United States” means
19 a foreign country that is a party to any of the fol-
20 lowing:

21 (A) The North Atlantic Treaty, signed at
22 Washington, April 4, 1949.

23 (B) The Security Treaty Between Aus-
24 tralia, New Zealand, and the United States of

1 America, signed at San Francisco, September
2 1, 1951.

3 (C) The Mutual Defense Treaty Between
4 the United States of America and the Republic
5 of the Philippines, signed at Washington, Au-
6 gust 30, 1951.

7 (D) The Southeast Asia Collective Defense
8 Treaty, signed at Manila, September 8, 1954.

9 (E) The Treaty of Mutual Cooperation and
10 Security Between the United States of America
11 and Japan, signed at Washington, January 19,
12 1960.

13 (F) The Mutual Defense Treaty Between
14 the United States of America and the Republic
15 of Korea, signed at Washington, October 1,
16 1953.

17 (11) UNITED STATES PERSON.—The term
18 “United States person” means—

19 (A) a United States citizen;

20 (B) a permanent resident alien;

21 (C) an entity organized under the laws of
22 the United States (including foreign branches);

23 or

24 (D) any person in the United States.

1 (f) CLARIFICATION OF NON-APPLICABILITY FOR
2 REGULATION AND PROHIBITION RELATING TO SENSITIVE
3 PERSONAL DATA UNDER INTERNATIONAL EMERGENCY
4 ECONOMIC POWERS ACT.—

5 (1) CLARIFICATION.—

6 (A) IN GENERAL.—The importation to a
7 country, or the exportation from a country, of
8 sensitive personal data shall not constitute the
9 importation from a country, or the exportation
10 to a country, of information or informational
11 materials for purposes of paragraph (1) or (3)
12 of section 203(b) of the International Emer-
13 gency Economic Powers Act (50 U.S.C.
14 1702(b)).

15 (B) RULE OF CONSTRUCTION.—Nothing in
16 paragraph (1), and nothing in the International
17 Emergency Economic Powers Act, may be con-
18 strued to provide for the application of para-
19 graph (1) or (3) of section 203(b) of the Inter-
20 national Emergency Economic Powers Act (50
21 U.S.C. 1702(b)) to the importation to China, or
22 the exportation from China, directly or indi-
23 rectly, of sensitive personal data.

24 (2) DIRECTIVE.—Not later than 180 days after
25 the date of the enactment of this Act, the Secretary

1 of the Treasury shall issue a directive prohibiting
2 United States persons from engaging in any trans-
3 action with a person that the Secretary of the Treas-
4 ury determines knowingly provides or may transfer
5 sensitive personal data of persons subject to United
6 States jurisdiction to any foreign person that—

7 (A) is subject to the jurisdiction or direc-
8 tion of, or directly or indirectly operating on be-
9 half of, China; or

10 (B) is owned by, directly or indirectly con-
11 trolled by, or is otherwise subject to the influ-
12 ence of China.

13 (g) IMPOSITION OF SANCTIONS ON CERTAIN TRANS-
14 ACTIONS RELATING TO CONNECTED SOFTWARE APPLICA-
15 TIONS.—

16 (1) IMPOSITION OF SANCTIONS.—

17 (A) IN GENERAL.—The President shall im-
18 pose the sanction described in paragraph (2)
19 with respect to any foreign person that, on or
20 after the date of the enactment of this Act,
21 knowingly—

22 (i) operates, directs, or otherwise
23 deals in a connected software application
24 that—

1 (I) is subject to the jurisdiction
2 or direction of, or directly or indi-
3 rectly operating on behalf of China, or
4 is owned by, directly or indirectly con-
5 trolled by, or otherwise subject to the
6 influence of China; and

7 (II) is reasonably believed to have
8 facilitated or may be facilitating or
9 contributing to China's—

10 (aa) military, intelligence,
11 espionage, or weapons prolifera-
12 tion activities;

13 (bb) censorship activities;

14 (cc) surveillance activities;

15 (dd) control or use of rec-
16 ommendation algorithms that are
17 capable of manipulating content;

18 (ee) malicious cyber activi-
19 ties; or

20 (ff) use of data to target au-
21 diences for information cam-
22 paigns;

23 (ii) directly or indirectly orders, con-
24 trols, directs, engages in, or otherwise fa-

1 facilitates an act of election interference
2 against the United States;

3 (iii) directly or indirectly orders, con-
4 trols, directs, engages in, or otherwise fa-
5 cilitates an act of election interference in
6 or against a foreign country that is—

7 (I) a treaty ally of the United
8 States; or

9 (II) a democratic or emerging
10 democratic partner of the United
11 States;

12 (iv) directly or indirectly orders, con-
13 trols, directs, engages in, or otherwise fa-
14 cilitates an act of steering United States
15 policy and regulatory decisions in favor of
16 China's strategic objectives, to the det-
17 riment of the economic or national security
18 of the United States;

19 (v) knowingly facilitates a transaction
20 or transactions for or on behalf of a person
21 described, or a person that has engaged in
22 the activity described, as the case may be,
23 in clause (i), (ii), (iii), (iv);

24 (vi) knowingly assists, sponsors, or
25 provides financial, material, or techno-

1 logical support for a person described, or a
2 person that has engaged in the activity de-
3 scribed, as the case may be, in clause (i),
4 (ii), (iii), (iv);

5 (vii) is owned or controlled by, or has
6 acted for or on behalf of, directly or indi-
7 rectly, a person described, or a person that
8 has engaged in the activity described, as
9 the case may be, in clause (i), (ii), (iii),
10 (iv).

11 (B) LIST OF FOREIGN COUNTRIES THAT
12 ARE DEMOCRATIC OR EMERGING DEMOCRATIC
13 PARTNERS OF THE UNITED STATES.—

14 (i) IN GENERAL.—Not later than 90
15 days after the date of the enactment of
16 this Act, the President shall submit to the
17 appropriate congressional committees—

18 (I) a definition of the term
19 “democratic or emerging democratic
20 partner of the United States”; and

21 (II) a list of foreign countries
22 that are designated as a democratic or
23 emerging democratic partner of the
24 United States for purposes of sub-

1 paragraph (A)(iii) that includes the
2 countries listed in clause (ii).

3 (ii) INITIAL DESIGNATIONS.—Sweden,
4 Switzerland, Israel, India, and Taiwan
5 shall be deemed to have been so designated
6 as a democratic or emerging democratic
7 partner of the United States for purposes
8 of subparagraph (A)(iii).

9 (iii) UPDATES.—The President shall
10 submit to the appropriate congressional
11 committees an updated list under sub-
12 clause (I) on a periodic basis.

13 (2) SANCTION DESCRIBED.—

14 (A) IN GENERAL.—The sanction described
15 in this paragraph is the exercise of all powers
16 granted to the President by the International
17 Emergency Economic Powers Act (50 U.S.C.
18 1701 et seq.) (except that the requirements of
19 section 202 of such Act (50 U.S.C. 1701) shall
20 not apply) to the extent necessary to block and
21 prohibit all transactions in all property and in-
22 terests in property of any foreign person or an
23 agency or instrumentality of a foreign state, as
24 the case may be, if such property and interests
25 in property are in the United States, come

1 within the United States, or are or come within
2 the possession or control of a United States
3 person.

4 (B) IMPLEMENTATION.—The President
5 may exercise all authorities provided under sec-
6 tions 203 and 205 of the International Emer-
7 gency Economic Powers Act (50 U.S.C. 1702
8 and 1704) to carry out this section.

9 (C) REGULATIONS.—

10 (i) IN GENERAL.—The President shall
11 prescribe such regulations as may be nec-
12 essary for the implementation of this sec-
13 tion.

14 (ii) PRIOR BRIEFING REQUIRED.—Not
15 later than 10 days before the prescription
16 of regulations under clause (i), the Presi-
17 dent shall brief the appropriate congres-
18 sional committees regarding the proposed
19 regulations and the provisions of this sec-
20 tion that such regulations are imple-
21 menting.

22 (D) PENALTIES.—A person that violates,
23 attempts to violate, or causes a violation of any
24 sanction authorized by this section, or any reg-
25 ulation, license, or order issued to carry out

1 such sanctions, shall be subject to the penalties
2 set forth in subsections (b) and (c) of section
3 206 of the International Emergency Economic
4 Powers Act (50 U.S.C. 1705) to the same ex-
5 tent as a person that commits an unlawful act
6 described in subsection (a) of that section.

7 (E) EXCEPTIONS.—The following activities
8 shall not be subject to the imposition of sanc-
9 tions under this section:

10 (i) Any authorized intelligence, law
11 enforcement, or national security activities
12 of the United States.

13 (ii) Any transaction necessary to com-
14 ply with United States obligations under
15 the Agreement between the United Nations
16 and the United States of America regard-
17 ing the Headquarters of the United States,
18 signed at Lake Success June 26, 1947,
19 and entered into force November 21, 1947,
20 or the Convention on Consular Relations,
21 done at Vienna April 24, 1963, and en-
22 tered into force March 19, 1967, or any
23 other United States international agree-
24 ment.

1 (F) WAIVER.—The President may, on a
2 case-by-case basis and for periods not to exceed
3 180 days each, waive the application of sanc-
4 tions imposed with respect to a foreign person
5 under this section if the President certifies to
6 the appropriate congressional committees, not
7 later than 15 days before such waiver is to take
8 effect, that the waiver is vital to the national
9 security interests of the United States.

10 (3) SUNSET.—This section, and the authorities
11 provided by this section, shall terminate on the date
12 that is 5 years after the date of the enactment of
13 this Act.

14 (h) SPECIFIC DETERMINATIONS WITH RESPECT TO
15 THE IMPOSITION OF SANCTIONS.—

16 (1) DETERMINATION RELATING TO
17 BYTEDANCE, LTD., TIKTOK, AND RELATED ENTI-
18 TIES.—

19 (A) IN GENERAL.—Not later than 90 days
20 after the date of the enactment of this Act, and
21 every 180 days thereafter for 3 years, the
22 President shall transmit to the appropriate con-
23 gressional committees a determination of
24 whether reasonable grounds exist for concluding

1 that any of the entities described in subpara-
2 graph (B)—

3 (i) meets the criteria described in sub-
4 paragraph (A) or (B) of subsection (f)(2)
5 for purposes of applying a directive de-
6 scribed in such section with respect to the
7 entity; or

8 (ii) have engaged in any conduct de-
9 scribed in subsection (g)(1).

10 (B) ENTITIES DESCRIBED.—The entities
11 described in this subsection are—

12 (i) Bytedance, Ltd.;

13 (ii) TikTok;

14 (iii) any subsidiary of or a successor
15 to an entity described in clause (i) or (ii);
16 and

17 (iv) any entity owned or controlled di-
18 rectly or indirectly by an entity described
19 in clause (i), (ii), or (iii).

20 (C) FORM.—The determination described
21 in subparagraph (A) shall be transmitted in un-
22 classified form, and any supporting documenta-
23 tion may be transmitted in a classified annex.

24 (D) APPLICATION OF SANCTIONS.—If the
25 President makes an affirmative decision under

1 subparagraph (A) with respect to any entity de-
2 scribed in subparagraph (B), the President
3 shall impose the sanction described in sub-
4 section (g)(2) with respect to the entity, as ap-
5 propriate.

6 (2) REQUESTS BY APPROPRIATE CONGRES-
7 SIONAL COMMITTEES.—

8 (A) IN GENERAL.—Not later than 120
9 days after receiving a request from the chair-
10 person or ranking member of one or more of
11 the appropriate congressional committees with
12 respect to whether a foreign person meets the
13 criteria described in subparagraph (A) or of
14 subsection (f)(2) for purposes of applying a di-
15 rective described in such section with respect to
16 the person, or have engaged in any conduct de-
17 scribed in section 201 for the imposition of the
18 sanction described in subsection (g)(2), the
19 President shall—

20 (i) determine if that person meets the
21 requirements described in the applicable
22 section; and

23 (ii) submit to the chairperson and
24 ranking member of the committee or com-
25 mittees a report that includes—

1 (I) a statement of whether or not
2 the President imposed or intends to
3 impose such sanction with respect to
4 the person; and

5 (II) if applicable, a description of
6 the sanction so imposed or intended to
7 be imposed.

8 (B) AVAILABILITY OF INFORMATION.—

9 (i) IN GENERAL.—Any information
10 obtained at any time with respect to the
11 President making a determination with re-
12 spect to a foreign person under subpara-
13 graph (A), or under any review of the for-
14 eign person through other United States
15 Government national security review proc-
16 esses, shall be made available to a com-
17 mittee or subcommittee of Congress of ap-
18 propriate jurisdiction, upon the request of
19 the chairman or ranking minority member
20 of such committee or subcommittee.

21 (ii) PROHIBITION ON DISCLOSURE.—
22 No such committee or subcommittee, or
23 member thereof, may disclose any informa-
24 tion made available under clause (i), that
25 is submitted on a confidential basis unless

1 the full committee determines that the
2 withholding of that information is contrary
3 to the national interest.

4 (C) FORM.—Each determination described
5 in subparagraph (A)(i), and each report under
6 subparagraph (A)(ii), may be submitted in clas-
7 sified or unclassified form, and any supporting
8 documentation to such determination or report
9 may contain a classified annex.

10 **SEC. 616. SANCTIONING SUPPORTERS OF SLAVE LABOR**
11 **ACT.**

12 (a) SHORT TITLE.—This section may be cited as the
13 “Sanctioning Supporters of Slave Labor Act”.

14 (b) IMPOSITION OF ADDITIONAL SANCTIONS RELAT-
15 ING TO HUMAN RIGHTS ABUSES IN THE XINJIANG
16 UYGHUR AUTONOMOUS REGION.—

17 (1) IN GENERAL.—Section 6 of the Uyghur
18 Human Rights Policy Act of 2020 (Public Law 116–
19 145; 22 U.S.C. 6901 note) is amended—

20 (A) in subsection (a)—

21 (i) by redesignating paragraph (2) as
22 paragraph (3); and

23 (ii) by inserting after paragraph (1)
24 the following:

1 “(2) ADDITIONAL MATTERS TO BE IN-
2 CLUDED.—The President shall include in the report
3 required by paragraph (1) an identification of—

4 “(A) each foreign person that knowingly
5 provides significant goods, services, or tech-
6 nology to or for a person identified in such re-
7 port; and

8 “(B) each foreign person that knowingly
9 engages in a significant transaction relating to
10 any of the acts described in subparagraphs (A)
11 through (F) of paragraph (1).”; and

12 (B) in subsection (b), by striking “sub-
13 section (a)(1)” and inserting “subsection (a)”.

14 (2) EFFECTIVE DATE.—The amendments made
15 by subsection (a)—

16 (A) take effect on the date of the enact-
17 ment of this Act; and

18 (B) apply with respect to each report re-
19 quired by section 6(a) of the Uyghur Human
20 Rights Policy Act of 2020 submitted before, on,
21 or after such date of enactment.

1 **SEC. 617. COUNTERING ATROCITIES THROUGH CURRENCY**
2 **ACCOUNTABILITY ACT.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Countering Atrocities through Currency Accountability
5 Act of 2024”.

6 (b) **FINDINGS.**—Congress finds the following:

7 (1) The United States dollar composes nearly
8 two-thirds of the world’s currency reserves, with
9 more than one trillion dollars being owned by the
10 Government of China as of October 2020.

11 (2) It is the policy of the United States to ad-
12 vance freedom and human rights globally, a policy
13 that is incompatible with egregious human rights
14 violations, and as such has a responsibility to ensure
15 that the United States currency market does not
16 complicitly support perpetrators of these abuses.

17 (3) In regions of the world where political, gov-
18 ernmental, or other realities preclude humanitarian
19 due diligence practices from ensuring the currency
20 market of the United States is not interwoven with
21 entities’ egregious human rights violations, addi-
22 tional measures must be taken to separate the econ-
23 omy of the United States from these violations, as
24 well as to apply pressure on relevant actors to up-
25 hold their humanitarian responsibilities.

1 (c) SPECIAL MEASURES FOR JURISDICTIONS, FINAN-
2 CIAL INSTITUTIONS, OR INTERNATIONAL TRANSACTIONS
3 OF PRIMARY HUMANITARIAN CONCERN.—

4 (1) IN GENERAL.—Chapter 53 of title 31,
5 United States Code, is amended by inserting after
6 section 5318A the following:

7 **“§ 5318B. Special measures for jurisdictions, financial**
8 **institutions, or international transactions**
9 **of primary humanitarian concern**

10 “(a) INTERNATIONAL HUMANITARIAN REQUIRE-
11 MENTS.—

12 “(1) IN GENERAL.—The Secretary of the
13 Treasury shall require domestic financial institutions
14 and domestic financial agencies to take 1 or more of
15 the special measures described in subsection (b) if
16 the Secretary finds that reasonable grounds exist for
17 concluding that a jurisdiction outside of the United
18 States, 1 or more financial institutions operating
19 outside of the United States, 1 or more classes of
20 transactions within, or involving, a jurisdiction out-
21 side of the United States, or 1 or more types of ac-
22 counts is of primary humanitarian concern, in ac-
23 cordance with subsection (c).

24 “(2) FORM OF REQUIREMENT.—The special
25 measures described in—

1 “(A) subsection (b) shall be imposed in
2 such sequence or combination as the Secretary
3 shall determine; and

4 “(B) paragraphs (1) through (5) of sub-
5 section (b) shall be imposed by regulation,
6 order, or otherwise as permitted by law.

7 “(3) DURATION OF ORDERS; RULEMAKING.—
8 Any order by which a special measure described in
9 paragraphs (1) through (5) of subsection (b) is im-
10 posed—

11 “(A) shall be issued together with a notice
12 of proposed rulemaking relating to the imposi-
13 tion of such special measure; and

14 “(B) may not be terminated unless the
15 Secretary—

16 “(i) certifies to Congress that the ap-
17 plicable jurisdiction, financial institution,
18 class of transaction, or type of account is
19 no longer of primary humanitarian con-
20 cern; and

21 “(ii) not more than 30 days before the
22 date of such termination, notifies, in writ-
23 ing, the Committees on Financial Services
24 and Foreign Affairs of the House of Rep-
25 resentatives and the Committees on Bank-

1 ing, Housing, and Urban Affairs and For-
2 eign Relations of the Senate of such termi-
3 nation.

4 “(4) NATIONAL SECURITY WAIVER.—

5 “(A) IN GENERAL.—The Secretary shall
6 waive the application of any special measure re-
7 quired by the Secretary under paragraph (1)
8 with respect to a transaction related to the pro-
9 duction, manufacture, or commerce related to
10 rare earth minerals if the Secretary determines
11 such waiver is necessary on national security
12 grounds.

13 “(B) TIME LIMIT.—A waiver issued under
14 subparagraph (A) may not be for longer than
15 one year, but such a waiver may be renewed.

16 “(C) WRITTEN JUSTIFICATION.—If the
17 Secretary issues (or renews) a waiver under this
18 paragraph, the Secretary shall provide the Com-
19 mittees on Financial Services and Foreign Af-
20 fairs of the House of Representatives and the
21 Committees on Banking, Housing, and Urban
22 Affairs and Foreign Relations of the Senate
23 with a written justification for such waiver.
24 Such justification shall be submitted in unclas-
25 sified form, but may include a classified annex.

1 “(D) INFORMATION FOR THE PUBLIC.—If
2 the Secretary issues a waiver under this para-
3 graph, the Secretary, in consultation with the
4 Secretary of Commerce and the Secretary of
5 the Interior, shall provide the following infor-
6 mation to the public, including on the website
7 of the Department of the Treasury:

8 “(i) Opportunities for public-private
9 partnerships to increase domestic produc-
10 tion of rare earth elements and inter-
11 mediate and finished products containing
12 rare earth elements, including permanent
13 magnets.

14 “(ii) Information regarding the rela-
15 tionship between the reason the applicable
16 jurisdiction, financial institution, class of
17 transaction, or type of account was found
18 to be of primary humanitarian concern and
19 the production, manufacture, or commerce
20 related to rare earth minerals.

21 “(5) NO LIMITATION ON OTHER AUTHORITY.—
22 This section shall not be construed as superseding or
23 otherwise restricting any other authority granted to
24 the Secretary, or to any other agency, by this sub-
25 chapter or otherwise.

1 “(b) SPECIAL MEASURES.—The special measures re-
2 ferred to in subsection (a), with respect to a jurisdiction
3 outside of the United States, financial institution oper-
4 ating outside of the United States, class of transaction
5 within, or involving, a jurisdiction outside of the United
6 States, or 1 or more types of accounts are as follows:

7 “(1) RECORDKEEPING AND REPORTING OF
8 CERTAIN FINANCIAL TRANSACTIONS.—

9 “(A) IN GENERAL.—The Secretary of the
10 Treasury may require any domestic financial in-
11 stitution or domestic financial agency to main-
12 tain records, file reports, or both, concerning
13 the aggregate amount of transactions, or con-
14 cerning each transaction, with respect to a ju-
15 risdiction outside of the United States, 1 or
16 more financial institutions operating outside of
17 the United States, 1 or more classes of trans-
18 actions within, or involving, a jurisdiction out-
19 side of the United States, or 1 or more types
20 of accounts if the Secretary finds any such ju-
21 risdiction, institution, class of transactions, or
22 type of account to be of primary humanitarian
23 concern.

24 “(B) FORM OF RECORDS AND REPORTS.—
25 Such records and reports shall be made and re-

1 tained at such time, in such manner, and for
2 such period of time, as the Secretary shall de-
3 termine, and shall include such information as
4 the Secretary may determine, including—

5 “(i) the identity and address of the
6 participants in a transaction or relation-
7 ship, including the identity of the origi-
8 nator of any funds transfer;

9 “(ii) the legal capacity in which a par-
10 ticipant in any transaction is acting;

11 “(iii) the identity of the beneficial
12 owner of the funds involved in any trans-
13 action, in accordance with such procedures
14 as the Secretary determines to be reason-
15 able and practicable to obtain and retain
16 the information; and

17 “(iv) a description of any transaction.

18 “(2) INFORMATION RELATING TO BENEFICIAL
19 OWNERSHIP.—In addition to any other requirement
20 under any other provision of law, the Secretary shall
21 require any domestic financial institution or domes-
22 tic financial agency to take such steps as the Sec-
23 retary may determine to be reasonable and prac-
24 ticable to obtain and retain information concerning
25 the beneficial ownership of any account opened or

1 maintained in the United States by a foreign person,
2 or a representative of such a foreign person, that in-
3 volves a jurisdiction outside of the United States, 1
4 or more financial institutions operating outside of
5 the United States, 1 or more classes of transactions
6 within, or involving, a jurisdiction outside of the
7 United States, or 1 or more types of accounts if the
8 Secretary finds any such jurisdiction, institution, or
9 transaction or type of account to be of primary hu-
10 manitarian concern.

11 “(3) INFORMATION RELATING TO CERTAIN PAY-
12 ABLE-THROUGH ACCOUNTS.—If the Secretary finds
13 a jurisdiction outside of the United States, 1 or
14 more financial institutions operating outside of the
15 United States, or 1 or more classes of transactions
16 within, or involving, a jurisdiction outside of the
17 United States to be of primary humanitarian con-
18 cern, the Secretary shall require any domestic finan-
19 cial institution or domestic financial agency that
20 opens or maintains a payable-through account in the
21 United States for a foreign financial institution in-
22 volving any such jurisdiction or any such financial
23 institution operating outside of the United States, or
24 a payable through account through which any such

1 transaction may be conducted, as a condition of
2 opening or maintaining such account—

3 “(A) to identify each customer (and rep-
4 resentative of such customer) of such financial
5 institution who is permitted to use, or whose
6 transactions are routed through, such payable-
7 through account; and

8 “(B) to obtain, with respect to each such
9 customer (and each such representative), infor-
10 mation that is substantially comparable to that
11 which the depository institution obtains in the
12 ordinary course of business with respect to its
13 customers residing in the United States.

14 “(4) INFORMATION RELATING TO CERTAIN COR-
15 RESPONDENT ACCOUNTS.—If the Secretary finds a
16 jurisdiction outside of the United States, 1 or more
17 financial institutions operating outside of the United
18 States, or 1 or more classes of transactions within,
19 or involving, a jurisdiction outside of the United
20 States to be of primary humanitarian concern, the
21 Secretary shall require any domestic financial insti-
22 tution or domestic financial agency that opens or
23 maintains a correspondent account in the United
24 States for a foreign financial institution involving
25 any such jurisdiction or any such financial institu-

1 tion operating outside of the United States, or a cor-
2 respondent account through which any such trans-
3 action may be conducted, as a condition of opening
4 or maintaining such account—

5 “(A) to identify each customer (and rep-
6 resentative of such customer) of any such finan-
7 cial institution who is permitted to use, or
8 whose transactions are routed through, such
9 correspondent account; and

10 “(B) to obtain, with respect to each such
11 customer (and each such representative), infor-
12 mation that is substantially comparable to that
13 which the depository institution obtains in the
14 ordinary course of business with respect to its
15 customers residing in the United States.

16 “(5) PROHIBITIONS OR CONDITIONS ON OPEN-
17 ING OR MAINTAINING CERTAIN CORRESPONDENT OR
18 PAYABLE-THROUGH ACCOUNTS.—If the Secretary
19 finds a jurisdiction outside of the United States, 1
20 or more financial institutions operating outside of
21 the United States, or 1 or more classes of trans-
22 actions within, or involving, a jurisdiction outside of
23 the United States to be of primary humanitarian
24 concern, the Secretary, in consultation with the Sec-
25 retary of State, the Attorney General, and the

1 Chairman of the Board of Governors of the Federal
2 Reserve System, shall prohibit, or impose conditions
3 upon, the opening or maintaining in the United
4 States of a correspondent account or payable-
5 through account by any domestic financial institu-
6 tion or domestic financial agency, if such cor-
7 respondent account or payable-through account in-
8 volves any such jurisdiction or institution, or if any
9 such transaction may be conducted through such
10 correspondent account or payable-through account.

11 “(c) CONSULTATIONS AND INFORMATION TO BE
12 CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS,
13 TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRI-
14 MARY HUMANITARIAN CONCERN.—

15 “(1) IN GENERAL.—In making a finding that
16 reasonable grounds exist for concluding that a juris-
17 diction outside of the United States, 1 or more fi-
18 nancial institutions operating outside of the United
19 States, 1 or more classes of transactions within, or
20 involving, a jurisdiction outside of the United States,
21 or 1 or more types of accounts is of primary human-
22 itarian concern so as to authorize the Secretary of
23 the Treasury to take 1 or more of the special meas-
24 ures described in subsection (b), the Secretary shall

1 consult with the Secretary of State, the Attorney
2 General, and the Secretary of Commerce.

3 “(2) ADDITIONAL CONSIDERATIONS.—In mak-
4 ing a finding described in paragraph (1), the Sec-
5 retary shall consider in addition such information as
6 the Secretary determines to be relevant, including
7 the following potentially relevant factors:

8 “(A) JURISDICTIONAL FACTORS.—In the
9 case of a particular jurisdiction—

10 “(i) covered human rights violations
11 have been or are being committed by an in-
12 dividual, group of individuals, corporation,
13 organization, government, or other state or
14 non-state actor, and that they have trans-
15 acted business in that jurisdiction;

16 “(ii) the extent to which covered
17 human rights violations in that jurisdiction
18 enable, support, or are connected to trans-
19 acted business therein;

20 “(iii) the substance and quality of ad-
21 ministration of the human rights laws of
22 that jurisdiction pertaining to covered
23 human rights violations;

24 “(iv) the jurisdiction is characterized
25 as committing covered human rights viola-

1 tions by credible international organiza-
2 tions or multilateral expert groups;

3 “*(v)* the jurisdiction is characterized
4 by a disregard for human rights; or

5 “*(vi)* whether the United States has
6 issued or maintained formal genocide or
7 crimes against humanity determinations
8 covering that jurisdiction within the pre-
9 vious 5 years.

10 “(B) INSTITUTIONAL FACTORS.—In the
11 case of a decision to apply 1 or more of the spe-
12 cial measures described in subsection (b) only
13 to a financial institution or institutions, or to a
14 transaction or class of transactions, or to a type
15 of account, or to all 3, within or involving a
16 particular jurisdiction—

17 “*(i)* such financial institutions, classes
18 of transactions, or types of accounts are
19 used to facilitate or promote covered
20 human rights violations in or through the
21 jurisdiction; and

22 “*(ii)* whether such action is sufficient
23 to ensure, with respect to transactions in-
24 volving the jurisdiction and institutions op-
25 erating in the jurisdiction, that the pur-

1 poses of this subchapter continue to be ful-
2 filled, and to guard against covered human
3 rights violations.

4 “(d) NOTIFICATION OF SPECIAL MEASURES IN-
5 VOKED BY THE SECRETARY.—Not later than 10 days
6 after the date of any action taken by the Secretary of the
7 Treasury under subsection (a)(1), the Secretary shall no-
8 tify, in writing, the Committee on Financial Services of
9 the House of Representatives, the Committee on Foreign
10 Affairs of the House of Representatives, the Committee
11 on Banking, Housing, and Urban Affairs of the Senate,
12 and the Committee on Foreign Relations of the Senate
13 of any such action.

14 “(e) DUE DILIGENCE FOR UNITED STATES PRIVATE
15 BANKING AND CORRESPONDENT BANK ACCOUNTS IN-
16 VOLVING FOREIGN PERSONS.—

17 “(1) IN GENERAL.—Each financial institution
18 that establishes, maintains, administers, or manages
19 a private banking account or a correspondent ac-
20 count in the United States for a non-United States
21 person, including a foreign individual visiting the
22 United States, or a representative of a non-United
23 States person shall establish appropriate, specific,
24 and, where necessary, enhanced, due diligence poli-
25 cies, procedures, and controls that are reasonably

1 designed to detect and report instances of covered
2 human rights violations through those accounts.

3 “(2) ADDITIONAL STANDARDS FOR CERTAIN
4 CORRESPONDENT ACCOUNTS.—

5 “(A) IN GENERAL.—Subparagraph (B)
6 shall apply if a correspondent account is re-
7 quested or maintained by, or on behalf of, a
8 foreign bank operating—

9 “(i) under an offshore banking li-
10 cense; or

11 “(ii) under a banking license issued
12 by a foreign country that has been des-
13 ignated—

14 “(I) as noncooperative with inter-
15 national human rights principles or
16 procedures by the United States or an
17 intergovernmental group or organiza-
18 tion of which the United States is a
19 member, with which designation the
20 United States representative to the
21 group or organization concurs; or

22 “(II) by the Secretary as war-
23 ranting special measures due to con-
24 cerns with covered human rights vio-
25 lations.

1 “(B) POLICIES, PROCEDURES, AND CON-
2 TROLS.—The enhanced due diligence policies,
3 procedures, and controls required under para-
4 graph (1) shall, at a minimum, ensure that the
5 financial institution in the United States takes
6 reasonable steps—

7 “(i) to ascertain for any such foreign
8 bank, the shares of which are not publicly
9 traded, the identity of each of the owners
10 of the foreign bank, and the nature and
11 extent of the ownership interest of each
12 such owner;

13 “(ii) to conduct enhanced scrutiny of
14 such account to ensure the account is not
15 associated with covered human rights vio-
16 lations and report any suspicious trans-
17 actions under section 5318(g); and

18 “(iii) to ascertain whether such for-
19 eign bank provides correspondent accounts
20 to other foreign banks and, if so, the iden-
21 tity of those foreign banks and related due
22 diligence information, as appropriate under
23 paragraph (1).

24 “(3) MINIMUM STANDARDS FOR PRIVATE BANK-
25 ING ACCOUNTS.—If a private banking account is re-

1 requested or maintained by, or on behalf of, a non-
2 United States person, then the due diligence policies,
3 procedures, and controls required under paragraph
4 (1) shall, at a minimum, ensure that the financial
5 institution takes reasonable steps—

6 “(A) to ascertain the identity of the nomi-
7 nal and beneficial owners of, and the source of
8 funds deposited into, such account as needed to
9 guard against supporting covered human rights
10 violations and report any suspicious trans-
11 actions under section 5318(g); and

12 “(B) to conduct enhanced scrutiny of any
13 such account that is requested or maintained
14 by, or on behalf of, a senior foreign political fig-
15 ure, or any immediate family member or close
16 associate of a senior foreign political figure,
17 that is reasonably designed to detect and report
18 transactions that may involve the proceeds of
19 covered human rights violations.

20 “(4) DEFINITIONS.—In this subsection:

21 “(A) OFFSHORE BANKING LICENSE.—The
22 term ‘offshore banking license’ means a license
23 to conduct banking activities which, as a condi-
24 tion of the license, prohibits the licensed entity
25 from conducting banking activities with the citi-

1 zens of, or with the local currency of, the coun-
2 try which issued the license.

3 “(B) PRIVATE BANKING ACCOUNT.—The
4 term ‘private banking account’ means an ac-
5 count (or any combination of accounts) that—

6 “(i) requires a minimum aggregate
7 deposit of funds or other assets of not less
8 than \$500,000;

9 “(ii) is established on behalf of 1 or
10 more individuals who have a direct or ben-
11 eficial ownership interest in the account;
12 and

13 “(iii) is assigned to, or is administered
14 or managed by, in whole or in part, an of-
15 ficer, employee, or agent of a financial in-
16 stitution acting as a liaison between the fi-
17 nancial institution and the direct or bene-
18 ficial owner of the account.

19 “(f) DEFINITIONS.—In this section:

20 “(1) COVERED HUMAN RIGHTS VIOLATION.—
21 The term ‘covered human rights violation’ means—

22 “(A) an offense described under chapter
23 50A of title 18, United States Code; and

24 “(B) crimes against humanity.

1 “(2) XINJIANG.—The term ‘Xinjiang’ means
2 the Xinjiang Uyghur Autonomous Region, People’s
3 Republic of China.

4 “(3) OTHER DEFINITIONS.—The definitions
5 under section 5318A(e) shall apply to this section.”.

6 (2) CLERICAL AMENDMENT.—The table of con-
7 tents for chapter 53 of title 31, United States Code,
8 is amended by inserting after the item relating to
9 section 5318A the following:

 “5318B. Special measures for jurisdictions, financial institutions, or inter-
 national transactions of primary humanitarian concern.”.

10 (d) ASSESSING XINJIANG AS A JURISDICTION OF
11 PRIMARY HUMANITARIAN CONCERN.—

12 (1) DETERMINATION.—Not later than 180 days
13 after the date of enactment of this Act, the Sec-
14 retary of the Treasury, in consultation with the Sec-
15 retary of State and the Secretary of Commerce, shall
16 determine whether reasonable grounds exist to deter-
17 mine that Xinjiang Uyghur Autonomous Region,
18 People’s Republic of China, is a jurisdiction of pri-
19 mary humanitarian concern under section 5318B of
20 title 31, United States Code.

21 (2) REPORT.—As soon as practicable after the
22 determination required under paragraph (1), the
23 Secretary of the Treasury shall issue a report to the
24 Congress containing the following:

1 (A) Whether the Secretary determines that
2 reasonable grounds exist to determine that
3 Xinjiang is a jurisdiction of primary humani-
4 tarian concern.

5 (B) If so, which special measures described
6 under subsection (b) of such section 5318B, if
7 any, the Secretary of the Treasury shall require
8 domestic financial institutions and domestic fi-
9 nancial agencies to take with respect to
10 Xinjiang.

11 (C) If not, a detailed explanation of the
12 Secretary's reasoning in making such deter-
13 mination and evidence supporting that deter-
14 mination.

15 (3) CLASSIFICATION.—The report submitted
16 pursuant to paragraph (1) shall be submitted in un-
17 classified form, but may include a classified annex.

18 (e) REPORT ON POLYSILICATE PRODUCTION AND
19 TRADE.—Not later than 120 days after the date of enact-
20 ment of this Act, the Secretary of State shall issue a re-
21 port to the Congress containing a description of the fol-
22 lowing:

23 (1) Polysilicate production in Xinjiang.

24 (2) The use of forced labor in polysilicate pro-
25 duction and trade.

1 (3) The role of the Chinese Government and its
2 affiliated actors, including the Xinjiang Production
3 and Construction Corps, in polysilicate production
4 and trade.

5 (4) The impacts of Chinese polysilicate produc-
6 tion on international markets and ethical implica-
7 tions thereof.

8 **TITLE VII—MATTERS RELATED**
9 **TO DEFENSE**

10 **SEC. 701. MODIFICATION TO USE OF EMERGENCY SANC-**
11 **TIONS AUTHORITIES REGARDING COM-**
12 **MUNIST CHINESE MILITARY COMPANIES.**

13 (a) IN GENERAL.—Section 1237(a)(1) of the Strom
14 Thurmond National Defense Authorization Act for Fiscal
15 Year 1999 (50 U.S.C. 1701 note) is amended—

16 (1) by striking “may exercise” and inserting
17 “shall exercise”;

18 (2) by striking clause (ii);

19 (3) in the matter preceding clause (i), by strik-
20 ing “that—” and inserting “that is engaged in pro-
21 viding commercial services, manufacturing, pro-
22 ducing, or exporting and—”;

23 (4) in clause (i), by striking “; and” and insert-
24 ing “; or”; and

1 (5) by adding at the end the following new
2 clause:

3 “(ii)(I) is owned or controlled by, or
4 affiliated with, the Chinese Communist
5 Party or any person who has ever been a
6 delegate of a National People’s Congress of
7 the Chinese Communist Party; and

8 “(II) is engaged in significant invest-
9 ment in the sectors of fifth-generation
10 wireless communications, artificial intel-
11 ligence, advanced computing, ‘big data’
12 analytics, autonomy, robotics, directed en-
13 ergy, hypersonics, or biotechnology.”.

14 (b) EXTENSION OF LIST REQUIREMENT.—Notwith-
15 standing section 1061(i)(6) of the National Defense Au-
16 thorization Act for Fiscal Year 2017 (10 U.S.C. 111
17 note), the submission required by subsection (b) of section
18 1237 of the Strom Thurmond National Defense Author-
19 ization Act for Fiscal Year 1999—

20 (1) shall not terminate on December 31, 2021;

21 and

22 (2) shall continue in effect until December 31,
23 2026.

1 **SEC. 702. PROHIBITION ON USE OF FUNDS TO PURCHASE**
2 **GOODS OR SERVICES FROM COMMUNIST CHI-**
3 **NESE MILITARY COMPANIES.**

4 (a) IN GENERAL.—None of the funds authorized to
5 be appropriated or otherwise made available for fiscal year
6 2020 and available for obligation as of the date of the
7 enactment of this Act, or authorized to be appropriated
8 or otherwise made available for fiscal year 2021 or any
9 fiscal year thereafter, may be obligated or expended to
10 purchase goods or services from a person on the list re-
11 quired by section 1237(b) of the Strom Thurmond Na-
12 tional Defense Authorization Act for Fiscal Year 1999
13 (Public Law 105–261; 50 U.S.C. 1701 note).

14 (b) APPLICATION TO PRIVATE ENTITIES AND STATE
15 AND LOCAL GOVERNMENTS.—

16 (1) IN GENERAL.—The prohibition under sub-
17 section (a) includes a prohibition on the obligation
18 or expenditure of funds described in that subsection
19 for the purchase of goods or services from persons
20 described in that subsection by a private entity or a
21 State or local government that received such funds
22 through a grant or any other means.

23 (2) CERTIFICATION REQUIRED TO RECEIVE FU-
24 TURE FUNDS.—

25 (A) IN GENERAL.—On and after the date
26 of the enactment of this Act, the head of an ex-

1 executive agency shall ensure that funds described
2 in subsection (a) are not provided to a private
3 entity or a State or local government unless the
4 entity or government certifies that the entity or
5 government, as the case may be, is not pur-
6 chasing goods or services from a person de-
7 scribed in subsection (a).

8 (B) REVIEW.—The head of an executive
9 agency shall conduct a review of the use of
10 funds described in subsection (a) that are pro-
11 vided to a private entity or a State or local gov-
12 ernment to ensure compliance with the require-
13 ments of subparagraph (A).

14 (c) EXECUTIVE AGENCY DEFINED.—In this section,
15 the term “executive agency” has the meaning given that
16 term in section 133 of title 41, United States Code.

17 **SEC. 703. ENACTMENT OF EXECUTIVE ORDER 13959.**

18 (a) IN GENERAL.—The provisions of Executive Order
19 13959 (85 Fed. Reg. 73185; relating to addressing the
20 threat from securities investments that finance Com-
21 munist Chinese military companies (November 12, 2020)),
22 as in effect on January 14, 2021, are enacted into law.

23 (b) PUBLICATION.—In publishing this Act in slip
24 form and in the United States Statutes at Large pursuant
25 to section 112 of title 1, United States Code, the Archivist

1 of the United States shall include after the date of ap-
2 proval at the end an appendix setting forth the text of
3 the Executive order referred to in subsection (a), as in
4 effect on January 14, 2021.

5 **SEC. 704. INCLUSION OF CERTAIN CHINESE ENTITIES ON**
6 **THE ANNEX TO EXECUTIVE ORDER 13959.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of a law, an entity described in subsection (b) shall
9 be deemed to be included on the Annex to Executive Order
10 13959, as in effect on January 14, 2021, and enacted into
11 law by section 1(a) for purposes of carrying out the provi-
12 sions of such Executive order.

13 (b) ENTITY DESCRIBED.—An entity described in this
14 subsection is an entity that—

15 (1) is organized under the laws of the People’s
16 Republic of China or otherwise subject to the juris-
17 diction of the Government of the People’s Republic
18 of China; and

19 (2) is included on the list maintained and set
20 forth in Supplement No. 4 to part 744 of the Export
21 Administration Regulations.

22 (c) EXPORT ADMINISTRATION REGULATIONS DE-
23 FINED.—In this section, the term “Export Administration
24 Regulations” means the regulations set forth in sub-

1 chapter C of chapter VII of title 15, Code of Federal Reg-
2 ulations, or successor regulations.

3 **SEC. 705. ARMS EXPORTS TO INDIA.**

4 (a) ELIGIBILITY FOR ARMS EXPORTS.—Section 3 of
5 the Arms Export Control Act (22 U.S.C. 2753) is amend-
6 ed—

7 (1) in subsection (b)(2), by striking “or the
8 Government of New Zealand” and inserting “the
9 Government of New Zealand, or the Government of
10 India”; and

11 (2) in subsection (d), by striking “or New Zea-
12 land” each place it appears and inserting “New Zea-
13 land, or India”.

14 (b) SALES FROM STOCKS.—Section 21 of the Arms
15 Export Control Act (22 U.S.C. 2761) is amended—

16 (1) in subsection (e)(2)(A), by striking “or New
17 Zealand” and inserting “New Zealand, or India”;
18 and

19 (2) in subsection (h), by striking “or Israel”
20 each place it appears and inserting “Israel, or
21 India”.

22 (c) REPORTS ON COMMERCIAL AND GOVERNMENTAL
23 MILITARY EXPORTS; CONGRESSIONAL ACTION.—Section
24 36 of the Arms Export Control Act (22 U.S.C. 2776) is

1 amended by striking “or New Zealand” each place it ap-
2 pears and inserting “New Zealand, or India”.

3 (d) REPORTS TO THE CONGRESS.—Section 62(c)(1)
4 of the Arms Export Control Act (22 U.S.C. 2796a) is
5 amended by striking “or New Zealand” and inserting
6 “New Zealand, or India”.

7 (e) LEGISLATIVE REVIEW.—Section 63(a)(2) of the
8 Arms Export Control Act (22 U.S.C. 2796b) is amended
9 by striking “or New Zealand” and inserting “New Zea-
10 land, or India”.

11 **TITLE VIII—MATTERS RELATED**
12 **TO THE PROTECTION OF IN-**
13 **TELLECTUAL PROPERTY**

14 **SEC. 801. IMPOSITION OF SANCTIONS RELATED TO THE**
15 **THEFT OF INTELLECTUAL PROPERTY.**

16 (a) IN GENERAL.—The President shall impose the
17 sanctions described in subsection (b) with respect to each
18 person described in subsection (c) the President deter-
19 mines, on or after the date of enactment of this Act, oper-
20 ates in a sector of China’s economy wherein persons have
21 engaged in a pattern of significant theft of the intellectual
22 property of a United States person, or received the intel-
23 lectual property of a United States person obtained
24 through a pattern of significant theft.

1 (b) SANCTIONS IMPOSED.—The sanctions described
2 in this subsection are the following:

3 (1) ASSET BLOCKING.—The exercise of all pow-
4 ers granted to the President by the International
5 Emergency Economic Powers Act (50 U.S.C. 1701
6 et seq.) to the extent necessary to block and prohibit
7 all transactions in all property and interests in prop-
8 erty of a person described in subsection (a) if such
9 property and interests in property are in the United
10 States, come within the United States, or are or
11 come within the possession or control of a United
12 States person.

13 (2) ALIENS INELIGIBLE FOR VISAS, ADMISSION,
14 OR PAROLE.—

15 (A) VISAS, ADMISSION, OR PAROLE.—An
16 alien described in subsection (a) is—

17 (i) inadmissible to the United States;

18 (ii) ineligible to receive a visa or other
19 documentation to enter the United States;
20 and

21 (iii) otherwise ineligible to be admitted
22 or paroled into the United States or to re-
23 ceive any other benefit under the Immigra-
24 tion and Nationality Act (8 U.S.C. 1101 et
25 seq.).

1 (B) CURRENT VISAS REVOKED.—

2 (i) IN GENERAL.—The issuing con-
3 sular officer, the Secretary of State, or the
4 Secretary of Homeland Security (or a des-
5 ignee of one of such Secretaries) shall, in
6 accordance with section 221(i) of the Im-
7 migration and Nationality Act (8 U.S.C.
8 1201(i)), revoke any visa or other entry
9 documentation issued to an alien who the
10 Secretary of State or the Secretary of
11 Homeland Security (or a designee of one of
12 such Secretaries) determines is described
13 in subsection (a), regardless of when the
14 visa or other documentation is issued.

15 (ii) EFFECT OF REVOCATION.—A rev-
16 ocation under clause (i) shall take effect
17 immediately and shall automatically cancel
18 any other valid visa or entry documenta-
19 tion that is in the alien's possession.

20 (3) EXCEPTION TO COMPLY WITH UNITED NA-
21 TIONS HEADQUARTERS AGREEMENT.—The authority
22 to impose the sanctions described in paragraph
23 (2)(B) shall not apply to an alien if admitting the
24 alien into the United States is necessary to permit
25 the United States to comply with the Agreement re-

1 garding the Headquarters of the United Nations,
2 signed at Lake Success June 26, 1947, and entered
3 into force November 21, 1947, between the United
4 Nations and the United States, or other applicable
5 international obligations.

6 (c) PERSONS DESCRIBED.—A person described in
7 this section is one of the following:

8 (1) An individual who—

9 (A) is a national of the People’s Republic
10 of China or acting at the direction of a national
11 or entity of the People’s Republic of China; and

12 (B) is not a United States person.

13 (2) An entity that is—

14 (A) organized under the laws of the Peo-
15 ple’s Republic of China or of any jurisdiction
16 within the People’s Republic of China;

17 (B) owned or controlled by individuals who
18 are nationals of the People’s Republic of China;

19 or

20 (C) owned or controlled by an entity de-
21 scribed in subparagraph (A) and is not a
22 United States person.

23 (d) PENALTIES; IMPLEMENTATION.—

24 (1) PENALTIES.—A person that violates, at-
25 tempts to violate, conspires to violate, or causes a

1 violation of subsection (a) or any regulation, license,
2 or order issued to carry out subsection (a) shall be
3 subject to the penalties set forth in subsections (b)
4 and (c) of section 206 of the International Emer-
5 gency Economic Powers Act (50 U.S.C. 1705) to the
6 same extent as a person that commits an unlawful
7 act described in subsection (a) of that section.

8 (2) IMPLEMENTATION.—The President may ex-
9 ercise all authorities provided to the President under
10 sections 203 and 205 of the International Emer-
11 gency Economic Powers Act (50 U.S.C. 1702 and
12 1704) for purposes of carrying out this section.

13 (e) REPORT REQUIRED.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of this Act, the
16 President shall submit to the Committee on Foreign
17 Affairs of the House of Representatives and the
18 Committee on Foreign Relations of the Senate a re-
19 port that specifies each person the President deter-
20 mines meets the criteria described in subsection (a)
21 for the imposition of sanctions.

22 (2) TERMINATION OF SANCTIONS.—The Presi-
23 dent may terminate sanctions imposed under sub-
24 section (a) with respect to a person if the President
25 certifies to the Committee on Foreign Affairs of the

1 House of Representatives and the Committee on
2 Foreign Relations of the Senate that such person is
3 no longer engaging in efforts to steal United States
4 intellectual property.

5 (f) WAIVER.—The President may waive the imposi-
6 tion of sanctions under subsection (a) on a case-by-case
7 basis with respect to a person if the President—

8 (1) certifies to the Committee on Foreign Af-
9 fairs and the Committee on the Judiciary of the
10 House of Representatives and the Committee on
11 Foreign Relations and the Committee on the Judici-
12 ary of the Senate that such waiver is in the national
13 security interests of the United States; and

14 (2) includes a justification for such certifi-
15 cation.

16 (g) DEFINITIONS.—In this Act:

17 (1) ADMITTED; ALIEN.—The terms “admitted”
18 and “alien” have the meanings given those terms in
19 section 101 of the Immigration and Nationality Act
20 (8 U.S.C. 1101).

21 (2) UNITED STATES PERSON.—The term
22 “United States person” means—

23 (A) an individual who is a United States
24 citizen or an alien lawfully admitted for perma-
25 nent residence to the United States; or

1 (B) an entity organized under the laws of
2 the United States or of any jurisdiction within
3 the United States.

4 **SEC. 802. PROHIBITION ON USE OF FUNDS.**

5 None of the funds authorized to be appropriated or
6 otherwise made available to the United States Trade Rep-
7 resentative may be used to support, allow, or facilitate the
8 negotiation or approval of—

9 (1) the “Waiver from Certain Provisions of the
10 TRIPS Agreement for the Prevention, Containment,
11 and Treatment of COVID–19” put forth by India
12 and South Africa; or

13 (2) any other measure at the World Trade Or-
14 ganization to waive intellectual property rights.

15 **SEC. 803. PROHIBITION ON INDIVIDUALS WITH SECURITY**
16 **CLEARANCES FROM BEING EMPLOYED BY**
17 **CERTAIN ENTITIES.**

18 (a) PROHIBITION.—Section 3002 of the Intelligence
19 Reform and Terrorism Prevention Act of 2004 (50 U.S.C.
20 3343) is amended by adding at the end the following new
21 subsection:

22 “(e) PROHIBITION ON CERTAIN EMPLOYMENT.—

23 “(1) PROHIBITION.—A covered person may not
24 be employed by, contract with, or otherwise receive

1 funding from, any covered entity during the fol-
2 lowing periods:

3 “(A) A period in which the person holds a
4 security clearance.

5 “(B) The 5-year period beginning on the
6 date that the security clearance of a person be-
7 comes inactive.

8 “(2) PENALTIES.—Any person who knowingly
9 violates the prohibition in paragraph (1) shall be
10 fined under title 18, United States Code, or impris-
11 oned for not more than 5 years, or both.

12 “(3) NOTIFICATION.—A person who holds a se-
13 curity clearance shall be notified of the prohibition
14 in paragraph (1), including a list of the covered enti-
15 ties, as follows:

16 “(A) At the time at which the person is
17 issued the security clearance.

18 “(B) At the time at which the security
19 clearance of the person is renewed.

20 “(C) At the time at which the security
21 clearance of the person becomes inactive.

22 “(4) COVERED ENTITY.—

23 “(A) DEFINITION.—Subject to subpara-
24 graph (B), in this subsection, the term ‘covered
25 entity’ means any of the following entities (in-

1 including any subsidiary or affiliate of such enti-
2 ties):

3 “(i) Huawei Technologies Company.

4 “(ii) ZTE Corporation.

5 “(iii) Hytera Communications Cor-
6 poration.

7 “(iv) Hangzhou Hikvision Digital
8 Technology Company.

9 “(v) Dahua Technology Company.

10 “(vi) Kaspersky Lab.

11 “(B) MODIFICATIONS.—The Director of
12 National Intelligence, in consultation with the
13 Secretary of Defense or the Director of the
14 Federal Bureau of Investigation, may add or
15 remove entities to the list of covered entities in
16 subparagraph (A) based on whether the Direc-
17 tor determines there is reasonable belief that
18 the entity is owned or controlled by, or other-
19 wise connected to or receiving financial support
20 from, the government of the People’s Republic
21 of China, the government of the Russian Fed-
22 eration, the government of the Islamic Republic
23 of Iran, or the government of the Democratic
24 People’s Republic of Korea.”.

25 (b) APPLICATION.—

1 (1) IN GENERAL.—Subsection (e) of section
2 3002 of the Intelligence Reform and Terrorism Pre-
3 vention Act of 2004 (50 U.S.C. 3343) shall apply
4 with respect to an individual who is employed by,
5 contracts with, or otherwise receives funding from,
6 any covered entity under such subsection on or after
7 the date of the enactment of this Act.

8 (2) NOTIFICATION.—Not later than 30 days
9 after the date of the enactment of this Act, each
10 person who holds a security clearance as of such
11 date shall be notified of the prohibition in such sub-
12 section (e), including a list of the covered entities
13 under such subsection.

14 **SEC. 804. RESTRICTION ON ISSUANCE OF VISAS.**

15 (a) RESTRICTION.—The Secretary of State may not
16 issue a visa to, and the Secretary of Homeland Security
17 shall deny entry to the United States of, each of the fol-
18 lowing:

19 (1) Senior officials in the Chinese Communist
20 Party, including the Politburo, the Central Com-
21 mittee, and each delegate to the 19th National Con-
22 gress of the Chinese Communist Party.

23 (2) The spouses and children of the senior offi-
24 cials described in paragraph (1).

1 (3) Members of the cabinet of the Government
2 of the People’s Republic of China.

3 (4) Active duty members of the People’s Libera-
4 tion Army of China.

5 (b) **APPLICABILITY.**—The restriction under sub-
6 section (a) shall not apply for any year in which the Direc-
7 tor of National Intelligence certifies to the Committees on
8 the Judiciary of the House of Representatives and the
9 Senate that the Government of the People’s Republic of
10 China has ceased sponsoring, funding, facilitating, and ac-
11 tively working to support efforts to infringe on the intellec-
12 tual property rights of citizens and companies of the
13 United States.

14 **SEC. 805. INTER PARTES REVIEW.**

15 (a) **CLAIM CONSTRUCTION.**—Section 316(a) of title
16 35, United States Code, is amended—

17 (1) in paragraph (9), by inserting after “sub-
18 stitute claims,” the following: “including the stand-
19 ard for how substitute claims should be construed,”;

20 (2) in paragraph (12), by striking “; and” and
21 inserting a semicolon;

22 (3) in paragraph (13), by striking the period at
23 the end and inserting “; and”; and

24 (4) by adding at the end the following new
25 paragraph:

1 “(14) providing that for all purposes under this
2 chapter—

3 “(A) each challenged claim of a patent, or
4 claim proposed in a motion to amend, shall be
5 construed as the claim would be construed
6 under section 282(b) in an action to invalidate
7 a patent, including by construing each such
8 claim in accordance with—

9 “(i) the ordinary and customary
10 meaning of the claim as understood by a
11 person having ordinary skill in the art to
12 which the claimed invention pertains; and

13 “(ii) the prosecution history per-
14 taining to the patent; and

15 “(B) if a court has previously construed a
16 challenged claim of a patent or a challenged
17 claim term in a civil action to which the patent
18 owner was a party, the Office shall consider
19 that claim construction.”.

20 (b) BURDEN OF PROOF.—Section 316(e) of title 35,
21 United States Code, is amended to read as follows:

22 “(e) EVIDENTIARY STANDARDS.—

23 “(1) PRESUMPTION OF VALIDITY.—The pre-
24 sumption of validity under section 282(a) shall apply

1 to a previously issued claim that is challenged dur-
2 ing an inter partes review under this chapter.

3 “(2) BURDEN OF PROOF.—In an inter partes
4 review instituted under this chapter, the petitioner
5 shall have the burden of proving a proposition of
6 unpatentability of a previously issued claim by clear
7 and convincing evidence.”.

8 (c) STANDING.—Section 311 of title 35, United
9 States Code, is amended by adding at the end the fol-
10 lowing new subsection:

11 “(d) PERSONS THAT MAY PETITION.—

12 “(1) DEFINITION.—In this subsection, the term
13 ‘charged with infringement’ means a real and sub-
14 stantial controversy regarding infringement of a pat-
15 ent exists such that the petitioner would have stand-
16 ing to bring a declaratory judgment action in Fed-
17 eral court.

18 “(2) NECESSARY CONDITIONS.—A person may
19 not file with the Office a petition to institute an
20 inter partes review of a patent unless the person, or
21 a real party in interest or privy of the person, has
22 been—

23 “(A) sued for infringement of the patent;
24 or

1 “(B) charged with infringement under the
2 patent.”.

3 (d) LIMITATION ON REVIEWS.—Section 314(a) of
4 title 35, United States Code, is amended to read as fol-
5 lows:

6 “(a) THRESHOLD.—

7 “(1) LIKELIHOOD OF PREVAILING.—Subject to
8 paragraph (2), the Director may not authorize an
9 inter partes review to be instituted unless the Direc-
10 tor determines that the information presented in the
11 petition filed under section 311 and any response
12 filed under section 313 show that there is a reason-
13 able likelihood that the petitioner would prevail with
14 respect to at least one of the claims challenged in
15 the petition.

16 “(2) PREVIOUS INSTITUTION.—The Director
17 may not authorize an inter partes review to be insti-
18 tuted on a claim challenged in a petition if the Di-
19 rector has previously instituted an inter partes re-
20 view or post-grant review with respect to that
21 claim.”.

22 (e) REVIEWABILITY OF INSTITUTION DECISIONS.—
23 Section 314 of title 35, United States Code, is amended
24 by striking subsection (d) and inserting the following:

25 “(d) NO APPEAL.—

1 “(1) NONAPPEALABLE DETERMINATIONS.—

2 “(A) THRESHOLD DETERMINATION.—A
3 determination by the Director on the reasonable
4 likelihood that the petitioner will prevail under
5 subsection (a)(1) shall be final and nonappeal-
6 able.

7 “(B) DENIALS OF INSTITUTION.—A deter-
8 mination by the Director not to institute an
9 inter partes review under this section shall be
10 final and nonappealable.

11 “(2) APPEALABLE DETERMINATIONS.—Any as-
12 pect of a determination by the Director to institute
13 an inter partes review under this section, other than
14 a determination described in paragraph (1)(A), may
15 be reviewed during an appeal of a final written deci-
16 sion issued under section 318(a).”.

17 (f) ELIMINATING REPETITIVE PROCEEDINGS.—Sec-
18 tion 315(e) of title 35, United States Code, is amended
19 to read as follows:

20 “(e) ESTOPPEL.—

21 “(1) PROCEEDINGS BEFORE THE OFFICE.—A
22 person petitioning for an inter partes review of a
23 claim in a patent under this chapter, or the real
24 party in interest or privy of the petitioner, may not
25 petition for a subsequent inter partes review before

1 the Office with respect to that patent on any ground
2 that the petitioner raised or reasonably could have
3 raised in the initial petition, unless, after the filing
4 of the initial petition, the petitioner, or the real
5 party in interest or privy of the petitioner, is
6 charged with infringement of additional claims of
7 the patent.

8 “(2) CIVIL ACTIONS AND OTHER PRO-
9 CEEDINGS.—A person petitioning for an inter partes
10 review of a claim in a patent under this chapter that
11 results in an institution decision under section 314,
12 or the real party in interest or privy of the peti-
13 tioner, may not assert either in a civil action arising
14 in whole or in part under section 1338 of title 28
15 or in a proceeding before the International Trade
16 Commission under section 337 of the Tariff Act of
17 1930 (19 U.S.C. 1337) that the claim is invalid
18 based on section 102 or 103 of this title, unless the
19 invalidity argument is based on allegations that the
20 claimed invention was in public use, on sale, or oth-
21 erwise available to the public before the effective fil-
22 ing date of the claimed invention.”.

23 (g) REAL PARTY IN INTEREST.—

1 (1) CLARIFICATION OF DEFINITION.—Section
2 315 of title 35, United States Code, is amended by
3 adding at the end the following new subsection:

4 “(f) PETITIONER.—For purposes of this chapter, a
5 person that directly or through an affiliate, subsidiary, or
6 proxy makes a financial contribution to the preparation
7 for, or conduct during, an inter partes review on behalf
8 of the petitioner shall be considered a real party in interest
9 of the petitioner.”.

10 (2) DISCOVERY OF REAL PARTY IN INTER-
11 EST.—Section 316(a)(5) of title 35, United States
12 Code, is amended to read as follows:

13 “(5) setting forth standards and procedures for
14 discovery of relevant evidence, including that such
15 discovery shall be limited to—

16 “(A) the deposition of witnesses submitting
17 affidavits or declarations;

18 “(B) evidence identifying the petitioner’s
19 real parties in interest; and

20 “(C) what is otherwise necessary in the in-
21 terest of justice;”.

22 (h) PRIORITY OF FEDERAL COURT VALIDITY DE-
23 TERMINATIONS.—

1 (1) IN GENERAL.—Section 315 of title 35,
2 United States Code, as amended by subsections (f)
3 and (g), is further amended—

4 (A) by redesignating subsections (c)
5 through (f) as sections (d) through (g), respec-
6 tively; and

7 (B) by inserting after subsection (b) the
8 following new subsection:

9 “(c) FEDERAL COURT VALIDITY DETERMINA-
10 TIONS.—

11 “(1) INSTITUTION BARRED.—An inter partes
12 review of a patent claim may not be instituted if, in
13 a civil action arising in whole or in part under sec-
14 tion 1338 of title 28 or in a proceeding before the
15 International Trade Commission under section 337
16 of the Tariff Act of 1930 (19 U.S.C. 1337), a court
17 has entered a final judgment—

18 “(A) that decides the validity of the patent
19 claim with respect to section 102 or 103; and

20 “(B) from which an appeal under section
21 1295 of title 28 may be taken, or from which
22 an appeal under section 1295 of title 28 was
23 previously available but is no longer available.

24 “(2) STAY OF PROCEEDINGS.—

1 “(A) IN GENERAL.—If, in a civil action
2 arising in whole or in part under section 1338
3 of title 28 or in a proceeding before the Inter-
4 national Trade Commission under section 337
5 of the Tariff Act of 1930 (19 U.S.C. 1337), a
6 court has entered a final judgment that decides
7 the validity of a patent claim with respect to
8 section 102 or 103 and from which an appeal
9 under section 1295 of title 28 may be taken,
10 the Patent Trial and Appeal Board shall stay
11 any ongoing inter partes review of that patent
12 claim pending a final decision.

13 “(B) TERMINATION.—If the validity of a
14 patent claim described in subparagraph (A) is
15 finally upheld by a court or the International
16 Trade Commission, as applicable, the Patent
17 Trial and Appeal Board shall terminate the
18 inter partes review.”.

19 (2) TECHNICAL AND CONFORMING AMEND-
20 MENTS.—Chapter 31 of title 35, United States
21 Code, is amended—

22 (A) in section 315(b), by striking “sub-
23 section (c)” and inserting “subsection (d)”;

24 (B) in section 316(a)—

1 (i) in paragraph (11), by striking
2 “section 315(c)” and inserting “section
3 315(d)”; and

4 (ii) in paragraph (12), by striking
5 “section 315(c)” and inserting “section
6 315(d)”; and

7 (C) in section 317(a), by striking “section
8 315(e)” and inserting “section 315(f)”.

9 **SEC. 806. POST-GRANT REVIEW.**

10 (a) CLAIM CONSTRUCTION.—Section 326(a) of title
11 35, United States Code, is amended—

12 (1) in paragraph (9), by inserting after “sub-
13 stitute claims,” the following: “including the stand-
14 ard for how substitute claims should be construed,”;

15 (2) in paragraph (11), by striking “; and” and
16 inserting a semicolon;

17 (3) in paragraph (12), by striking the period at
18 the end and inserting “; and”; and

19 (4) by adding at the end the following new
20 paragraph:

21 “(13) providing that for all purposes under this
22 chapter—

23 “(A) each challenged claim of a patent
24 shall be construed as the claim would be con-
25 strued under section 282(b) in an action to in-

1 validate a patent, including by construing each
2 challenged claim of the patent in accordance
3 with—

4 “(i) the ordinary and customary
5 meaning of the claim as understood by a
6 person having ordinary skill in the art to
7 which the claimed invention pertains; and

8 “(ii) the prosecution history per-
9 taining to the patent; and

10 “(B) if a court has previously construed a
11 challenged claim of a patent or a challenged
12 claim term in a civil action to which the patent
13 owner was a party, the Office shall consider
14 that claim construction.”.

15 (b) BURDEN OF PROOF.—Section 326(e) of title 35,
16 United States Code, is amended to read as follows:

17 “(e) EVIDENTIARY STANDARDS.—

18 “(1) PRESUMPTION OF VALIDITY.—The pre-
19 sumption of validity under section 282(a) shall apply
20 to a previously issued claim that is challenged dur-
21 ing a proceeding under this chapter.

22 “(2) BURDEN OF PROOF.—In a post-grant re-
23 view instituted under this chapter, the petitioner
24 shall have the burden of proving a proposition of

1 unpatentability of a previously issued claim by clear
2 and convincing evidence.”.

3 (c) STANDING.—Section 321 of title 35, United
4 States Code, is amended by adding at the end the fol-
5 lowing new subsection:

6 “(d) PERSONS THAT MAY PETITION.—

7 “(1) DEFINITION.—In this subsection, the term
8 ‘charged with infringement’ means a real and sub-
9 stantial controversy regarding infringement of a pat-
10 ent exists such that the petitioner would have stand-
11 ing to bring a declaratory judgment action in Fed-
12 eral court.

13 “(2) NECESSARY CONDITIONS.—A person may
14 not file with the Office a petition to institute a post-
15 grant review of a patent unless the person, or a real
16 party in interest or privy of the person, dem-
17 onstrates—

18 “(A) a reasonable possibility of being—

19 “(i) sued for infringement of the pat-
20 ent; or

21 “(ii) charged with infringement under
22 the patent; or

23 “(B) a competitive harm related to the va-
24 lidity of the patent.”.

1 (d) LIMITATION ON REVIEWS.—Section 324(a) of
2 title 35, United States Code, is amended to read as fol-
3 lows:

4 “(a) THRESHOLD.—

5 “(1) LIKELIHOOD OF PREVAILING.—Subject to
6 paragraph (2), the Director may not authorize a
7 post-grant review to be instituted unless the Director
8 determines that the information presented in the pe-
9 tition filed under section 321, if such information is
10 not rebutted, would demonstrate that it is more like-
11 ly than not that at least one of the claims challenged
12 in the petition is unpatentable.

13 “(2) PREVIOUS INSTITUTION.—The Director
14 may not authorize a post-grant review to be insti-
15 tuted on a claim challenged in a petition if the Di-
16 rector has previously instituted an inter partes re-
17 view or post-grant review with respect to that
18 claim.”.

19 (e) REVIEWABILITY OF INSTITUTION DECISIONS.—
20 Section 324 of title 35, United States Code, is amended
21 by striking subsection (e) and inserting the following:

22 “(e) NO APPEAL.—

23 “(1) NON-APPEALABLE DETERMINATIONS.—

24 “(A) THRESHOLD DETERMINATION.—A
25 determination by the Director on the likelihood

1 that the petitioner will prevail under subsection
2 (a)(1) shall be final and nonappealable.

3 “(B) EXERCISE OF DISCRETION.—A deter-
4 mination by the Director not to institute a post-
5 grant review under this section shall be final
6 and nonappealable.

7 “(2) APPEALABLE DETERMINATIONS.—Any as-
8 pect of a determination by the Director to institute
9 a post-grant review under this section, other than a
10 determination described in paragraph (1)(A), may be
11 reviewed during an appeal of a final written decision
12 issued under section 328(a).”.

13 (f) ELIMINATING REPETITIVE PROCEEDINGS.—Sec-
14 tion 325(e)(1) of title 35, United States Code, is amended
15 to read as follows:

16 “(1) PROCEEDINGS BEFORE THE OFFICE.—A
17 person petitioning for a post-grant review of a claim
18 in a patent under this chapter, or the real party in
19 interest or privy of the petitioner, may not petition
20 for a subsequent post-grant review before the Office
21 with respect to that patent on any ground that the
22 petitioner raised or reasonably could have raised in
23 the initial petition, unless, after the filing of the ini-
24 tial petition, the petitioner, or the real party in in-

1 terest or privy of the petitioner, is charged with in-
2 fringement of additional claims of the patent.”.

3 (g) REAL PARTY IN INTEREST.—

4 (1) CLARIFICATION OF DEFINITION.—Section
5 325 of title 35, United States Code, is amended by
6 adding at the end the following new subsection:

7 “(g) REAL PARTY IN INTEREST.—For purposes of
8 this chapter, a person that directly or through an affiliate,
9 subsidiary, or proxy, makes a financial contribution to the
10 preparation for, or conduct during, a post-grant review on
11 behalf of the petitioner shall be considered a real party
12 in interest of the petitioner.”.

13 (2) DISCOVERY OF REAL PARTY IN INTER-
14 EST.—Section 326(a)(5) of title 35, United States
15 Code, is amended to read as follows:

16 “(5) setting forth standards and procedures for
17 discovery of relevant evidence, including that such
18 discovery shall be limited to—

19 “(A) the deposition of witnesses submitting
20 affidavits or declarations;

21 “(B) evidence identifying the petitioner’s
22 real parties in interest; and

23 “(C) what is otherwise necessary in the in-
24 terest of justice;”.

1 (h) PRIORITY OF FEDERAL COURT VALIDITY DE-
2 TERMINATIONS.—

3 (1) IN GENERAL.—Section 325 of title 35,
4 United States Code, as amended by subsections (f)
5 and (g), is further amended—

6 (A) by redesignating subsections (c)
7 through (g) as sections (d) through (h), respec-
8 tively; and

9 (B) by inserting after subsection (b) the
10 following new subsection:

11 “(c) FEDERAL COURT VALIDITY DETERMINA-
12 TIONS.—

13 “(1) INSTITUTION BARRED.—A post-grant re-
14 view of a patent claim may not be instituted if, in
15 a civil action arising in whole or in part under sec-
16 tion 1338 of title 28 or in a proceeding before the
17 International Trade Commission under section 337
18 of the Tariff Act of 1930 (19 U.S.C. 1337), a court
19 has entered a final judgment—

20 “(A) that decides the validity of the patent
21 claim with respect to section 102 or 103; and

22 “(B) from which an appeal under section
23 1295 of title 28 may be taken, or from which
24 an appeal under section 1295 of title 28 was
25 previously available but is no longer available.

1 “(2) STAY OF PROCEEDINGS.—

2 “(A) IN GENERAL.—If, in a civil action
3 arising in whole or in part under section 1338
4 of title 28 or in a proceeding before the Inter-
5 national Trade Commission under section 337
6 of the Tariff Act of 1930 (19 U.S.C. 1337), a
7 court has entered a final judgment that decides
8 the validity of a patent claim with respect to
9 section 102 or 103 and from which an appeal
10 under section 1295 of title 28 may be taken,
11 the Patent Trial and Appeal Board shall stay
12 any ongoing post-grant review of that patent
13 claim pending a final decision.

14 “(B) TERMINATION.—If the validity of a
15 patent claim described in subparagraph (A) is
16 finally upheld by a court or the International
17 Trade Commission, as applicable, the Patent
18 Trial and Appeal Board shall terminate the
19 post-grant review.”.

20 (2) TECHNICAL AND CONFORMING AMEND-
21 MENTS.—Chapter 32 of title 35, United States
22 Code, is amended—

23 (A) in section 326(a)(11), by striking “sec-
24 tion 325(c)” and inserting “section 325(d)”;
25 and

1 (B) in section 327(a), by striking “section
2 325(e)” and inserting “section 325(f)”.

3 **SEC. 807. COMPOSITION OF POST-GRANT REVIEW AND**
4 **INTER PARTES REVIEW PANELS.**

5 Section 6(c) of title 35, United States Code, is
6 amended to read as follows:

7 “(c) 3-MEMBER PANELS.—

8 “(1) IN GENERAL.—Each appeal, derivation
9 proceeding, post-grant review, and inter partes re-
10 view shall be heard by at least 3 members of the
11 Patent Trial and Appeal Board, who shall be des-
12 ignated by the Director.

13 “(2) INELIGIBILITY TO HEAR REVIEW.—A
14 member of the Patent Trial and Appeal Board who
15 participates in the decision to institute a post-grant
16 review or an inter partes review of a patent shall be
17 ineligible to hear the review.

18 “(3) REHEARINGS.—Only the Patent Trial and
19 Appeal Board may grant rehearings.”.

20 **SEC. 808. REEXAMINATION OF PATENTS.**

21 (a) REQUEST FOR REEXAMINATION.—Section 302 of
22 title 35, United States Code, is amended to read as fol-
23 lows:

1 **“§ 302. Request for reexamination**

2 “Any person at any time may file a request for reex-
3 amination by the Office of any claim of a patent on the
4 basis of any prior art cited under the provisions of section
5 301. The request must be in writing and must be accom-
6 panied by payment of a reexamination fee established by
7 the Director pursuant to the provisions of section 41. The
8 request must identify all real parties in interest and certify
9 that reexamination is not barred under section 303(d).
10 The request must set forth the pertinency and manner of
11 applying cited prior art to every claim for which reexam-
12 ination is requested. Unless the requesting person is the
13 owner of the patent, the Director promptly will send a
14 copy of the request to the owner of record of the patent.”.

15 (b) REEXAMINATION BARRED BY CIVIL ACTION.—
16 Section 303 of title 35, United States Code, is amended
17 by adding at the end the following new subsection:

18 “(d) An ex parte reexamination may not be instituted
19 if the request for reexamination is filed more than 1 year
20 after the date on which the requester or a real party in
21 interest or privy of the requester is served with a com-
22 plaint alleging infringement of the patent.”.

23 **SEC. 809. RESTORATION OF PATENTS AS PROPERTY**
24 **RIGHTS.**

25 Section 283 of title 35, United States Code, is
26 amended—

1 (1) by striking “The several courts” and insert-
2 ing the following:

3 “(a) IN GENERAL.—The several courts”; and

4 (2) by adding at the end the following:

5 “(b) INJUNCTION.—Upon a finding by a court of in-
6 fringement of a patent not proven invalid or unenforce-
7 able, the court shall presume that—

8 “(1) further infringement of the patent would
9 cause irreparable injury; and

10 “(2) remedies available at law are inadequate to
11 compensate for that injury.”.

12 **SEC. 810. INVENTOR PROTECTIONS.**

13 (a) INVENTOR-OWNED PATENT PROTECTIONS.—
14 Chapter 32 of title 35, United States Code, is amended
15 by adding at the end the following new section: “

16 **“§ 330. Inventor protections**

17 “(a) PROTECTION FROM POST ISSUANCE PRO-
18 CEEDINGS IN THE UNITED STATES PATENT AND TRADE-
19 MARK OFFICE.—The United States Patent and Trade-
20 mark Office shall not undertake a proceeding to reexam-
21 ine, review, or otherwise make a determination about the
22 validity of an inventor-owned patent without the consent
23 of the patentee.

24 “(b) CHOICE OF VENUE.—Any civil action for in-
25 fringement of an inventor-owned patent or any action for

1 a declaratory judgment that an inventor-owned patent is
2 invalid or not infringed may be brought in a judicial dis-
3 trict—

4 “(1) in accordance with section 1400(b) of title
5 28;

6 “(2) where the defendant has agreed or con-
7 sented to be sued in the instant action;

8 “(3) where an inventor named on the patent in
9 suit conducted research or development that led to
10 the application for the patent in suit;

11 “(4) where a party has a regular and estab-
12 lished physical facility that such party controls and
13 operates, not primarily for the purpose of creating
14 venue, and has—

15 “(A) engaged in management of significant
16 research and development of an invention
17 claimed in a patent in suit prior to the effective
18 filing date of the patent;

19 “(B) manufactured a tangible good that is
20 alleged to embody an invention claimed in a
21 patent in suit; or

22 “(C) implemented a manufacturing process
23 for a tangible good in which the process is al-
24 leged to embody an invention claimed in a pat-
25 ent in suit; or

1 “(5) in the case of a foreign defendant that
2 does not meet the requirements of section 1400(b)
3 of title 28, in accordance with section 1391(c)(3) of
4 such title.”.

5 **SEC. 811. REGISTRATION OF AGENT.**

6 (a) IN GENERAL.—Chapter 190 of title 28, United
7 States Code, is amended by adding at the end the fol-
8 lowing new section:

9 **“§ 5002. Registration of an agent for the service of**
10 **process on covered entities**

11 “(a) IN GENERAL.—A covered entity conducting
12 business in the United States shall register with the De-
13 partment of Commerce not less than one agent residing
14 in the United States if the covered entity—

15 “(1) is owned by officers, members, or affiliates
16 of the Chinese Communist Party, the People’s Lib-
17 eration Army of China, or any governmental organ
18 of the People’s Republic of China, including regional
19 and local governments;

20 “(2) is traded in shares and such shares are
21 held in majority by any individual or group of indi-
22 viduals who are officers, members, or affiliates of
23 the Chinese Communist Party, the People’s Libera-
24 tion Army of China, or any governmental organ of

1 the People’s Republic of China, including regional
2 and local governments;

3 “(3) is owned by individuals or other entities
4 who reside or are headquartered outside of the
5 United States and the majority of business earnings
6 of the covered entity are derived from commerce
7 with entities owned by officers, members, or affili-
8 ates of the Chinese Communist Party, the People’s
9 Liberation Army of China, or any governmental
10 organ of the People’s Republic of China, including
11 regional and local governments of the Chinese Com-
12 munist Party, of the People’s Liberation Army of
13 China, or in the People’s Republic of China; or

14 “(4) is organized under the laws of, or has its
15 principal place of business in, the People’s Republic
16 of China.

17 “(b) FILING.—A registration required under sub-
18 section (a) shall be filed with the Department of Com-
19 merce not later than 30 days after—

20 “(1) the date of enactment of this Act, or

21 “(2) the departure of the previously registered
22 agent from employment or contract with the covered
23 entity.

24 “(c) PURPOSE OF REGISTERED AGENT.—

1 “(1) AVAILABILITY.—A covered entity shall en-
2 sure that not less than one registered agent on
3 whom process may be served is available at the busi-
4 ness address of the registered agent each day from
5 9 a.m. to 5 p.m. in the time zone of the business ad-
6 dress, excluding Saturdays, Sundays, and Federal
7 holidays.

8 “(2) COMMUNICATION.—The registered agent
9 shall be required to be available to accept service of
10 process on behalf of the covered entity under which
11 the agent is registered by the means of any commu-
12 nication included in the registration submitted to the
13 Department of Commerce.

14 “(d) COOPERATION.—A registered agent shall co-
15 operate in good faith with the United States Government
16 and representatives of other individuals and entities.

17 “(e) REQUIRED INFORMATION.—The registration
18 submitted to the Department of Commerce shall include
19 the following information:

20 “(1) The name of the covered entity registering
21 an agent under this section.

22 “(2) The name of the Chief Executive Officer,
23 President, Partner, Chairman, or other controlling
24 individual of the covered entity.

1 “(3) The name of the individual who is being
2 registered as the agent for the service of process.

3 “(4) The business address of the covered entity
4 registering an agent under this section.

5 “(5) The business address of the individual who
6 is being registered as the agent for the service of
7 process.

8 “(6) Contact information, including an email
9 address and phone number for the individual who is
10 being registered as the agent for the service of pro-
11 cess.

12 “(7) The date on which the agent shall begin
13 to accept service of process under this section.

14 “(f) WEBSITE.—The information submitted to the
15 Department of Commerce pursuant to this section shall
16 be made available on a publicly accessible database on the
17 website of the Department of Commerce.

18 “(g) PERSONAL JURISDICTION.—A covered entity
19 that registers an agent under this section thereby consents
20 to the personal jurisdiction of the State or Federal courts
21 of the State in which the registered agent is located for
22 the purpose of any regulatory proceeding or civil action
23 relating to such covered entity.

24 “(h) DEFINITIONS.—In this section:

1 “(1) COVERED ENTITY.—The term ‘covered en-
2 tity’ means—

3 “(A) a corporation, partnership, associa-
4 tion, organization, or other combination of per-
5 sons established for the purpose of commercial
6 activities; or

7 “(B) a trust or a fund established for the
8 purpose of commercial activities.

9 “(2) DEPARTMENT OF COMMERCE.—The term
10 ‘Department of Commerce’ means the United States
11 Department of Commerce.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 for chapter 190 of title 28, United States Code, is amend-
14 ed by adding at the end the following:

 “5002. Registration of an agent for the service of process on covered entities.”.

15 **SEC. 812. EXCEPTION TO SOVEREIGN IMMUNITY.**

16 Section 1603(b)(2) of title 28, United States Code,
17 is amended by inserting “except the People’s Republic of
18 China,” after “owned by a foreign state,”.

19 **SEC. 813. REDRESS OF THEFT OF TRADE SECRETS**
20 **EXTRATERRITORIALY.**

21 Section 1836 of title 18, United States Code, is
22 amended by adding at the end the following new sub-
23 section:

24 “(e) APPLICABILITY TO CONDUCT OUTSIDE UNITED
25 STATES.—Notwithstanding any other provision of law,

1 this section shall apply to conduct occurring outside the
2 United States and impacting United States commerce, in-
3 cluding conduct by an offender who is—

4 “(1) not a United States person or an alien
5 lawfully admitted for permanent residence into the
6 United States; or

7 “(2) an organization which is created or orga-
8 nized under the laws of a foreign government or
9 which has its principal place of business located out-
10 side of the United States.”.

11 **SEC. 814. RESTRICTION ON FEDERAL GRANTS AND OTHER**
12 **FORMS OF ASSISTANCE.**

13 (a) RESTRICTION.—

14 (1) IN GENERAL.—Notwithstanding any other
15 provision of law, the head of each Federal depart-
16 ment or agency may not provide grants, awards, or
17 other forms of assistance, that is currently author-
18 ized in law, to a United States business to improve
19 the resilience or competitiveness of a business unless
20 such business agrees that it—

21 (A) will not engage in expanded coopera-
22 tion activities with any Chinese entity; and

23 (B) will not expand its own activities with-
24 in the People’s Republic of China (including
25 Hong Kong and Macau).

1 (2) INELIGIBILITY.—If a United States busi-
2 ness that has received a grant or other form of as-
3 sistance described in paragraph (1) engages in ex-
4 panded cooperation activities with any Chinese enti-
5 ty, or expands its own activities within the People’s
6 Republic of China, such business—

7 (A) shall provide reimbursement to the
8 Federal Government in an amount equal to the
9 amount of the grant or other form of assist-
10 ance; and

11 (B) shall be ineligible for any other grants
12 or other forms of assistance described in para-
13 graph (1) from any Federal department or
14 agency.

15 (b) REPORT.—The Secretary of the Treasury shall
16 submit to Congress on an annual basis a report on invest-
17 ments made by United States businesses that receive
18 grants or other forms of assistance described in subsection
19 (a) in—

20 (1) production in the People’s Republic of
21 China; and

22 (2) production elsewhere by any Chinese entity.

23 (c) CHINESE ENTITY DEFINED.—In this section:

24 (1) CHINESE ENTITY.—The term “Chinese en-
25 tity” means any entity organized under the laws of

1 the People's Republic of China or otherwise subject
2 to the jurisdiction of the Government of the People's
3 Republic of China, and any entity owned or con-
4 trolled by the Government of the People's Republic
5 of China, or an entity subject to the jurisdiction of
6 the Government of the People's Republic of China.

7 (2) EXPANDED COOPERATION ACTIVITIES.—
8 The term “expanded cooperation activities”, with re-
9 spect to a Chinese entity, means investments in, ex-
10 ports of technology to, any activity that provides
11 capital, technology, or expertise to the entity, or any
12 other form of cooperation with, the entity.

13 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to authorize a new Federal grant
15 or award program.

16 **SEC. 815. RESTRICTION ON NATIONAL SCIENCE FOUNDA-**
17 **TION GRANTS AND OTHER FORMS OF ASSIST-**
18 **ANCE TO COMMUNIST CHINESE MILITARY**
19 **COMPANIES AND THEIR AFFILIATES.**

20 (a) IN GENERAL.—Notwithstanding any other provi-
21 sion of law, the Director of the National Science Founda-
22 tion may not provide grants or other forms of assistance
23 to any individual or entity that is affiliated or otherwise
24 has a relationship, including but not limited to a research
25 partnership, joint venture, or contract with—

1 (1) an entity included on the list maintained
2 and set forth in Supplement No. 4 to part 744 of
3 the Export Administration Regulations;

4 (2) a company on the list required by section
5 1237 of the Strom Thurmond National Defense Au-
6 thorization Act for Fiscal Year 1999 (Public Law
7 105–261; 50 U.S.C. 1701 note), or required by sec-
8 tion 1260H of the Mac Thornberry National De-
9 fense Authorization Act for Fiscal Year 2021 (Pub-
10 lic Law 116–283), or on the Non-SDN Chinese Mili-
11 tary-Industrial Complex Companies List (NS–CMIC
12 List) or any successor list; or

13 (3) any parent, subsidiary, affiliate of, or entity
14 owned by or controlled by, an entity described in
15 (a)(1) and (a)(2).

16 (b) EXPORT ADMINISTRATION REGULATIONS DE-
17 FINED.—In this section, the term “Export Administration
18 Regulations” means the regulations set forth in sub-
19 chapter C of chapter VII of title 15, Code of Federal Reg-
20 ulations, or successor regulations.

21 **SEC. 816. EXPANDING INADMISSIBILITY ON SECURITY AND**
22 **RELATED GROUNDS.**

23 (a) IN GENERAL.—Section 212(a)(3)(A) of the Im-
24 migration and Nationality Act (8 U.S.C. 1182(a)(3)(A))
25 is amended to read as follows:

1 “(A) IN GENERAL.—Any alien is inadmis-
2 sible if a consular officer, an immigration offi-
3 cer, the Secretary of Homeland Security, or the
4 Attorney General knows, or has reasonable
5 ground to believe, that the alien—

6 “(i) engages, has engaged, or will en-
7 gage in any activity—

8 “(I) in violation of any law of the
9 United States relating to espionage or
10 sabotage; or

11 “(II) that would violate any law
12 of the United States relating to espio-
13 nage or sabotage if the activity oc-
14 curred in the United States;

15 “(ii) engages, has engaged, or will en-
16 gage in any activity in violation or evasion
17 of any law prohibiting the export from the
18 United States of goods, technology, or sen-
19 sitive information;

20 “(iii) seeks to enter the United States
21 to engage solely, principally, or incidentally
22 in any other unlawful activity;

23 “(iv) seeks to enter the United States
24 to engage solely, principally, or incidentally
25 in any activity a purpose of which is the

1 opposition to, or the control or overthrow
2 of, the Government of the United States by
3 force, violence, or other unlawful means; or
4 ““(v) is the spouse or child of an alien
5 who is inadmissible under this subpara-
6 graph, if the activity causing the alien to
7 be found inadmissible occurred within the
8 last 5 years.”.

9 (b) WAIVER AUTHORITY.—Section 212(d)(3)(A) of
10 the Immigration and Nationality Act (8 U.S.C.
11 1182(d)(3)(A)) is amended by striking ““(other than para-
12 graphs (3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), and
13 clauses (i) and (ii) of paragraph (3)(E) of such sub-
14 section)” each place such phrase appears and inserting
15 ““(other than subparagraphs (A)(i)(I), (A)(ii), (A)(iii),
16 (A)(iv), (C), (E)(i), and (E)(ii) of paragraph (3) of such
17 subsection)”.

1 **TITLE IX—MATTERS RELATED**
2 **TO FINANCIAL SERVICES**

3 **SEC. 901. OPPOSITION OF THE UNITED STATES TO AN IN-**
4 **CREASE IN THE WEIGHT OF THE CHINESE**
5 **RENMINBI IN THE SPECIAL DRAWING RIGHTS**
6 **BASKET OF THE INTERNATIONAL MONETARY**
7 **FUND.**

8 (1) The Secretary of the Treasury shall instruct
9 the United States Governor of, and the United
10 States Executive Director at, the International Mon-
11 etary Fund to use the voice and vote of the United
12 States to oppose any increase in the weight of the
13 Chinese renminbi in the basket of currencies used to
14 determine the value of Special Drawing Rights, un-
15 less the Secretary of the Treasury has submitted to
16 the Committee on Financial Services of the House of
17 Representatives and the Committee on Banking,
18 Housing, and Urban Affairs of the Senate a written
19 report which includes a certification that—

20 (A) the People's Republic of China is in
21 compliance with all its obligations under Article
22 VIII of the 19 Articles of Agreement of the
23 Fund;

24 (B) in the preceding 12 months, there has
25 not been a report submitted under section 3005

1 of the Omnibus Trade and Competitiveness Act
2 of 1988 or section 701 of the Trade Facilitation
3 and Trade Enforcement Act of 2015 in which
4 the People’s Republic of China has been found
5 to have manipulated its currency;

6 (C) the People’s Republic of China has in-
7 stituted and is implementing the policies and
8 practices necessary to ensure that the renminbi
9 is freely usable (within the meaning of Article
10 XXX(f) of the Articles of Agreement of the
11 Fund); and

12 (D) the People’s Republic of China adheres
13 to the rules and principles of the Paris Club
14 and the OECD Arrangement on Officially Sup-
15 ported Export Credits.

16 **SEC. 902. SUNSET.**

17 Section 901 shall have no force or effect beginning
18 10 years after the date of the enactment of this Act.

19 **SEC. 903. STRENGTHENING CONGRESSIONAL OVERSIGHT**
20 **OF SPECIAL DRAWING RIGHTS AT THE IMF.**

21 Section 6 of the Special Drawing Rights Act (22
22 U.S.C. 286q) is amended—

23 (1) in subsection (a)—

24 (A) by striking “each basic period” and in-
25 serting “any 10-year period”; and

1 (B) by inserting “25 percent of” before
2 “the United States quota”; and

3 (2) in subsection (b)—

4 (A) by inserting “, or consent to or acqui-
5 esce in such an allocation,” before “without
6 consultations”;

7 (B) by striking “90” and inserting “180”;
8 and

9 (C) by inserting “Chairman and ranking
10 minority members of” before “the appropriate
11 subcommittees”.

12 **SEC. 904. PROHIBITION ON ALLOCATIONS FOR PERPETRA-**
13 **TORS OF GENOCIDE AND STATE SPONSORS**
14 **OF TERRORISM WITHOUT CONGRESSIONAL**
15 **AUTHORIZATION.**

16 Section 6(b) of the Special Drawing Rights Act (22
17 U.S.C. 286q(b)) is amended by adding at the end the fol-
18 lowing:

19 “(3) Unless Congress by law authorizes such
20 action, neither the President nor any person or
21 agency shall on behalf of the United States vote to
22 allocate Special Drawing Rights under article XVIII,
23 sections 2 and 3, of the Articles of Agreement of the
24 Fund to a member country of the Fund, if the

1 President of the United States has found that the
2 government of the member country—

3 “(A) has committed genocide at any time
4 during the 10-year period ending with the date
5 of the vote; or

6 “(B) has repeatedly provided support for
7 acts of international terrorism.”.

8 **SEC. 905. OPPOSITION TO QUOTA INCREASE FOR COUN-**
9 **TRIES THAT UNDERMINE IMF PRINCIPLES.**

10 The Bretton Woods Agreements Act (22 U.S.C. 286–
11 286zz) is amended—

12 (1) by redesignating the second section 73 (as
13 added by section 1901 of division P of Public Law
14 116–94) as section 74; and

15 (2) by adding at the end the following:

16 **“SEC. 75. OPPOSITION TO QUOTA INCREASE FOR COUN-**
17 **TRIES THAT UNDERMINE FUND PRINCIPLES.**

18 “(a) IN GENERAL.—Not less than 7 days before con-
19 sideration of any proposal to increase the quota of a for-
20 eign member of the Fund that is one of the 10 largest
21 shareholders in the Fund, the Secretary of the Treasury
22 shall submit a report to the Committee on Financial Serv-
23 ices of the House and the Committee on Foreign Relations
24 of the Senate that determines whether the foreign member
25 meets the following criteria:

1 “(1) The member is in compliance with all obli-
2 gations set forth in Article VIII of the Articles of
3 Agreement of the Fund.

4 “(2) The member, in the preceding 12 months,
5 was not found to have manipulated its currency, as
6 determined in a report required by section 3005 of
7 the Omnibus Trade and Competitiveness Act of
8 1988 or section 701 of the Trade Facilitation and
9 Trade Enforcement Act of 2015.

10 “(3) In the case of a member whose currency
11 is included in the Special Drawing Rights basket of
12 the Fund, the currency of the member is freely usa-
13 ble (within the meaning of Article XXX(f) of the Ar-
14 ticles of Agreement of the Fund) and the Secretary
15 concur with the determinations of the Fund de-
16 scribed in that Article, and, in the preceding 12
17 months, the member has demonstrated its commit-
18 ment to ensuring that its currency is widely used
19 and traded internationally.

20 “(4) The member is committed to the rules and
21 principles of the Paris Club.

22 “(b) EFFECT OF DETERMINATION.—On determining
23 that a member of the Fund has failed to meet any of the
24 criteria set forth in subsection (a), the Secretary shall in-
25 struct the Governor of the Fund to use the voice and vote

1 of the United States to oppose the proposal to increase
2 the quota of the member in the Fund.

3 “(c) WAIVER.—The President may waive subsection
4 (b) with respect to a member of the Fund on reporting
5 to the Committee on Financial Services of the House of
6 Representatives and the Committee on Foreign Relations
7 of the Senate that—

8 “(1) the waiver is important to the national in-
9 terest of the United States, with an explanation of
10 the reasons therefor; or

11 “(2) the member is attempting to rectify the
12 failure, with a description of the actions the member
13 is taking to fulfill any unmet criteria.

14 “(d) PROHIBITION.—Notwithstanding subsection (c),
15 the Governor of the Fund may not use the voice or vote
16 of the United States to support a proposal to increase the
17 quota of a member in the Fund if the President of the
18 United States determines that the government of the
19 member interfered in a United States election for Federal
20 office (as defined in section 301 of the Federal Election
21 Campaign Act of 1971) in the 4 years preceding consider-
22 ation of the proposal.

23 “(e) PROPOSAL CONSIDERATION.—For the purposes
24 of this section, consideration of a proposal to increase the
25 quota of a foreign member of the Fund does not include

1 consent to an amendment to the Articles of Agreement
2 of the Fund that has been authorized by law.

3 “(f) SUNSET.—This section shall cease to have force
4 or effect 10 years after the date of the enactment of this
5 Act.”.

6 **SEC. 906. OPPOSITION OF THE UNITED STATES TO INTER-**
7 **NATIONAL MONETARY FUND LOAN TO A**
8 **COUNTRY WHOSE PUBLIC DEBT IS NOT LIKE-**
9 **LY TO BE SUSTAINABLE IN THE MEDIUM**
10 **TERM.**

11 (a) IN GENERAL.—Section 68(a) of the Bretton
12 Woods Agreements Act (22 U.S.C. 286tt(a)) is amend-
13 ed—

14 (1) in paragraph (2), by inserting after the
15 comma the following: “or a staff analytical report of
16 the Fund states that there is not a high probability
17 that the public debt of the country is sustainable in
18 the medium term,”; and

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

20 “(3) WAIVER AUTHORITY.—The Secretary of
21 the Treasury may waive paragraph (2) on a case-by-
22 case basis if the Secretary provides a written certifi-
23 cation to the Committee on Financial Services of the
24 House of Representatives and the Committee on
25 Foreign Relations of the Senate that the waiver is

1 important to the national interest of the United
2 States, and includes with the certification a written
3 statement of the reasons therefor.”.

4 (b) SUNSET.—This section shall cease to have force
5 or effect 10 years after the date of the enactment of this
6 Act.

7 **SEC. 907. CONGRESSIONAL NOTIFICATION WITH RESPECT**
8 **TO EXCEPTIONAL ACCESS LENDING.**

9 (a) IN GENERAL.—The Bretton Woods Agreements
10 Act (22 U.S.C. 286–286zz), as amended by section 2 of
11 this Act, is amended by adding at the end the following:

12 **“SEC. 76. CONGRESSIONAL NOTIFICATION WITH RESPECT**
13 **TO EXCEPTIONAL ACCESS LENDING.**

14 “(a) IN GENERAL.—The United States Executive Di-
15 rector at the International Monetary Fund may not sup-
16 port any proposal that would alter the criteria used by
17 the Fund for exceptional access lending if the proposal
18 would permit a country that is ineligible, before the pro-
19 posed alteration, to receive exceptional access lending, un-
20 less, not later than 15 days before consideration of the
21 proposal by the Board of Executive Directors of the Fund,
22 the Secretary of the Treasury has submitted to the Com-
23 mittee on Financial Services of the House of Representa-
24 tives and the Committee on Foreign Relations of the Sen-
25 ate a report on the justification for the proposal and the

1 effects of the proposed alteration on moral hazard and re-
2 payment risk at the Fund.

3 “(b) WAIVER.—The President may reduce the appli-
4 cable notice period required under subsection (a) to not
5 less than 7 days on reporting to the Committee on Finan-
6 cial Services of the House of Representatives and Com-
7 mittee on Foreign Relations of the Senate that the reduc-
8 tion is important to the national interest of the United
9 States, with an explanation of the reasons therefor.”.

10 (b) SUNSET.—This section shall cease to have force
11 or effect 10 years after the date of the enactment of this
12 Act.

13 **SEC. 908. CONDITION ON IMF QUOTA INCREASE FOR THE**
14 **PEOPLE’S REPUBLIC OF CHINA.**

15 (a) IN GENERAL.—The United States Governor of
16 the International Monetary Fund (in this section referred
17 to as the “Fund”) shall use the voice and vote of the
18 United States to oppose, and may not consent to, an in-
19 crease in the quota of the People’s Republic of China in
20 the Fund, unless the Secretary of the Treasury reports
21 to the Congress that—

22 (1) the Board of Governors of the Fund is con-
23 sidering admission of Taiwan as a member of the
24 Fund, pursuant to the recommendation of the Board
25 of Executive Directors of the Fund; or

1 (2) Taiwan enjoys meaningful participation in
2 the Fund, including through—

3 (A) participation in regular surveillance ac-
4 tivities of the Fund with respect to the eco-
5 nomic and financial policies of Taiwan, con-
6 sistent with Article IV consultation procedures
7 of the Fund;

8 (B) employment opportunities for Taiwan
9 nationals, without regard to any consideration
10 that, in the determination of the Secretary,
11 does not generally restrict the employment of
12 nationals of member countries of the Fund; and

13 (C) the ability to receive appropriate tech-
14 nical assistance and training by the Fund.

15 (b) WAIVER.—The Secretary of the Treasury may
16 waive subsection (a) of this section with respect to a pro-
17 posal on reporting to the Congress that providing the
18 waiver will substantially promote the objective of securing
19 more equitable treatment of Taiwan at each international
20 financial institution (as defined in section 1701(c)(2) of
21 the International Financial Institutions Act).

22 (c) SUNSET.—This section shall have no force or ef-
23 fect beginning with the date that is 7 years after the date
24 of the enactment of this Act.

1 **SEC. 909. ENSURING NON-DISCRIMINATION WITH RESPECT**
2 **TO TRAVEL POLICIES AT THE INTER-**
3 **NATIONAL FINANCIAL INSTITUTIONS.**

4 (a) IN GENERAL.—The Secretary shall instruct the
5 United States Executive Director at each international fi-
6 nancial institution to use the voice and vote of the United
7 States to ensure that the travel policies and procedures
8 of the respective institution with respect to Taiwan as a
9 destination or transit point do not impose any administra-
10 tive conditions, including through restrictions on logistical
11 arrangements or meeting participants, that do not gen-
12 erally apply to a member country of the institution as a
13 destination or transit point, except as required temporarily
14 for reasons of public safety or public health.

15 (b) DEFINITIONS.—In this section:

16 (1) INTERNATIONAL FINANCIAL INSTITU-
17 TION.—The term “international financial institu-
18 tion” has the meaning given the term in section
19 1701(e)(2) of the International Financial Institu-
20 tions Act.

21 (2) SECRETARY.—The term “Secretary” means
22 the Secretary of the Treasury.

23 (c) WAIVER.—The Secretary may waive subsection
24 (a) with respect to an international financial institution
25 for up to 1 year at a time on reporting to the Congress
26 that providing the waiver—

1 (1) will substantially promote the objective of
2 securing more equitable treatment of Taiwan at the
3 international financial institution; or

4 (2) is in the national interest of the United
5 States, with a detailed explanation of the reasons
6 therefor.

7 (d) PROGRESS REPORT.—The Chairman of the Na-
8 tional Advisory Council on International Monetary and Fi-
9 nancial Policies shall submit to the Congress an annual
10 report that describes the progress made in advancing the
11 travel policies and procedures described in subsection (a),
12 and may consolidate that report with the annual report
13 required by section 1701 of the International Financial
14 Institutions Act or any other report required to be sub-
15 mitted to the Secretary.

16 (e) SUNSET.—This section shall have no force or ef-
17 fect beginning with the earlier of—

18 (1) the date that is 7 years after the date of the
19 enactment of this Act; or

20 (2) the date on which the Secretary reports to
21 the Congress that each international financial insti-
22 tution has adopted the travel policies and procedures
23 described in subsection (a).

1 **SEC. 910. TESTIMONY REQUIREMENT.**

2 In each of the next 7 years in which the Secretary
3 of the Treasury is required by section 1705(b) of the
4 International Financial Institutions Act to present testi-
5 mony, the Secretary shall include in the testimony a de-
6 scription of the efforts of the United States to support
7 the greatest participation practicable by Taiwan at each
8 international financial institution (as defined in section
9 1701(c)(2) of such Act).

10 **SEC. 911. STATEMENT OF UNITED STATES POLICY REGARD-**
11 **ING THE DOLLAR.**

12 It is the policy of the United States to facilitate the
13 position of the dollar as the primary global reserve cur-
14 rency, including through vigorous support of—

15 (1) deep, open, and transparent financial mar-
16 kets;

17 (2) continuous improvements to domestic and
18 international payment methods that facilitate dollar
19 transactions;

20 (3) sound macroeconomic governance and a
21 rules-based system of international trade; and

22 (4) clear and realistic objectives in the deploy-
23 ment of financial restrictions arising from national
24 security considerations.

1 **SEC. 912. REPORT ON DOLLAR STRATEGY.**

2 (a) IN GENERAL.—The Secretary of the Treasury (in
3 this section referred to as the “Secretary”) shall establish
4 a strategy that implements the policy described in section
5 2.

6 (b) CONSULTATION.—The Secretary shall, as appro-
7 priate, consult with the Board of Governors of the Federal
8 Reserve System when establishing the strategy pursuant
9 to subsection (a).

10 (c) REPORT.—Not later than 180 days after the date
11 of the enactment of this section, the Secretary shall sub-
12 mit to the Committee on Financial Services of the House
13 of Representatives and the Committee on Banking, Hous-
14 ing, and Urban Affairs of the Senate a report that de-
15 scribes—

16 (1) the strategy established by the Secretary
17 pursuant to subsection (a);

18 (2) key measures taken by the Secretary to im-
19 plement the strategy;

20 (3) any legislative recommendations that would
21 strengthen the ability of the United States to ad-
22 vance the policy described in section 2;

23 (4) a description of efforts by major foreign
24 central banks, including the People’s Bank of China,
25 to create an official digital currency, as well as any

1 risks to the national interest of the United States
2 posed by such efforts;

3 (5) the status of efforts to assess or develop an
4 official United States digital currency by the Board
5 of Governors of the Federal Reserve System; and

6 (6) any implications for the strategy established
7 by the Secretary pursuant to subsection (a) arising
8 from the relative state of development of an official
9 digital currency by the United States and other na-
10 tions, including the People’s Republic of China.

11 (d) RENMINBI ASSESSMENT.—The report described
12 in subsection (c) shall—

13 (1) evaluate the role of the renminbi in inter-
14 national payments and foreign exchange reserves;

15 (2) assess currency-related policies in China, in-
16 cluding—

17 (A) the provision of Chinese government-
18 backed assets;

19 (B) the extension of credit abroad by the
20 Chinese government; and

21 (C) the development of cross-border pay-
22 ment systems as tools to advance strategic ob-
23 jectives of the government of the People’s Re-
24 public of China; and

1 (3) recommend policy options aimed at miti-
2 gating medium-term and long-term risks to the na-
3 tional interest of the United States that may arise
4 as a result of the internationalization of the
5 renminbi.

6 (e) ANNUAL UPDATES.—After submitting an initial
7 report in accordance with subsection (c), the Secretary
8 shall submit, to the Committee on Financial Services of
9 the House of Representatives and the Committee on
10 Banking, Housing, and Urban Affairs of the Senate, an
11 updated version of such report each year.

12 **SEC. 913. SUNSET.**

13 Section 912 shall have no force or effect after the
14 date that is 7 years after the date of the enactment of
15 this Act.

16 **TITLE X—OFFSETS**

17 **SEC. 1001. RESCISSION OF CERTAIN FEDERAL FUNDS AP-**

18 **PROPRIATED FOR STATE, CITY, LOCAL, AND**

19 **TRIBAL GOVERNMENTS.**

20 Notwithstanding any other provision of law, the total
21 amount of unobligated funds available under any of sec-
22 tions 601 through 603 of title VI of the Social Security
23 Act are hereby permanently rescinded.

1 **TITLE XI—NATIONAL SECURITY**
2 **AUTHORIZATIONS**

3 **SEC. 1101. AUTHORIZATION TO HIRE ADDITIONAL STAFF**
4 **FOR THE OFFICE OF FOREIGN ASSET CON-**
5 **TROL OF THE DEPARTMENT OF THE TREAS-**
6 **URY.**

7 The Secretary of the Treasury, acting through the
8 Director of the Office of Foreign Assets Control, is au-
9 thorized to hire an additional 10 full-time employees to
10 carry out activities of the Office associated with the Peo-
11 ple’s Republic of China.

12 **SEC. 1102. AUTHORIZATION TO HIRE ADDITIONAL STAFF**
13 **FOR THE OFFICE OF CUSTOMS AND BORDER**
14 **PROTECTION FORCE LABOR ACTIVITIES.**

15 The Director of the Office of Trade is authorized to
16 hire an additional 28 full-time employees for carrying out
17 section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

18 **SEC. 1103. AUTHORIZATION FOR THE DEPARTMENT OF JUS-**
19 **TICE’S CHINA INITIATIVE.**

20 (a) IN GENERAL.—Not later than 90 days after the
21 date of the enactment of this section, the Attorney General
22 shall establish an initiative to be known as the “China Ini-
23 tiative”, which shall be carried out by Assistant Attorney
24 General for National Security (hereinafter in this Act re-
25 ferred to as the “AAGNS”) to counter and deter the wide

1 range of national security threats posed by the policies and
2 practices of the People’s Republic of China (PRC) govern-
3 ment.

4 (b) STAFF.—The Assistant Attorney General for Na-
5 tional Security is authorized to direct employees assigned
6 to the National Security Division of the Department of
7 Justice to assist with the China Initiative and shall hire
8 an additional 10 full-time employees to carry out activities
9 of the China Initiative.

10 **TITLE XII—FENTANYL**

11 **SEC. 1201. IMPORTS PROHIBITION.**

12 (a) IN GENERAL.—The President shall take such
13 steps as may be necessary to ban the importation into the
14 United States of any goods produced by a company the
15 President determines is a Chinese company producing
16 fentanyl precursors.

17 (b) WAIVER.—The prohibition under subsection (a)
18 may be waived on a case-by-case basis if the President,
19 acting through the Director of National Intelligence, the
20 Attorney General, the Administrator of the Drug Enforce-
21 ment Administration, and the Secretary of State, certifies
22 to Congress that the company that is the subject of such
23 waiver is proactively cooperating with United States ef-
24 forts to interdict and identify shipments of fentanyl pre-
25 cursors to cartels.

1 **SEC. 1202. STOP CCP FENTANYL.**

2 (a) **SHORT TITLE.**—This section may be cited as the
3 “Stop CCP Fentanyl Act”.

4 (b) **FINDINGS.**—Congress finds the following:

5 (1) According to the Drug Enforcement Admin-
6 istration, the People’s Republic of China remains the
7 number one source of fentanyl precursor chemicals,
8 which are then processed and manufactured into
9 synthetic opioids by Mexican drug cartels to bring
10 into the United States.

11 (2) Of the more than 100,000 drug overdose-re-
12 lated deaths in the United States in 2021, roughly
13 64,000 were from illicit fentanyl which is more than
14 double the number of such deaths since 2019.

15 (3) Almost 100 percent of fentanyl derives from
16 precursor drugs from China.

17 (4) The amount of fentanyl seized by U.S. Cus-
18 toms and Border Protection skyrocketed from 2020
19 to 2022. In the fiscal year 2022, U.S. Customs and
20 Border Protection seized a record 14,700 pounds of
21 fentanyl, compared with 11,200 pounds in 2021 and
22 4,800 pounds in 2020.

23 (c) **IMPOSITION OF SANCTIONS ON THE GOVERN-**
24 **MENT OF THE PEOPLE’S REPUBLIC OF CHINA.**—

25 (1) **IN GENERAL.**—On and after the date that
26 is 120 days after the date of the enactment of this

1 Act, the President shall impose the sanctions de-
2 scribed in this subsection with respect to—

3 (A) the President of the People’s Republic
4 of China;

5 (B) the Chairman of the Chinese Com-
6 munist Party;

7 (C) the State Council of the People’s Re-
8 public of China; and

9 (D) the Politburo Standing Committee of
10 the People’s Republic of China.

11 (2) WAIVER.—The President may waive the ap-
12 plication of sanctions under paragraph (1) if the
13 President submits to the appropriate congressional
14 committees a written determination that—

15 (A) the People’s Republic of China and
16 Chinese Communist Party have taken all rea-
17 sonable measures to prevent the flow of
18 fentanyl produced within the People’s Republic
19 of China into the United States, including
20 through implementing and enforcing laws con-
21 trolling and restricting the export of fentanyl
22 precursors such as—

23 (i) N-Phenethyl-4-piperidone (NPP)
24 4-Anilino-N phenethylpiperidine (ANPP)

1 N-Phenyl-4-piperidinamine (4-AP) tert-
2 Butyl 4-(phenylamino); and

3 (ii) piperidine-1-carboxylate (boc-4-
4 AP) norfentanyl; and

5 (B) the intelligence community (as such
6 term is defined in the National Security Act of
7 1947), in consultation with the Department of
8 Homeland Security and the Department of Jus-
9 tice, has determined that the supply of fentanyl
10 of Chinese origin in the United States and the
11 number of deaths of United States persons due
12 to overdoses of such fentanyl have each been re-
13 duced by at least 98 percent during the most-
14 recent 18-month period as compared to the im-
15 mediately preceding 18-month period.

16 (3) PENALTIES.—A person that violates, at-
17 tempts to violate, conspires to violate, or causes a
18 violation of paragraph (1) or any regulation, license,
19 or order issued to carry out paragraph (1) shall be
20 subject to the penalties set forth in subsections (b)
21 and (c) of section 206 of the International Emer-
22 gency Economic Powers Act (50 U.S.C. 1705) to the
23 same extent as a person that commits an unlawful
24 act described in subsection (a) of that section.

25 (d) SANCTIONS DESCRIBED.—

1 (1) IN GENERAL.—The sanctions described in
2 this section are the following:

3 (A) BLOCKING OF PROPERTY.—The Presi-
4 dent shall exercise all of the powers granted to
5 the President under the International Emer-
6 gency Economic Powers Act (50 U.S.C. 1701 et
7 seq.) to the extent necessary to block and pro-
8 hibit all transactions in property and interests
9 in property of the person if such property and
10 interests in property are in the United States,
11 come within the United States, or are or come
12 within the possession or control of a United
13 States person.

14 (B) ALIENS INELIGIBLE FOR VISAS, AD-
15 MISSION, OR PAROLE.—

16 (i) VISAS, ADMISSION, OR PAROLE.—

17 An alien who the Secretary of State or the
18 Secretary of Homeland Security (or a des-
19 ignee of one of such Secretaries) knows, or
20 has reason to believe, has knowingly en-
21 gaged in any activity described in para-
22 graph (1) is—

23 (I) inadmissible to the United
24 States;

1 (II) ineligible to receive a visa or
2 other documentation to enter the
3 United States; and

4 (III) otherwise ineligible to be
5 admitted or paroled into the United
6 States or to receive any other benefit
7 under the Immigration and Nation-
8 ality Act (8 U.S.C. 1101 et seq.).

9 (ii) CURRENT VISAS REVOKED.—

10 (I) IN GENERAL.—The issuing
11 consular officer, the Secretary of
12 State, or the Secretary of Homeland
13 Security (or a designee of one of such
14 Secretaries) shall, in accordance with
15 section 221(i) of the Immigration and
16 Nationality Act (8 U.S.C. 1201(i)),
17 revoke any visa or other entry docu-
18 mentation issued to an alien described
19 in subparagraph (A) regardless of
20 when the visa or other entry docu-
21 mentation is issued.

22 (II) EFFECT OF REVOCATION.—
23 A revocation under subclause (I) shall
24 take effect immediately and shall
25 automatically cancel any other valid

1 visa or entry documentation that is in
2 the alien's possession.

3 (2) EXCEPTIONS.—

4 (A) UNITED NATIONS HEADQUARTERS
5 AGREEMENT.—The sanctions described under
6 paragraph (1)(B) shall not apply with respect
7 to an alien if admitting or paroling the alien
8 into the United States is necessary to permit
9 the United States to comply with the Agree-
10 ment regarding the Headquarters of the United
11 Nations, signed at Lake Success June 26,
12 1947, and entered into force November 21,
13 1947, between the United Nations and the
14 United States, or other applicable international
15 obligations.

16 (B) EXCEPTION FOR INTELLIGENCE, LAW
17 ENFORCEMENT, AND NATIONAL SECURITY AC-
18 TIVITIES.—Sanctions under paragraph (1) shall
19 not apply to any authorized intelligence, law en-
20 forcement, or national security activities of the
21 United States.

22 (C) EXCEPTION RELATING TO IMPORTA-
23 TION OF GOODS.—

24 (i) IN GENERAL.—Notwithstanding
25 any other provision of this section, the au-

1 thorities and requirements to impose sanc-
2 tions under this section shall not include
3 the authority or a requirement to impose
4 sanctions on the importation of goods.

5 (ii) GOOD DEFINED.—In this para-
6 graph, the term “good” means any article,
7 natural or man-made substance, material,
8 supply or manufactured product, including
9 inspection and test equipment, and exclud-
10 ing technical data.

11 (e) RIGHT OF ACTION TO SEIZE PRIVATE ASSETS.—

12 (1) IN GENERAL.—Notwithstanding chapter 97
13 of title 28, United States Code (commonly referred
14 to as the “Foreign Sovereign Immunities Act”), a
15 national of the United States or an alien lawfully ad-
16 mitted for permanent residence in the United States
17 who is an immediate family member of a covered in-
18 dividual may bring an action in an appropriate dis-
19 trict court of the United States against a covered
20 Chinese official or against China for harm suffered
21 as a result of the covered individual’s death seeking
22 money damages. Any property that is blocked pursu-
23 ant to subsection (d)(1)(A) may be used to satisfy
24 a judgment under this subsection.

25 (2) DEFINITIONS.—In this subsection:

1 (A) The term “covered individual” means
2 an individual who dies from an overdose
3 (whether accidental or intentional) of fentanyl,
4 or any analogue of fentanyl, that was manufac-
5 tured from fentanyl precursors that originated
6 in China and were imported into the United
7 States.

8 (B) The term “covered Chinese official”
9 means—

10 (i) the President of the People’s Re-
11 public of China;

12 (ii) the Chairman of the Chinese Com-
13 munist Party; and

14 (iii) the Politburo Standing Com-
15 mittee of the People’s Republic of China,
16 or any member thereof.

17 (C) The term “immediate family member”
18 means a spouse, parent, stepparent, foster par-
19 ent, child, stepchild, foster child, grandparent,
20 grandchild, brother, or sister.

TITLE XIII—ENERGY**SEC. 1301. SECURING AMERICA’S CRITICAL MINERALS SUPPLY.**

(a) AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.—The Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended—

(1) in section 2, by adding at the end the following:

“(d) As used in sections 102(20) and 203(a)(12), the term ‘critical energy resource’ means any energy resource—

“(1) that is essential to the energy sector and energy systems of the United States; and

“(2) the supply chain of which is vulnerable to disruption.”;

(2) in section 102, by adding at the end the following:

“(20) To ensure there is an adequate and reliable supply of critical energy resources that are essential to the energy security of the United States.”; and

(3) in section 203(a), by adding at the end the following:

“(12) Functions that relate to securing the supply of critical energy resources, including identifying

1 and mitigating the effects of a disruption of such
2 supply on—

3 “(A) the development and use of energy
4 technologies; and

5 “(B) the operation of energy systems.”.

6 (b) SECURING CRITICAL ENERGY RESOURCE SUPPLY
7 CHAINS.—

8 (1) IN GENERAL.—In carrying out the require-
9 ments of the Department of Energy Organization
10 Act (42 U.S.C. 7101 et seq.), the Secretary of En-
11 ergy, in consultation with the appropriate Federal
12 agencies, representatives of the energy sector,
13 States, and other stakeholders, shall—

14 (A) conduct ongoing assessments of—

15 (i) energy resource criticality based on
16 the importance of critical energy resources
17 to the development of energy technologies
18 and the supply of energy;

19 (ii) the critical energy resource supply
20 chain of the United States;

21 (iii) the vulnerability of such supply
22 chain; and

23 (iv) how the energy security of the
24 United States is affected by the reliance of

1 the United States on importation of critical
2 energy resources;

3 (B) facilitate development of strategies to
4 strengthen critical energy resource supply
5 chains in the United States, including by—

6 (i) diversifying the sources of the sup-
7 ply of critical energy resources; and

8 (ii) increasing domestic production,
9 separation, and processing of critical en-
10 ergy resources;

11 (C) develop substitutes and alternatives to
12 critical energy resources; and

13 (D) improve technology that reuses and re-
14 cycles critical energy resources.

15 (2) REPORT.—Not later than 1 year after the
16 date of enactment of this Act, and annually there-
17 after, the Secretary of Energy shall submit to Con-
18 gress a report containing—

19 (A) the results of the ongoing assessments
20 conducted under paragraph (1)(A);

21 (B) a description of any actions taken pur-
22 suant to the Department of Energy Organiza-
23 tion Act to mitigate potential effects of critical
24 energy resource supply chain disruptions on en-

1 energy technologies or the operation of energy
2 systems; and

3 (C) any recommendations relating to
4 strengthening critical energy resource supply
5 chains that are essential to the energy security
6 of the United States.

7 (3) **CRITICAL ENERGY RESOURCE DEFINED.**—
8 In this section, the term “critical energy resource”
9 has the meaning given such term in section 2 of the
10 Department of Energy Organization Act (42 U.S.C.
11 7101).

12 **SEC. 1302. INTERIM HAZARDOUS WASTE PERMITS FOR**
13 **CRITICAL ENERGY RESOURCE FACILITIES.**

14 Section 3005(e) of the Solid Waste Disposal Act (42
15 U.S.C. 6925(e)) is amended—

16 (1) in paragraph (1)(A)—

17 (A) in clause (i), by striking “or” at the
18 end;

19 (B) in clause (ii), by inserting “or” after
20 “this section,”; and

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

22 “(iii) is a critical energy resource fa-
23 cility,”; and

24 (2) by adding at the end the following:

1 “(4) DEFINITIONS.—For the purposes of this
2 subsection:

3 “(A) CRITICAL ENERGY RESOURCE.—The
4 term ‘critical energy resource’ means, as deter-
5 mined by the Secretary of Energy, any energy
6 resource—

7 “(i) that is essential to the energy sec-
8 tor and energy systems of the United
9 States; and

10 “(ii) the supply chain of which is vul-
11 nerable to disruption.

12 “(B) CRITICAL ENERGY RESOURCE FACIL-
13 ITY.—The term ‘critical energy resource facil-
14 ity’ means a facility that processes or refines a
15 critical energy resource.”.

16 **SEC. 1303. NATIONAL SECURITY OR ENERGY SECURITY**
17 **WAIVERS TO PRODUCE CRITICAL ENERGY**
18 **RESOURCES.**

19 (a) CLEAN AIR ACT REQUIREMENTS.—

20 (1) IN GENERAL.—If the Administrator of the
21 Environmental Protection Agency, in consultation
22 with the Secretary of Energy, determines that, by
23 reason of a sudden increase in demand for, or a
24 shortage of, a critical energy resource, or another
25 cause, the processing or refining of a critical energy

1 resource at a critical energy resource facility is nec-
2 essary to meet the national security or energy secu-
3 rity needs of the United States, then the Adminis-
4 trator may, with or without notice, hearing, or other
5 report, issue a temporary waiver of any requirement
6 under the Clean Air Act (42 U.S.C. 7401 et seq.)
7 with respect to such critical energy resource facility
8 that, in the judgment of the Administrator, will
9 allow for such processing or refining at such critical
10 energy resource facility as necessary to best meet
11 such needs and serve the public interest.

12 (2) CONFLICT WITH OTHER ENVIRONMENTAL
13 LAWS.—The Administrator shall ensure that any
14 waiver of a requirement under the Clean Air Act
15 under this subsection, to the maximum extent prac-
16 ticable, does not result in a conflict with a require-
17 ment of any other applicable Federal, State, or local
18 environmental law or regulation and minimizes any
19 adverse environmental impacts.

20 (3) VIOLATIONS OF OTHER ENVIRONMENTAL
21 LAWS.—To the extent any omission or action taken
22 by a party under a waiver issued under this sub-
23 section is in conflict with any requirement of a Fed-
24 eral, State, or local environmental law or regulation,
25 such omission or action shall not be considered a

1 violation of such environmental law or regulation, or
2 subject such party to any requirement, civil or criminal
3 liability, or a citizen suit under such environmental
4 law or regulation.

5 (4) EXPIRATION AND RENEWAL OF WAIVERS.—

6 A waiver issued under this subsection shall expire
7 not later than 90 days after it is issued. The Admin-
8 istrator may renew or reissue such waiver pursuant
9 to paragraphs (1) and (2) for subsequent periods,
10 not to exceed 90 days for each period, as the Admin-
11 istrator determines necessary to meet the national
12 security or energy security needs described in para-
13 graph (1) and serve the public interest. In renewing
14 or reissuing a waiver under this paragraph, the Ad-
15 istrator shall include in any such renewed or re-
16 issued waiver such conditions as are necessary to
17 minimize any adverse environmental impacts to the
18 extent practicable.

19 (5) SUBSEQUENT ACTION BY COURT.—If a

20 waiver issued under this subsection is subsequently
21 stayed, modified, or set aside by a court pursuant a
22 provision of law, any omission or action previously
23 taken by a party under the waiver while the waiver
24 was in effect shall remain subject to paragraph (3).

1 (6) CRITICAL ENERGY RESOURCE; CRITICAL EN-
2 ERGY RESOURCE FACILITY DEFINED.—The terms
3 “critical energy resource” and “critical energy re-
4 source facility” have the meanings given such terms
5 in section 3025(f) of the Solid Waste Disposal Act
6 (as added by this section).

7 (b) SOLID WASTE DISPOSAL ACT REQUIREMENTS.—

8 (1) HAZARDOUS WASTE MANAGEMENT.—The
9 Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)
10 is amended by inserting after section 3024 the fol-
11 lowing:

12 **“SEC. 3025. WAIVERS FOR CRITICAL ENERGY RESOURCE**
13 **FACILITIES.**

14 “(a) IN GENERAL.—If the Administrator, in con-
15 sultation with the Secretary of Energy, determines that,
16 by reason of a sudden increase in demand for, or a short-
17 age of, a critical energy resource, or another cause, the
18 processing or refining of a critical energy resource at a
19 critical energy resource facility is necessary to meet the
20 national security or energy security needs of the United
21 States, then the Administrator may, with or without no-
22 tice, hearing, or other report, issue a temporary waiver
23 of any covered requirement with respect to such critical
24 energy resource facility that, in the judgment of the Ad-
25 ministrator, will allow for such processing or refining at

1 such critical energy resource facility as necessary to best
2 meet such needs and serve the public interest.

3 “(b) CONFLICT WITH OTHER ENVIRONMENTAL
4 LAWS.—The Administrator shall ensure that any waiver
5 of a covered requirement under this section, to the max-
6 imum extent practicable, does not result in a conflict with
7 a requirement of any other applicable Federal, State, or
8 local environmental law or regulation and minimizes any
9 adverse environmental impacts.

10 “(c) VIOLATIONS OF OTHER ENVIRONMENTAL
11 LAWS.—To the extent any omission or action taken by
12 a party under a waiver issued under this section is in con-
13 flict with any requirement of a Federal, State, or local
14 environmental law or regulation, such omission or action
15 shall not be considered a violation of such environmental
16 law or regulation, or subject such party to any require-
17 ment, civil or criminal liability, or a citizen suit under such
18 environmental law or regulation.

19 “(d) EXPIRATION AND RENEWAL OF WAIVERS.—A
20 waiver issued under this section shall expire not later than
21 90 days after it is issued. The Administrator may renew
22 or reissue such waiver pursuant to subsections (a) and (b)
23 for subsequent periods, not to exceed 90 days for each pe-
24 riod, as the Administrator determines necessary to meet
25 the national security or energy security needs described

1 in subsection (a) and serve the public interest. In renewing
2 or reissuing a waiver under this subsection, the Adminis-
3 trator shall include in any such renewed or reissued waiver
4 such conditions as are necessary to minimize any adverse
5 environmental impacts to the extent practicable.

6 “(e) SUBSEQUENT ACTION BY COURT.—If a waiver
7 issued under this section is subsequently stayed, modified,
8 or set aside by a court pursuant a provision of law, any
9 omission or action previously taken by a party under the
10 waiver while the waiver was in effect shall remain subject
11 to subsection (c).

12 “(f) DEFINITIONS.—In this section:

13 “(1) COVERED REQUIREMENT.—The term ‘cov-
14 ered requirement’ means—

15 “(A) any standard established under sec-
16 tion 3002, 3003, or 3004;

17 “(B) the permit requirement under section
18 3005; or

19 “(C) any other requirement of this Act, as
20 the Administrator determines appropriate.

21 “(2) CRITICAL ENERGY RESOURCE.—The term
22 ‘critical energy resource’ means, as determined by
23 the Secretary of Energy, any energy resource—

24 “(A) that is essential to the energy sector
25 and energy systems of the United States; and

1 “(B) the supply chain of which is vulner-
2 able to disruption.

3 “(3) CRITICAL ENERGY RESOURCE FACILITY.—
4 The term ‘critical energy resource facility’ means a
5 facility that processes or refines a critical energy re-
6 source.”.

7 (2) TABLE OF CONTENTS.—The table of con-
8 tents of the Solid Waste Disposal Act is amended by
9 inserting after the item relating to section 3024 the
10 following:

 “Sec. 3025. Waivers for critical energy resource facilities.”.

11 **SEC. 1304. ENSURING CONSIDERATION OF URANIUM AS A**
12 **CRITICAL MINERAL.**

13 (a) IN GENERAL.—Section 7002(a)(3)(B)(i) of the
14 Energy Act of 2020 (30 U.S.C. 1606(a)(3)(B)(i)) is
15 amended to read as follows:

16 “(i) oil, oil shale, coal, or natural
17 gas;”.

18 (b) UPDATE.—Not later than 60 days after the date
19 of the enactment of this section, the Secretary, acting
20 through the Director of the United States Geological Sur-
21 vey, shall publish in the Federal Register an update to
22 the final list established in section 7002(c)(3) of the En-
23 ergy Act of 2020 (30 U.S.C. 1606(c)(3)) in accordance
24 with subsection (a) of this section.

1 (c) REPORT.—Not later than 180 days after the date
2 of the enactment of this section, the Secretary, acting
3 through the Director of the United States Geological Sur-
4 vey, in consultation with the Secretary of Energy, shall
5 submit to the appropriate committees of Congress a report
6 that includes the following:

7 (1) The current status of uranium deposits in
8 the United States with respect to the amount and
9 quality of uranium contained in such deposits.

10 (2) A comparison of the United States to the
11 rest of the world with respect to the amount and
12 quality of uranium contained in uranium deposits.

13 (3) Policy considerations, including potential
14 challenges, of utilizing the uranium from the depos-
15 its described in paragraph (1).

16 D [SEC. 1306. ACQUIRING SECURE SUPPLIERS
17 TO UPHOLD RESILIENCE IN ELECTRIC VEHI-
18 CLES.

19 (a) IN GENERAL.—No Federal funds are authorized
20 to be appropriated or otherwise made available to procure
21 any electric vehicle or component parts of an electric vehi-
22 cle manufactured by any of the following:]—

23 (1) Contemporary Amperex Technology;

24 (2) BYD Auto;

25 (3) Envision Energy;

- 1 (4) EVE Energy;
- 2 (5) Gotion High tech Company;
- 3 (6) Hithium Energy Storage Technology;
- 4 (7) any successor entity to such entities; and
- 5 (8) any other Chinese entity determined to be
- 6 a large electric vehicle or electric vehicle component
- 7 parts manufacturer.

8 (b) ONGOING REVIEW.—Not later than 120 days
9 after the date of the enactment of this Act, and biannually
10 thereafter until 2030, the President shall conduct a review
11 to determine whether any entity, including an entity listed
12 in subsection (a), should be included in the list of Chinese
13 military companies required to be submitted under section
14 1260H of the National Defense Authorization Act for Fis-
15 cal Year 2021 or the UFLPA entity list.]□

16 **TITLE XIV—MATTERS RELATED** 17 **TO THE COMPACT OF FREE** 18 **ASSOCIATION**

19 **SEC. 1401. SHORT TITLE.**

20 This joint resolution may be cited as the “Compact
21 of Free Association Amendments Act of 2024”.

22 **SEC. 1402. FINDINGS.**

23 Congress finds the following:

- 24 (1) The United States (in accordance with the
25 Trusteeship Agreement for the Trust Territory of

1 the Pacific Islands, the United Nations Charter, and
2 the objectives of the international trusteeship system
3 of the United Nations) fulfilled its obligations to
4 promote the development of the people of the Trust
5 Territory toward self-government or independence,
6 as appropriate, to the particular circumstances of
7 the Trust Territory and the people of the Trust Ter-
8 ritory and the freely expressed wishes of the people
9 concerned.

10 (2) The United States, the Federated States of
11 Micronesia, and the Republic of the Marshall Islands
12 entered into the Compact of Free Association set
13 forth in section 201 of the Compact of Free Associa-
14 tion Act of 1985 (48 U.S.C. 1901 note; Public Law
15 99–239) and the United States and the Republic of
16 Palau entered into the Compact of Free Association
17 set forth in section 201 of Public Law 99–658 (48
18 U.S.C. 1931 note) to create and maintain a close
19 and mutually beneficial relationship.

20 (3) The “Compact of Free Association, as
21 amended, between the Government of the United
22 States of America and the Government of the Fed-
23 erated States of Micronesia”, the “Compact of Free
24 Association, as amended, between the Government of
25 the United States of America and the Government

1 of the Republic of the Marshall Islands”, and related
2 agreements were signed by the Government of the
3 United States and the Governments of the Fed-
4 erated States of Micronesia and the Republic of the
5 Marshall Islands and approved, as applicable, by sec-
6 tion 201 of the Compact of Free Association Amend-
7 ments Act of 2003 (48 U.S.C. 1921 note; Public
8 Law 108–188).

9 (4) The “Agreement between the Government
10 of the United States of America and the Govern-
11 ment of the Republic of Palau Following the Com-
12 pact of Free Association Section 432 Review”, was
13 signed by the Government of the United States and
14 the Government of the Republic of Palau on Sep-
15 tember 3, 2010, and amended on September 19,
16 2018.

17 (5) On May 22, 2023, the United States signed
18 the “Agreement between the Government of the
19 United States of America and the Government of
20 the Republic of Palau Resulting From the 2023
21 Compact of Free Association Section 432 Review”.

22 (6) On May 23, 2023, the United States signed
23 3 agreements related to the U.S.-FSM Compact of
24 Free Association, including an Agreement to Amend
25 the Compact, as amended, a new fiscal procedures

1 agreement, and a new trust fund agreement and on
2 September 28, 2023, the United States signed a
3 Federal Programs and Services agreement related to
4 the U.S.-FSM Compact of Free Association.

5 (7) On October 16, 2023, the United States
6 signed 3 agreements relating to the U.S.-RMI Com-
7 pact of Free Association, including an Agreement to
8 Amend the Compact, as amended, a new fiscal pro-
9 cedures agreement, and a new trust fund agreement.

10 **SEC. 1403. DEFINITIONS.**

11 In this joint resolution:

12 (1) 1986 COMPACT.—The term “1986 Com-
13 pact” means the Compact of Free Association be-
14 tween the Government of the United States and the
15 Governments of the Marshall Islands and the Fed-
16 erated States of Micronesia set forth in section 201
17 of the Compact of Free Association Act of 1985 (48
18 U.S.C. 1901 note; Public Law 99–239).

19 (2) 2003 AMENDED U.S.-FSM COMPACT.—The
20 term “2003 Amended U.S.-FSM Compact” means
21 the Compact of Free Association amending the 1986
22 Compact entitled the “Compact of Free Association,
23 as amended, between the Government of the United
24 States of America and the Government of the Fed-
25 erated States of Micronesia” set forth in section

1 201(a) of the Compact of Free Association Amend-
2 ments Act of 2003 (48 U.S.C. 1921 note; Public
3 Law 108–188).

4 (3) 2003 AMENDED U.S.-RMI COMPACT.—The
5 term “2003 Amended U.S.-RMI Compact” means
6 the Compact of Free Association amending the 1986
7 Compact entitled “Compact of Free Association, as
8 amended, between the Government of the United
9 States of America and the Government of the Re-
10 public of the Marshall Islands” set forth in section
11 201(b) of the Compact of Free Association Amend-
12 ments Act of 2003 (48 U.S.C. 1921 note; Public
13 Law 108–188).

14 (4) 2023 AGREEMENT TO AMEND THE U.S.-FSM
15 COMPACT.—The term “2023 Agreement to Amend
16 the U.S.-FSM Compact” means the Agreement be-
17 tween the Government of the United States of
18 America and the Government of the Federated
19 States of Micronesia to Amend the Compact of Free
20 Association, as Amended, done at Palikir May 23,
21 2023.

22 (5) 2023 AGREEMENT TO AMEND THE U.S.-RMI
23 COMPACT.—The term “2023 Agreement to Amend
24 the U.S.-RMI Compact” means the Agreement be-
25 tween the Government of the United States of

1 America and the Government of the Republic of the
2 Marshall Islands to Amend the Compact of Free As-
3 sociation, as Amended, done at Honolulu October
4 16, 2023.

5 (6) 2023 AMENDED U.S.-FSM COMPACT.—The
6 term “2023 Amended U.S.-FSM Compact” means
7 the 2003 Amended U.S.-FSM Compact, as amended
8 by the 2023 Agreement to Amend the U.S.-FSM
9 Compact.

10 (7) 2023 AMENDED U.S.-RMI COMPACT.—The
11 term “2023 Amended U.S.-RMI Compact” means
12 the 2003 Amended U.S.-RMI Compact, as amended
13 by the 2023 Agreement to Amend the U.S.-RMI
14 Compact.

15 (8) 2023 U.S.-FSM FEDERAL PROGRAMS AND
16 SERVICES AGREEMENT.—The term “2023 U.S.-FSM
17 Federal Programs and Services Agreement” means
18 the 2023 Federal Programs and Services Agreement
19 between the Government of the United States of
20 America and the Government of the Federated
21 States of Micronesia, done at Washington September
22 28, 2023.

23 (9) 2023 U.S.-FSM FISCAL PROCEDURES AGREE-
24 MENT.—The term “2023 U.S.-FSM Fiscal Proce-
25 dures Agreement” means the Agreement Concerning

1 Procedures for the Implementation of United States
2 Economic Assistance provided in the 2023 Amended
3 U.S.-FSM Compact between the Government of the
4 United States of America and the Government of
5 the Federated States of Micronesia, done at Palikir
6 May 23, 2023.

7 (10) 2023 U.S.-FSM TRUST FUND AGREE-
8 MENT.—The term “2023 U.S.-FSM Trust Fund
9 Agreement” means the Agreement between the Gov-
10 ernment of the United States of America and the
11 Government of the Federated States of Micronesia
12 Regarding the Compact Trust Fund, done at Palikir
13 May 23, 2023.

14 (11) 2023 U.S.-PALAU COMPACT REVIEW
15 AGREEMENT.—The term “2023 U.S.-Palau Compact
16 Review Agreement” means the Agreement between
17 the Government of the United States of America
18 and the Government of the Republic of Palau Re-
19 sulting From the 2023 Compact of Free Association
20 Section 432 Review, done at Port Moresby May 22,
21 2023.

22 (12) 2023 U.S.-RMI FISCAL PROCEDURES
23 AGREEMENT.—The term “2023 U.S.-RMI Fiscal
24 Procedures Agreement” means the Agreement Con-
25 cerning Procedures for the Implementation of

1 United States Economic Assistance Provided in the
2 2023 Amended Compact Between the Government of
3 the United States of America and the Government
4 of the Republic of the Marshall Islands, done at
5 Honolulu October 16, 2023.

6 (13) 2023 U.S.-RMI TRUST FUND AGREE-
7 MENT.—The term “2023 U.S.-RMI Trust Fund
8 Agreement” means the Agreement between the Gov-
9 ernment of the United States of America and the
10 Government of the Republic of the Marshall Islands
11 Regarding the Compact Trust Fund, done at Hono-
12 lulu October 16, 2023.

13 (14) APPROPRIATE COMMITTEES OF CON-
14 GRESS.—The term “appropriate committees of Con-
15 gress” means—

16 (A) the Committee on Energy and Natural
17 Resources of the Senate;

18 (B) the Committee on Foreign Relations of
19 the Senate;

20 (C) the Committee on Natural Resources
21 of the House of Representatives; and

22 (D) the Committee on Foreign Affairs of
23 the House of Representatives.

24 (15) FREELY ASSOCIATED STATES.—The term
25 “Freely Associated States” means—

- 1 (A) the Federated States of Micronesia;
2 (B) the Republic of the Marshall Islands;
3 and
4 (C) the Republic of Palau.

5 (16) SUBSIDIARY AGREEMENT.—The term
6 “subsidiary agreement” means any of the following:

7 (A) The 2023 U.S.-FSM Federal Pro-
8 grams and Services Agreement.

9 (B) The 2023 U.S.-FSM Fiscal Proce-
10 dures Agreement.

11 (C) The 2023 U.S.-FSM Trust Fund
12 Agreement.

13 (D) The 2023 U.S.-RMI Fiscal Procedures
14 Agreement.

15 (E) The 2023 U.S.-RMI Trust Fund
16 Agreement.

17 (F) Any Federal Programs and Services
18 Agreement in force between the United States
19 and the Republic of the Marshall Islands.

20 (G) Any Federal Programs and Services
21 Agreement in force between the United States
22 and the Republic of Palau.

23 (H) Any other agreement that the United
24 States may from time-to-time enter into with
25 the Government of the Federated States of Mi-

1 cronesia, the Government of the Republic of
2 Palau, or the Government of the Republic of
3 the Marshall Islands, in accordance with—

4 (i) The 2023 Amended U.S.-FSM
5 Compact;

6 (ii) The 2023 U.S.-Palau Compact
7 Review Agreement; or

8 (iii) The 2023 Amended U.S.-RMI
9 Compact.

10 (17) U.S.-PALAU COMPACT.—The term “U.S.-
11 Palau Compact” means the Compact of Free Asso-
12 ciation between the United States and the Govern-
13 ment of Palau set forth in section 201 of Public
14 Law 99–658 (48 U.S.C. 1931 note).

15 **SEC. 1404. APPROVAL OF 2023 AGREEMENT TO AMEND THE**
16 **U.S.-FSM COMPACT, 2023 AGREEMENT TO**
17 **AMEND THE U.S.-RMI COMPACT, 2023 U.S.-**
18 **PALAU COMPACT REVIEW AGREEMENT, AND**
19 **SUBSIDIARY AGREEMENTS.**

20 (a) FEDERATED STATES OF MICRONESIA.—

21 (1) APPROVAL.—The 2023 Agreement to
22 Amend the U.S.-FSM Compact and the 2023 U.S.-
23 FSM Trust Fund Agreement, as submitted to Con-
24 gress on June 15, 2023, are approved and incor-
25 porated by reference.

1 (2) CONSENT OF CONGRESS.—Congress con-
2 sents to—

3 (A) The 2023 U.S.-FSM Fiscal Procedures
4 Agreement, as submitted to Congress on June
5 15, 2023; and

6 (B) The 2023 U.S.-FSM Federal Pro-
7 grams and Services Agreement.

8 (3) AUTHORITY OF PRESIDENT.—Notwith-
9 standing section 101(f) of the Compact of Free As-
10 sociation Amendments Act of 2003 (48 U.S.C.
11 1921(f)), the President is authorized to bring into
12 force and implement the agreements described in
13 paragraphs (1) and (2).

14 (b) REPUBLIC OF THE MARSHALL ISLANDS.—

15 (1) APPROVAL.—The 2023 Agreement to
16 Amend the U.S.-RMI Compact and the 2023 U.S.-
17 RMI Trust Fund Agreement, as submitted to Con-
18 gress on October 17, 2023, are approved and incor-
19 porated by reference.

20 (2) CONSENT OF CONGRESS.—Congress con-
21 sents to the 2023 U.S.-RMI Fiscal Procedures
22 Agreement as submitted to Congress on October 17,
23 2023.

24 (3) AUTHORITY OF PRESIDENT.—Notwith-
25 standing section 101(f) of the Compact of Free As-

1 society Amendments Act of 2003 (48 U.S.C.
2 1921(f)), the President is authorized to bring into
3 force and implement the agreements described in
4 paragraphs (1) and (2).

5 (c) REPUBLIC OF PALAU.—

6 (1) APPROVAL.—The 2023 U.S.-Palau Compact
7 Review Agreement, as submitted to Congress on
8 June 15, 2023, is approved.

9 (2) AUTHORITY OF PRESIDENT.—The President
10 is authorized to bring into force and implement the
11 2023 U.S.-Palau Compact Review Agreement.

12 (d) AMENDMENTS, CHANGES, OR TERMINATION TO
13 COMPACTS AND CERTAIN AGREEMENTS.—

14 (1) IN GENERAL.—Any amendment to, change
15 to, or termination of all or any part of the 2023
16 Amended U.S.-FSM Compact, 2023 Amended U.S.-
17 RMI Compact, or the U.S.-Palau Compact, by mu-
18 tual agreement or unilateral action of the Govern-
19 ment of the United States, shall not enter into force
20 until the date on which Congress has incorporated
21 the applicable amendment, change, or termination
22 into an Act of Congress.

23 (2) ADDITIONAL ACTIONS AND AGREEMENTS.—

24 In addition to the Compacts described in paragraph

1 (1), the requirements of that paragraph shall apply
2 to—

3 (A) any action of the Government of the
4 United States under the 2023 Amended U.S.-
5 FSM Compact, 2023 Amended U.S.-RMI Com-
6 pact, or U.S.-Palau Compact, including an ac-
7 tion taken pursuant to section 431, 441, or 442
8 of the 2023 Amended U.S.-FSM Compact,
9 2023 Amended U.S.-RMI Compact, or U.S.-
10 Palau Compact; and

11 (B) any amendment to, change to, or ter-
12 mination of—

13 (i) the agreement described in section
14 462(a)(2) of the 2023 Amended U.S.-FSM
15 Compact;

16 (ii) the agreement described in section
17 462(a)(5) of the 2023 Amended U.S.-RMI
18 Compact;

19 (iii) an agreement concluded pursuant
20 to section 265 of the 2023 Amended U.S.-
21 FSM Compact;

22 (iv) an agreement concluded pursuant
23 to section 265 of the 2023 Amended U.S.-
24 RMI Compact;

1 (v) an agreement concluded pursuant
2 to section 177 of the 2023 Amended U.S.-
3 RMI Compact;

4 (vi) Articles III and IV of the agree-
5 ment described in section 462(b)(6) of the
6 2023 Amended U.S.-FSM Compact;

7 (vii) Articles III, IV, and X of the
8 agreement described in section 462(b)(6)
9 of the 2023 Amended U.S.-RMI Compact;

10 (viii) the agreement described in sec-
11 tion 462(h) of the U.S.-Palau Compact;
12 and

13 (ix) Articles VI, XV, and XVII of the
14 agreement described in section 462(b)(7)
15 of the 2023 Amended U.S.-FSM Compact
16 and 2023 Amended U.S.-RMI Compact
17 and section 462(i) of the U.S.-Palau Com-
18 pact.

19 (e) ENTRY INTO FORCE OF FUTURE AMENDMENTS
20 TO SUBSIDIARY AGREEMENTS.—An agreement between
21 the United States and the Government of the Federated
22 States of Micronesia, the Government of the Republic of
23 the Marshall Islands, or the Government of the Republic
24 of Palau that would amend, change, or terminate any sub-
25 sidiary agreement or portion of a subsidiary agreement

1 (other than an amendment to, change to, or termination
2 of an agreement described in subsection (d)) shall not
3 enter into force until the date that is 90 days after the
4 date on which the President has transmitted to the Presi-
5 dent of the Senate and the Speaker of the House of Rep-
6 resentatives—

7 (1) the agreement to amend, change, or termi-
8 nate the subsidiary agreement;

9 (2) an explanation of the amendment, change,
10 or termination;

11 (3) a description of the reasons for the amend-
12 ment, change, or termination; and

13 (4) in the case of an agreement that would
14 amend, change, or terminate any agreement de-
15 scribed in section 462(b)(3) of the 2023 Amended
16 U.S.-FSM Compact or the 2023 Amended U.S.-RMI
17 Compact, a statement by the Secretary of Labor
18 that describes—

19 (A) the necessity of the amendment,
20 change, or termination; and

21 (B) any impacts of the amendment,
22 change, or termination.

23 **SEC. 1405. AGREEMENTS WITH FEDERATED STATES OF MI-**
24 **CRONESIA.**

25 (a) **LAW ENFORCEMENT ASSISTANCE.**—

1 (1) IN GENERAL.—Pursuant to sections 222
2 and 224 of the 2023 Amended U.S.-FSM Compact,
3 the United States shall provide nonreimbursable
4 technical and training assistance, as appropriate, in-
5 cluding training and equipment for postal inspection
6 of illicit drugs and other contraband, to enable the
7 Government of the Federated States of Micronesia—

8 (A) to develop and adequately enforce laws
9 of the Federated States of Micronesia; and

10 (B) to cooperate with the United States in
11 the enforcement of criminal laws of the United
12 States.

13 (2) USE OF APPROPRIATED FUNDS.—Funds ap-
14 propriated pursuant to subsection (j) of section 105
15 of the Compact of Free Association Amendments
16 Act of 2003 (48 U.S.C. 1921d) (as amended by sec-
17 tion 1409(j)) may be used in accordance with section
18 102(a) of the Compact of Free Association Amend-
19 ments Act of 2003 (48 U.S.C. 1921a(a)).

20 (b) UNITED STATES APPOINTEES TO JOINT ECO-
21 NOMIC MANAGEMENT COMMITTEE.—

22 (1) IN GENERAL.—The 3 United States ap-
23 pointees (which are composed of the United States
24 chair and 2 other members from the Government of
25 the United States) to the Joint Economic Manage-

1 ment Committee established under section 213 of
2 the 2023 Amended U.S.-FSM Compact (referred to
3 in this subsection as the “Committee”) shall—

4 (A) be voting members of the Committee;

5 and

6 (B) continue to be officers or employees of
7 the Federal Government.

8 (2) TERM; APPOINTMENT.—The 3 United
9 States members of the Committee described in para-
10 graph (1) shall be appointed for a term of 2 years
11 as follows:

12 (A) 1 member shall be appointed by the
13 Secretary of State, in consultation with the Sec-
14 retary of the Treasury.

15 (B) 1 member shall be appointed by the
16 Secretary of the Interior, in consultation with
17 the Secretary of the Treasury.

18 (C) 1 member shall be appointed by the
19 Interagency Group on Freely Associated States
20 established under section 1408(d)(1).

21 (3) REAPPOINTMENT.—A United States mem-
22 ber of the Committee appointed under paragraph (2)
23 may be reappointed for not more than 2 additional
24 2-year terms.

1 (4) QUALIFICATIONS.—Not fewer than 2
2 United States members of the Committee appointed
3 under paragraph (2) shall be individuals who—

4 (A) by reason of knowledge, experience, or
5 training, are especially qualified in accounting,
6 auditing, budget analysis, compliance, grant ad-
7 ministration, program management, or inter-
8 national economics; and

9 (B) possess not less than 5 years of full-
10 time experience in accounting, auditing, budget
11 analysis, compliance, grant administration, pro-
12 gram management, or international economics.

13 (5) NOTICE.—

14 (A) IN GENERAL.—Not later than 90 days
15 after the date of appointment of a United
16 States member of the Committee under para-
17 graph (2), the Secretary of the Interior shall
18 notify the appropriate committees of Congress
19 that an individual has been appointed as a vot-
20 ing member of the Committee under that para-
21 graph, including a statement prepared by the
22 Secretary of the Interior attesting to the quali-
23 fications of the member described in paragraph
24 (4), subject to subparagraph (B).

1 (B) REQUIREMENT.—For purposes of a
2 statement required under subparagraph (A)—

3 (i) in the case of a member appointed
4 under paragraph (2)(A), the Secretary of
5 the Interior shall compile information on
6 the member provided to the Secretary of
7 the Interior by the Secretary of State on
8 request of the Secretary of the Interior;
9 and

10 (ii) in the case of a member appointed
11 under paragraph (2)(C), the Secretary of
12 the Interior shall compile information on
13 the member provided to the Secretary of
14 the Interior by the Interagency Group on
15 Freely Associated States established under
16 section 1408(d)(1) on request of the Sec-
17 retary of the Interior.

18 (6) REPORTS TO CONGRESS.—Not later than
19 90 days after the date on which the Committee re-
20 ceives or completes any report required under the
21 2023 Amended U.S.-FSM Compact, or any related
22 subsidiary agreement, the Secretary of the Interior
23 shall submit the report to the appropriate commit-
24 tees of Congress.

1 (7) NOTICE TO CONGRESS.—Not later than 90
2 days after the date on which the Government of the
3 Federated States of Micronesia submits to the Com-
4 mittee a report required under the 2023 Amended
5 U.S.-FSM Compact, or any related subsidiary agree-
6 ment, the Secretary of the Interior shall submit to
7 the appropriate committees of Congress—

8 (A) if the report is submitted by the appli-
9 cable deadline, written notice attesting that the
10 report is complete and accurate; or

11 (B) if the report is not submitted by the
12 applicable deadline, written notice that the re-
13 port has not been timely submitted.

14 (c) UNITED STATES APPOINTEES TO JOINT TRUST
15 FUND COMMITTEE.—

16 (1) IN GENERAL.—The 3 United States voting
17 members (which are composed of the United States
18 chair and 2 other members from the Government of
19 the United States) to the Joint Trust Fund Com-
20 mittee established pursuant to the agreement de-
21 scribed in section 462(b)(5) of the 2023 Amended
22 U.S.-FSM Compact (referred to in this subsection as
23 the “Committee”) shall continue to be officers or
24 employees of the Federal Government.

1 (2) TERM; APPOINTMENT.—The 3 United
2 States members of the Committee described in para-
3 graph (1) shall be appointed for a term not more
4 than 2 years as follows:

5 (A) 1 member shall be appointed by the
6 Secretary of State.

7 (B) 1 member shall be appointed by the
8 Secretary of the Interior.

9 (C) 1 member shall be appointed by the
10 Secretary of the Treasury.

11 (3) REAPPOINTMENT.—A United States mem-
12 ber of the Committee appointed under paragraph (2)
13 may be reappointed for not more than 2 additional
14 2-year terms.

15 (4) QUALIFICATIONS.—Not fewer than 2 mem-
16 bers of the Committee appointed under paragraph
17 (2) shall be individuals who—

18 (A) by reason of knowledge, experience, or
19 training, are especially qualified in accounting,
20 auditing, budget analysis, compliance, financial
21 investment, grant administration, program
22 management, or international economics; and

23 (B) possess not less than 5 years of full-
24 time experience in accounting, auditing, budget
25 analysis, compliance, financial investment,

1 grant administration, program management, or
2 international economics.

3 (5) NOTICE.—

4 (A) IN GENERAL.—Not later than 90 days
5 after the date of appointment of a United
6 States member to the Committee under para-
7 graph (2), the Secretary of the Interior shall
8 notify the appropriate committees of Congress
9 that an individual has been appointed as a vot-
10 ing member of the Committee under that para-
11 graph, including a statement attesting to the
12 qualifications of the member described in para-
13 graph (4), subject to subparagraph (B).

14 (B) REQUIREMENT.—For purposes of a
15 statement required under subparagraph (A)—

16 (i) in the case of a member appointed
17 under paragraph (2)(A), the Secretary of
18 the Interior shall compile information on
19 the member provided to the Secretary of
20 the Interior by the Secretary of State on
21 request of the Secretary of the Interior;
22 and

23 (ii) in the case of a member appointed
24 under paragraph (2)(C), the Secretary of
25 the Interior shall compile information on

1 the member provided to the Secretary of
2 the Interior by the Secretary of the Treas-
3 ury on request of the Secretary of the Inte-
4 rior.

5 (6) REPORTS TO CONGRESS.—Not later than
6 90 days after the date on which the Committee re-
7 ceives or completes any report required under the
8 2023 Amended U.S.-FSM Compact, or any related
9 subsidiary agreement, the Secretary of the Interior
10 shall submit the report to the appropriate commit-
11 tees of Congress.

12 (7) NOTICE TO CONGRESS.—Not later than 90
13 days after the date on which the Government of the
14 Federated States of Micronesia submits to the Com-
15 mittee a report required under the 2023 Amended
16 U.S.-FSM Compact, or any related subsidiary agree-
17 ment, the Secretary of the Interior shall submit to
18 the appropriate committees of Congress—

19 (A) if the report is submitted by the appli-
20 cable deadline, written notice attesting that the
21 report is complete and accurate; or

22 (B) if the report is not submitted by the
23 applicable deadline, written notice that the re-
24 port has not been timely submitted.

1 **SEC. 1406. AGREEMENTS WITH AND OTHER PROVISIONS**
2 **RELATED TO THE REPUBLIC OF THE MAR-**
3 **SHALL ISLANDS.**

4 (a) **LAW ENFORCEMENT ASSISTANCE.—**

5 (1) **IN GENERAL.—**Pursuant to sections 222
6 and 224 of the 2023 Amended U.S.-RMI Compact,
7 the United States shall provide nonreimbursable
8 technical and training assistance, as appropriate, in-
9 cluding training and equipment for postal inspection
10 of illicit drugs and other contraband, to enable the
11 Government of the Republic of the Marshall Is-
12 lands—

13 (A) to develop and adequately enforce laws
14 of the Marshall Islands; and

15 (B) to cooperate with the United States in
16 the enforcement of criminal laws of the United
17 States.

18 (2) **USE OF APPROPRIATED FUNDS.—**Funds ap-
19 propriated pursuant to subsection (j) of section 105
20 of the Compact of Free Association Amendments
21 Act of 2003 (48 U.S.C. 1921d) (as amended by sec-
22 tion 1409(j)) may be used in accordance with section
23 103(a) of the Compact of Free Association Amend-
24 ments Act of 2003 (48 U.S.C. 1921b(a)).

25 (b) **ESPOUSAL PROVISIONS.—**

26 (1) **IN GENERAL.—**Congress reaffirms that—

1 (A) section 103(g)(1) of the Compact of
2 Free Association Act of 1985 (48 U.S.C.
3 1903(g)(1)) and section 103(e)(1) of the Com-
4 pact of Free Association Amendments Act of
5 2003 (48 U.S.C. 1921b(e)(1)) provided that “It
6 is the intention of the Congress of the United
7 States that the provisions of section 177 of the
8 Compact of Free Association and the Agree-
9 ment between the Government of the United
10 States and the Government of the Marshall Is-
11 lands for the Implementation of Section 177 of
12 the Compact (hereafter in this subsection re-
13 ferred to as the ‘Section 177 Agreement’) con-
14 stitute a full and final settlement of all claims
15 described in Articles X and XI of the Section
16 177 Agreement, and that any such claims be
17 terminated and barred except insofar as pro-
18 vided for in the Section 177 Agreement.”; and

19 (B) section 103(g)(2) of the Compact of
20 Free Association Act of 1985 (48 U.S.C.
21 1903(g)(2)) and section 103(e)(2) of the Com-
22 pact of Free Association Amendments Act of
23 2003 (48 U.S.C. 1921b(e)(2)) provided that
24 “In furtherance of the intention of Congress as
25 stated in paragraph (1) of this subsection, the

1 Section 177 Agreement is hereby ratified and
2 approved. It is the explicit understanding and
3 intent of Congress that the jurisdictional limita-
4 tions set forth in Article XII of such Agreement
5 are enacted solely and exclusively to accomplish
6 the objective of Article X of such Agreement
7 and only as a clarification of the effect of Arti-
8 cle X, and are not to be construed or imple-
9 mented separately from Article X.”.

10 (2) EFFECT.—Nothing in the 2023 Agreement
11 to Amend the U.S.-RMI Compact affects the appli-
12 cation of the provisions of law reaffirmed by para-
13 graph (1).

14 (c) CERTAIN SECTION 177 AGREEMENT PROVI-
15 SIONS.—Congress reaffirms that—

16 (1) Article IX of the Agreement Between the
17 Government of the United States and the Govern-
18 ment of the Marshall Islands for the Implementation
19 of Section 177 of the Compact of Free Association,
20 done at Majuro June 25, 1983, provided that “If
21 loss or damage to property and person of the citi-
22 zens of the Marshall Islands, resulting from the Nu-
23 clear Testing Program, arises or is discovered after
24 the effective date of this Agreement, and such inju-
25 ries were not and could not reasonably have been

1 identified as of the effective date of this Agreement,
2 and if such injuries render the provisions of this
3 Agreement manifestly inadequate, the Government
4 of the Marshall Islands may request that the Gov-
5 ernment of the United States provide for such inju-
6 ries by submitting such a request to the Congress of
7 the United States for its consideration. It is under-
8 stood that this Article does not commit the Congress
9 of the United States to authorize and appropriate
10 funds.”; and

11 (2) section 3(a) of Article XIII of the agree-
12 ment described in paragraph (1) provided that “The
13 Government of the United States and the Govern-
14 ment of the Marshall Islands shall consult at the re-
15 quest of either of them on matters relating to the
16 provisions of this Agreement.”.

17 (d) UNITED STATES APPOINTEES TO JOINT ECO-
18 NOMIC MANAGEMENT AND FINANCIAL ACCOUNTABILITY
19 COMMITTEE.—

20 (1) IN GENERAL.—The 2 United States ap-
21 pointees (which are composed of the United States
22 chair and 1 other member from the Government of
23 the United States) to the Joint Economic Manage-
24 ment and Financial Accountability Committee estab-
25 lished under section 214 of the 2003 Amended U.S.-

1 RMI Compact (referred to in this subsection as the
2 “Committee”) shall—

3 (A) be voting members of the Committee;

4 and

5 (B) continue to be officers or employees of
6 the Federal Government.

7 (2) TERM; APPOINTMENT.—The 2 United
8 States members of the Committee described in para-
9 graph (1) shall be appointed for a term of 2 years
10 as follows:

11 (A) 1 member shall be appointed by the
12 Secretary of State, in consultation with the Sec-
13 retary of the Treasury.

14 (B) 1 member shall be appointed by the
15 Secretary of the Interior, in consultation with
16 the Secretary of the Treasury.

17 (3) REAPPOINTMENT.—A United States mem-
18 ber of the Committee appointed under paragraph (2)
19 may be reappointed for not more than 2 additional
20 2-year terms.

21 (4) QUALIFICATIONS.—At least 1 United States
22 member of the Committee appointed under para-
23 graph (2) shall be an individual who—

24 (A) by reason of knowledge, experience, or
25 training, is especially qualified in accounting,

1 auditing, budget analysis, compliance, grant ad-
2 ministration, program management, or inter-
3 national economics; and

4 (B) possesses not less than 5 years of full-
5 time experience in accounting, auditing, budget
6 analysis, compliance, grant administration, pro-
7 gram management, or international economics.

8 (5) NOTICE.—

9 (A) IN GENERAL.—Not later than 90 days
10 after the date of appointment of a United
11 States member under paragraph (2), the Sec-
12 retary of the Interior shall notify the appro-
13 priate committees of Congress that an indi-
14 vidual has been appointed as a voting member
15 of the Committee under that paragraph, includ-
16 ing a statement attesting to the qualifications
17 of the member described in paragraph (4), sub-
18 ject to subparagraph (B).

19 (B) REQUIREMENT.—For purposes of a
20 statement required under subparagraph (A), in
21 the case of a member appointed under para-
22 graph (2)(A), the Secretary of the Interior shall
23 compile information on the member provided to
24 the Secretary of the Interior by the Secretary of

1 State on request of the Secretary of the Inte-
2 rior.

3 (6) REPORTS TO CONGRESS.—Not later than
4 90 days after the date on which the Committee re-
5 ceives or completes any report required under the
6 2023 Amended U.S.-RMI Compact, or any related
7 subsidiary agreement, the Secretary of the Interior
8 shall submit the report to the appropriate commit-
9 tees of Congress.

10 (7) NOTICE TO CONGRESS.—Not later than 90
11 days after the date on which the Government of the
12 Republic of the Marshall Islands submits to the
13 Committee a report required under the 2023
14 Amended U.S.-RMI Compact, or any related sub-
15 sidiary agreement, the Secretary of the Interior shall
16 submit to the appropriate committees of Congress—

17 (A) if the report is submitted by the appli-
18 cable deadline, written notice attesting that the
19 report is complete and accurate; or

20 (B) if the report is not submitted by the
21 applicable deadline, written notice that the re-
22 port has not been timely submitted.

23 (e) UNITED STATES APPOINTEES TO TRUST FUND
24 COMMITTEE.—

1 (1) IN GENERAL.—The 3 United States voting
2 members (which are composed of the United States
3 chair and 2 other members from the Government of
4 the United States) to the Trust Fund Committee es-
5 tablished pursuant to the agreement described in
6 section 462(b)(5) of the 2003 Amended U.S.-RMI
7 Compact (referred to in this subsection as the
8 “Committee”) shall continue to be officers or em-
9 ployees of the Federal Government.

10 (2) TERM; APPOINTMENT.—The 3 United
11 States members of the Committee described in para-
12 graph (1) shall be appointed for a term not more
13 than 5 years as follows:

14 (A) 1 member shall be appointed by the
15 Secretary of State.

16 (B) 1 member shall be appointed by the
17 Secretary of the Interior.

18 (C) 1 member shall be appointed by the
19 Secretary of the Treasury.

20 (3) REAPPOINTMENT.—A United States mem-
21 ber of the Committee appointed under paragraph (2)
22 may be reappointed for not more than 2 additional
23 2-year terms.

1 (4) QUALIFICATIONS.—Not fewer than 2 mem-
2 bers of the Committee appointed under paragraph
3 (2) shall be individuals who—

4 (A) by reason of knowledge, experience, or
5 training, are especially qualified in accounting,
6 auditing, budget analysis, compliance, financial
7 investment, grant administration, program
8 management, or international economics; and

9 (B) possess not less than 5 years of full-
10 time experience in accounting, auditing, budget
11 analysis, compliance, financial investment,
12 grant administration, program management, or
13 international economics.

14 (5) NOTICE.—

15 (A) IN GENERAL.—Not later than 90 days
16 after the date of appointment of a United
17 States Member under paragraph (2), the Sec-
18 retary of the Interior shall notify the appro-
19 priate committees of Congress that an indi-
20 vidual has been appointed as a voting member
21 of the Committee under that paragraph, includ-
22 ing a statement attesting to the qualifications
23 of the appointee described in paragraph (4),
24 subject to subparagraph (B).

1 (B) REQUIREMENT.—For purposes of a
2 statement required under subparagraph (A)—

3 (i) in the case of a member appointed
4 under paragraph (2)(A), the Secretary of
5 the Interior shall compile information on
6 the member provided to the Secretary of
7 the Interior by the Secretary of State on
8 request of the Secretary of the Interior;
9 and

10 (ii) in the case of a member appointed
11 under paragraph (2)(C), the Secretary of
12 the Interior shall compile information on
13 the member provided to the Secretary of
14 the Interior by the Secretary of the Treas-
15 ury on request of the Secretary of the Inte-
16 rior.

17 (6) REPORTS TO CONGRESS.—Not later than
18 90 days after the date on which the Committee re-
19 ceives or completes any report required under the
20 2023 Amended U.S.-RMI Compact, or any related
21 subsidiary agreement, the Secretary of the Interior
22 shall submit the report to the appropriate commit-
23 tees of Congress.

24 (7) NOTICE TO CONGRESS.—Not later than 90
25 days after the date on which the Government of the

1 Republic of the Marshall Islands submits to the
2 Committee a report required under the 2023
3 Amended U.S.-RMI Compact, or any related sub-
4 sidiary agreement, the Secretary of the Interior shall
5 submit to the appropriate committees of Congress—

6 (A) if the report is submitted by the appli-
7 cable deadline, written notice attesting that the
8 report is complete and accurate; or

9 (B) if the report is not submitted by the
10 applicable deadline, written notice that the re-
11 port has not been timely submitted.

12 (f) FOUR ATOLL HEALTH CARE PROGRAM.—Con-
13 gress reaffirms that—

14 (1) section 103(j)(1) of the Compact of Free
15 Association Act of 1985 (48 U.S.C. 1903(j)(1)) and
16 section 103(h)(1) of the Compact of Free Associa-
17 tion Amendments Act of 2003 (48 U.S.C.
18 1921b(h)(1)) provided that services “provided by the
19 United States Public Health Service or any other
20 United States agency pursuant to section 1(a) of Ar-
21 ticle II of the Agreement for the Implementation of
22 Section 177 of the Compact (hereafter in this sub-
23 section referred to as the ‘Section 177 Agreement’)”
24 shall be only for services to the people of the Atolls
25 of Bikini, Enewetak, Rongelap, and Utrik who were

1 affected by the consequences of the United States
2 nuclear testing program, pursuant to the program
3 described in Public Law 95–134 and Public Law
4 96–205 and their descendants (and any other per-
5 sons identified as having been so affected if such
6 identification occurs in the manner described in such
7 public laws). Nothing in this subsection shall be con-
8 strued as prejudicial to the views or policies of the
9 Government of the Marshall Islands as to the per-
10 sons affected by the consequences of the United
11 States nuclear testing program.”;

12 (2) section 103(j)(2) of the Compact of Free
13 Association Act of 1985 (48 U.S.C. 1903(j)(2)) and
14 section 103(h)(2) of the Compact of Free Associa-
15 tion Amendments Act of 2003 (48 U.S.C.
16 1921b(h)(2)) provided that “at the end of the first
17 year after the effective date of the Compact and at
18 the end of each year thereafter, the providing agency
19 or agencies shall return to the Government of the
20 Marshall Islands any unexpended funds to be re-
21 turned to the Fund Manager (as described in Article
22 I of the Section 177 Agreement) to be covered into
23 the Fund to be available for future use.”; and

24 (3) section 103(j)(3) of the Compact of Free
25 Association Act of 1985 (48 U.S.C. 1903(j)(3)) and

1 section 103(h)(3) of the Compact of Free Associa-
2 tion Amendments Act of 2003 (48 U.S.C.
3 1921b(h)(3)) provided that “the Fund Manager
4 shall retain the funds returned by the Government
5 of the Marshall Islands pursuant to paragraph (2)
6 of this subsection, shall invest and manage such
7 funds, and at the end of 15 years after the effective
8 date of the Compact, shall make from the total
9 amount so retained and the proceeds thereof annual
10 disbursements sufficient to continue to make pay-
11 ments for the provision of health services as speci-
12 fied in paragraph (1) of this subsection to such ex-
13 tent as may be provided in contracts between the
14 Government of the Marshall Islands and appropriate
15 United States providers of such health services.”.

16 (g) RADIOLOGICAL HEALTH CARE PROGRAM.—Not-
17 withstanding any other provision of law, on the request
18 of the Government of the Republic of the Marshall Islands,
19 the President (through an appropriate department or
20 agency of the United States) shall continue to provide spe-
21 cial medical care and logistical support for the remaining
22 members of the population of Rongelap and Utrik who
23 were exposed to radiation resulting from the 1954 United
24 States thermonuclear “Bravo” test, pursuant to Public

1 Law 95–134 (91 Stat. 1159) and Public Law 96–205 (94
2 Stat. 84).

3 (h) AGRICULTURAL AND FOOD PROGRAMS.—

4 (1) IN GENERAL.—Congress reaffirms that—

5 (A) section 103(h)(2) of the Compact of
6 Free Association Act of 1985 (48 U.S.C.
7 1903(h)(2)) and section 103(f)(2)(A) of the
8 Compact of Free Association Amendments Act
9 of 2003 (48 U.S.C. 1921b(f)(2)(A)) provided
10 that notwithstanding “any other provision of
11 law, upon the request of the Government of the
12 Marshall Islands, for the first fifteen years
13 after the effective date of the Compact, the
14 President (either through an appropriate de-
15 partment or agency of the United States or by
16 contract with a United States firm or by a
17 grant to the Government of the Republic of the
18 Marshall Islands which may further contract
19 only with a United States firm or a Republic of
20 the Marshall Islands firm, the owners, officers
21 and majority of the employees of which are citi-
22 zens of the United States or the Republic of the
23 Marshall Islands) shall provide technical and
24 other assistance without reimbursement, to con-
25 tinue the planting and agricultural maintenance

1 program on Enewetak; without reimbursement,
2 to continue the food programs of the Bikini,
3 Rongelap, Utrik, and Enewetak people de-
4 scribed in section 1(d) of Article II of the Sub-
5 sidiary Agreement for the Implementation of
6 Section 177 of the Compact and for continued
7 waterborne transportation of agricultural prod-
8 ucts to Enewetak including operations and
9 maintenance of the vessel used for such pur-
10 poses.”;

11 (B) section 103(h)(2) of the Compact of
12 Free Association Act of 1985 (48 U.S.C.
13 1903(h)(2)) and section 103(f)(2)(B) of the
14 Compact of Free Association Amendments Act
15 of 2003 (48 U.S.C. 1921b(f)(2)(B)) provided
16 that “The President shall ensure the assistance
17 provided under these programs reflects the
18 changes in the population since the inception of
19 such programs.”; and

20 (C) section 103(h)(3) of the Compact of
21 Free Association Act of 1985 (48 U.S.C.
22 1903(h)(3)) and section 103(f)(3) of the Com-
23 pact of Free Association Amendments Act of
24 2003 (48 U.S.C. 1921b(f)(3)) provided that
25 “payments under this subsection shall be pro-

1 vided to such extent or in such amounts as are
2 necessary for services and other assistance pro-
3 vided pursuant to this subsection. It is the
4 sense of Congress that after the periods of time
5 specified in paragraphs (1) and (2) of this sub-
6 section, consideration will be given to such addi-
7 tional funding for these programs as may be
8 necessary.”.

9 (2) PLANTING AND AGRICULTURAL MAINTEN-
10 NANCE PROGRAM.—The Secretary of the Interior
11 may provide grants to the Government of the Re-
12 public of the Marshall Islands to carry out a plant-
13 ing and agricultural maintenance program on Bikini,
14 Enewetak, Rongelap, and Utrik.

15 (3) FOOD PROGRAMS.—The Secretary of Agri-
16 culture may provide, without reimbursement, food
17 programs to the people of the Republic of the Mar-
18 shall Islands.

19 **SEC. 1407. AGREEMENTS WITH AND OTHER PROVISIONS**
20 **RELATED TO THE REPUBLIC OF PALAU.**

21 (a) BILATERAL ECONOMIC CONSULTATIONS.—
22 United States participation in the annual economic con-
23 sultations referred to in Article 8 of the 2023 U.S.-Palau
24 Compact Review Agreement shall be by officers or employ-
25 ees of the Federal Government.

1 (b) ECONOMIC ADVISORY GROUP.—

2 (1) QUALIFICATIONS.—A member of the Eco-
3 nomic Advisory Group described in Article 7 of the
4 2023 U.S.-Palau Compact Review Agreement (re-
5 ferred to in this subsection as the “Advisory
6 Group”) who is appointed by the Secretary of the
7 Interior shall be an individual who, by reason of
8 knowledge, experience, or training, is especially
9 qualified in private sector business development, eco-
10 nomic development, or national development.

11 (2) FUNDS.—With respect to the Advisory
12 Group, the Secretary of the Interior may use avail-
13 able funds for—

14 (A) the costs of the 2 members of the advi-
15 sory group designated by the United States in
16 accordance with Article 7 of the 2023 U.S.-
17 Palau Compact Review Agreement;

18 (B) 50 percent of the costs of the 5th
19 member of the Advisory Group designated by
20 the Secretary of the Interior in accordance with
21 the Article described in subparagraph (A); and

22 (C) the costs of—

23 (i) technical and administrative assist-
24 ance for the Advisory Group; and

1 (ii) other support necessary for the
2 Advisory Group to accomplish the purpose
3 of the Advisory Group.

4 (3) REPORTS TO CONGRESS.—Not later than
5 90 days after the date on which the Advisory Group
6 receives or completes any report required under the
7 2023 U.S.-Palau Compact Review Agreement, or
8 any related subsidiary agreement, the Secretary of
9 the Interior shall submit the report to the appro-
10 priate committees of Congress.

11 (c) REPORTS TO CONGRESS.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date on which the Government of the Republic
14 of Palau completes any report required under the
15 2023 U.S.-Palau Compact Review Agreement, or
16 any related subsidiary agreement, the Secretary of
17 the Interior shall submit the report to the appro-
18 priate committees of Congress.

19 (2) NOTICE TO CONGRESS.—Not later than 90
20 days after the date on which the Government of the
21 Republic of Palau submits a report required under
22 the 2023 U.S.-Palau Compact Review Agreement, or
23 any related subsidiary agreement, the Secretary of
24 the Interior shall submit to the appropriate commit-
25 tees of Congress—

1 (A) if the report is submitted by the appli-
2 cable deadline, written notice attesting that the
3 report is complete and accurate; or

4 (B) if the report is not submitted by the
5 applicable deadline, written notice that the re-
6 port has not been timely submitted.

7 **SEC. 1408. OVERSIGHT PROVISIONS.**

8 (a) **AUTHORITIES AND DUTIES OF THE COMP-**
9 **TROLLER GENERAL OF THE UNITED STATES.—**

10 (1) **IN GENERAL.—**The Comptroller General of
11 the United States (including any duly authorized
12 representative of the Comptroller General of the
13 United States) shall have the authorities necessary
14 to carry out the responsibilities of the Comptroller
15 General of the United States under—

16 (A) the 2023 Amended U.S.-FSM Com-
17 pact and related subsidiary agreements, includ-
18 ing the authorities and privileges described in
19 section 102(b) of the Compact of Free Associa-
20 tion Amendments Act of 2003 (48 U.S.C.
21 1921a(b));

22 (B) the 2023 Amended U.S.-RMI Compact
23 and related subsidiary agreements, including
24 the authorities and privileges described in sec-
25 tion 103(k) of the Compact of Free Association

1 Amendments Act of 2003 (48 U.S.C.
2 1921b(k)); and

3 (C) the 2023 U.S.-Palau Compact Review
4 Agreement, related subsidiary agreements, and
5 the authorities described in appendix D of the
6 “Agreement between the Government of the
7 United States of America and the Government
8 of the Republic of Palau Following the Compact
9 of Free Association Section 432 Review” signed
10 by the United States and the Republic of Palau
11 on September 3, 2010.

12 (2) REPORTS.—Not later than 18 months after
13 the date of the enactment of this Act, and every 4
14 years thereafter, the Comptroller General of the
15 United States shall submit to the appropriate com-
16 mittees of Congress a report with respect to the
17 Freely Associated States, including addressing—

18 (A) the topics described in subparagraphs
19 (A) through (E) of section 104(h)(1) of the
20 Compact of Free Association Amendments Act
21 of 2003 (48 U.S.C. 1921e(h)(1)), except that
22 for purposes of a report submitted under this
23 paragraph, the report shall address those topics
24 with respect to each of the Freely Associated
25 States; and

1 (B) the effectiveness of administrative
2 oversight by the United States of the Freely As-
3 sociated States.

4 (b) SECRETARY OF THE INTERIOR OVERSIGHT AU-
5 THORITY.—The Secretary of the Interior shall have the
6 authority necessary to fulfill the responsibilities for moni-
7 toring and managing the funds appropriated to the Com-
8 pact of Free Association account of the Department of the
9 Interior by section 1411(a) to carry out—

- 10 (1) the 2023 Amended U.S.-FSM Compact;
11 (2) the 2023 Amended U.S.-RMI Compact;
12 (3) the 2023 U.S.-Palau Compact Review
13 Agreement; and
14 (4) subsidiary agreements.

15 (c) POSTMASTER GENERAL OVERSIGHT AUTHOR-
16 ITY.—The Postmaster General shall have the authority
17 necessary to fulfill the responsibilities for monitoring and
18 managing the funds appropriated to the United States
19 Postal Service under paragraph (1) of section 1411(b) and
20 deposited in the Postal Service Fund under paragraph
21 (2)(A) of that section to carry out—

- 22 (1) section 221(a)(2) of the 2023 Amended
23 U.S.-FSM Compact;
24 (2) section 221(a)(2) of the 2023 Amended
25 U.S.-RMI Compact;

1 (3) section 221(a)(2) of the U.S.-Palau Com-
2 pact; and

3 (4) Article 6(a) of the 2023 U.S.-Palau Com-
4 pact Review Agreement.

5 (d) INTERAGENCY GROUP ON FREELY ASSOCIATED
6 STATES.—

7 (1) ESTABLISHMENT.—The President, in con-
8 sultation with the Secretary of State, the Secretary
9 of the Interior, and the Secretary of Defense, shall
10 establish an Interagency Group on Freely Associated
11 States (referred to in this subsection as the “Inter-
12 agency Group”).

13 (2) PURPOSE.—The purposes of the Inter-
14 agency Group are—

15 (A) to coordinate development and imple-
16 mentation of executive branch policies, pro-
17 grams, services, and other activities in or relat-
18 ing to the Freely Associated States; and

19 (B) to provide policy guidance, rec-
20 ommendations, and oversight to Federal agen-
21 cies, departments, and instrumentalities with
22 respect to the implementation of—

23 (i) the 2023 Amended U.S.-FSM
24 Compact;

1 (ii) the 2023 Amended U.S.-RMI
2 Compact; and

3 (iii) the 2023 U.S.-Palau Compact
4 Review Agreement.

5 (3) MEMBERSHIP.—The Interagency Group
6 shall consist of—

7 (A) the Secretary of State, who shall serve
8 as co-chair of the Interagency Group;

9 (B) the Secretary of the Interior, who shall
10 serve as co-chair of the Interagency Group;

11 (C) the Secretary of Defense;

12 (D) the Secretary of the Treasury;

13 (E) the heads of relevant Federal agencies,
14 departments, and instrumentalities carrying out
15 obligations under—

16 (i) sections 131 and 132 of the 2003
17 Amended U.S.-FSM Compact and sub-
18 sections (a) and (b) of section 221 and sec-
19 tion 261 of the 2023 Amended U.S.-FSM
20 Compact;

21 (ii) sections 131 and 132 of the 2003
22 Amended U.S.-RMI Compact and sub-
23 sections (a) and (b) of section 221 and sec-
24 tion 261 of the 2023 Amended U.S.-RMI
25 Compact;

1 (iii) sections 131 and 132 and sub-
2 sections (a) and (b) of section 221 of the
3 U.S.-Palau Compact;

4 (iv) Article 6 of the 2023 U.S.-Palau
5 Compact Review Agreement;

6 (v) any applicable subsidiary agree-
7 ment; and

8 (vi) section 1409; and

9 (F) the head of any other Federal agency,
10 department, or instrumentality that the Sec-
11 retary of State or the Secretary of the Interior
12 may designate.

13 (4) DUTIES OF SECRETARY OF STATE AND SEC-
14 RETARY OF THE INTERIOR.—The Secretary of State
15 (or a senior official designee of the Secretary of
16 State) and the Secretary of the Interior (or a senior
17 official designee of the Secretary of the Interior)
18 shall—

19 (A) co-lead and preside at a meeting of the
20 Interagency Group not less frequently than an-
21 nually;

22 (B) determine, in consultation with the
23 Secretary of Defense, the agenda for meetings
24 of the Interagency Group; and

1 (C) facilitate and coordinate the work of
2 the Interagency Group.

3 (5) DUTIES OF THE INTERAGENCY GROUP.—

4 The Interagency Group shall—

5 (A) provide advice on the establishment or
6 implementation of policies relating to the Freely
7 Associated States to the President, acting
8 through the Office of Intergovernmental Af-
9 fairs, in the form of a written report not less
10 frequently than annually;

11 (B) obtain information and advice relating
12 to the Freely Associated States from the Presi-
13 dents, other elected officials, and members of
14 civil society of the Freely Associated States, in-
15 cluding through the members of the Inter-
16 agency Group (including senior official des-
17 ignees of the members) meeting not less fre-
18 quently than annually with any Presidents of
19 the Freely Associated States who elect to par-
20 ticipate;

21 (C) at the request of the head of any Fed-
22 eral agency (or a senior official designee of the
23 head of a Federal agency) who is a member of
24 the Interagency Group, promptly review and
25 provide advice on a policy or policy implementa-

1 tion action affecting 1 or more of the Freely
2 Associated States proposed by the Federal
3 agency, department, or instrumentality; and

4 (D) facilitate coordination of relevant poli-
5 cies, programs, initiatives, and activities involv-
6 ing 1 or more of the Freely Associated States,
7 including ensuring coherence and avoiding du-
8 plication between programs, initiatives, and ac-
9 tivities conducted pursuant to a Compact with
10 a Freely Associated State and non-Compact
11 programs, initiatives, and activities.

12 (6) REPORTS.—Not later than 1 year after the
13 date of the enactment of this joint resolution and
14 each year thereafter in which a Compact of Free As-
15 sociation with a Freely Associated State is in effect,
16 the President shall submit to the majority leader
17 and minority leader of the Senate, the Speaker and
18 minority leader of the House of Representatives, and
19 the appropriate committees of Congress a report
20 that describes the activities and recommendations of
21 the Interagency Group during the applicable year.

22 (e) FEDERAL AGENCY COORDINATION.—The head of
23 any Federal agency providing programs and services to
24 the Federated States of Micronesia, the Republic of the
25 Marshall Islands, or the Republic of Palau shall coordinate

1 with the Secretary of the Interior and the Secretary of
2 State regarding the provision of the programs and serv-
3 ices.

4 (f) FOREIGN LOANS OR DEBT.—Congress reaffirms
5 that—

6 (1) the foreign loans or debt of the Government
7 of the Federated States of Micronesia, the Govern-
8 ment of the Republic of the Marshall Islands, or the
9 Government of the Republic of Palau shall not con-
10 stitute an obligation of the United States; and

11 (2) the full faith and credit of the United
12 States Government shall not be pledged for the pay-
13 ment and performance of any foreign loan or debt
14 referred to in paragraph (1) without specific further
15 authorization.

16 (g) COMPACT COMPILATION.—Not later than 180
17 days after the date of enactment of this joint resolution,
18 the Secretary of the Interior shall submit a report to the
19 appropriate committees of Congress that includes a com-
20 pilation of the Compact of Free Association with the Fed-
21 erated State of Micronesia, the Compact of Free Associa-
22 tion with the Republic of Palau, and the Compact of Free
23 Association with Republic of the Marshall Islands.

24 (h) PUBLICATION; REVISION BY OFFICE OF THE
25 LAW REVISION COUNSEL.—

1 (1) PUBLICATION.—In publishing this joint res-
2 olution in slip form and in the United States Stat-
3 utes at Large pursuant to section 112 of title 1,
4 United States Code, the Archivist of the United
5 States shall include after the date of approval at the
6 end an appendix setting forth the text of—

7 (A) the 2023 Agreement to Amend the
8 U.S.-FSM Compact; and

9 (B) the 2023 Agreement to Amend the
10 U.S.-RMI Compact.

11 (2) REVISION BY OFFICE OF THE LAW REVI-
12 SION COUNSEL.—The Office of the Law Revision
13 Counsel is directed to revise—

14 (A) the 2003 Amended U.S.-FSM Com-
15 pact set forth in the note following section 1921
16 of title 48, United States Code, to reflect the
17 amendments to the 2003 Amended U.S.-FSM
18 Compact made by the 2023 Agreement to
19 Amend the U.S.-FSM Compact; and

20 (B) the 2003 Amended U.S.-RMI Compact
21 set forth in the note following section 1921 of
22 title 48, United States Code, to reflect the
23 amendments to the 2003 Amended U.S.-RMI
24 Compact made by the 2023 Agreement to
25 Amend the U.S.-RMI Compact.

1 **SEC. 1409. UNITED STATES POLICY REGARDING THE FREE-**
2 **LY ASSOCIATED STATES.**

3 (a) AUTHORIZATION FOR VETERANS' SERVICES.—

4 (1) DEFINITION OF FREELY ASSOCIATED
5 STATES.—In this subsection, the term “Freely Asso-
6 ciated States” means—

7 (A) the Federated States of Micronesia,
8 during such time as it is a party to the Com-
9 pact of Free Association set forth in section
10 201 of the Compact of Free Association Act of
11 1985 (Public Law 99–239; 48 U.S.C. 1901
12 note);

13 (B) the Republic of the Marshall Islands,
14 during such time as it is a party to the Com-
15 pact of Free Association set forth in section
16 201 of the Compact of Free Association Act of
17 1985 (Public Law 99–239; 48 U.S.C. 1901
18 note); and

19 (C) the Republic of Palau, during such
20 time as it is a party to the Compact of Free As-
21 sociation between the United States and the
22 Government of Palau set forth in section 201 of
23 Joint Resolution entitled “Joint Resolution to
24 approve the ‘Compact of Free Association’ be-
25 tween the United States and the Government of

1 Palau, and for other purposes” (Public Law
2 99–658; 48 U.S.C. 1931 note).

3 (2) HOSPITAL CARE, MEDICAL SERVICES, AND
4 NURSING HOME CARE ABROAD.—Section 1724 of
5 title 38, United States Code, is amended—

6 (A) in subsection (a), by striking “sub-
7 sections (b) and (c)” and inserting “subsections
8 (b), (c), and (f)”; and

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

10 “(f)(1)(A) The Secretary may furnish hospital care
11 and medical services in the Freely Associated States, sub-
12 ject to agreements the Secretary shall enter into with the
13 governments of the Freely Associated States as described
14 in section 2009(a)(4)(A) of the Compact of Free Associa-
15 tion Amendments Act of 2024, and subject to subpara-
16 graph (B), to a veteran who is otherwise eligible to receive
17 hospital care and medical services.

18 “(B) The agreements described in subparagraph (A)
19 shall incorporate, to the extent practicable, the applicable
20 laws of the Freely Associated States and define the care
21 and services that can be legally provided by the Secretary
22 in the Freely Associated States.

23 “(2) In furnishing hospital care and medical services
24 under paragraph (1), the Secretary may furnish hospital
25 care and medical services through—

1 “(A) contracts or other agreements;

2 “(B) reimbursement; or

3 “(C) the direct provision of care by health care
4 personnel of the Department.

5 “(3) In furnishing hospital care and medical services
6 under paragraph (1), the Secretary may furnish hospital
7 care and medical services for any condition regardless of
8 whether the condition is connected to the service of the
9 veteran in the Armed Forces.

10 “(4)(A) A veteran who has received hospital care or
11 medical services in a country pursuant to this subsection
12 shall remain eligible, to the extent determined advisable
13 and practicable by the Secretary, for hospital care or med-
14 ical services in that country regardless of whether the
15 country continues to qualify as a Freely Associated State
16 for purposes of this subsection.

17 “(B) If the Secretary determines it is no longer advis-
18 able or practicable to allow veterans described in subpara-
19 graph (A) to remain eligible for hospital care or medical
20 services pursuant to such subparagraph, the Secretary
21 shall—

22 “(i) provide direct notice of that determination
23 to such veterans; and

24 “(ii) publish that determination and the reasons
25 for that determination in the Federal Register.

1 “(5) In this subsection, the term ‘Freely Associated
2 States’ means—

3 “(A) the Federated States of Micronesia, dur-
4 ing such time as it is a party to the Compact of
5 Free Association set forth in section 201 of the
6 Compact of Free Association Act of 1985 (Public
7 Law 99–239; 48 U.S.C. 1901 note);

8 “(B) the Republic of the Marshall Islands, dur-
9 ing such time as it is a party to the Compact of
10 Free Association set forth in section 201 of the
11 Compact of Free Association Act of 1985 (Public
12 Law 99–239; 48 U.S.C. 1901 note); and

13 “(C) the Republic of Palau, during such time as
14 it is a party to the Compact of Free Association be-
15 tween the United States and the Government of
16 Palau set forth in section 201 of Joint Resolution
17 entitled ‘Joint Resolution to approve the “Compact
18 of Free Association” between the United States and
19 the Government of Palau, and for other purposes’
20 (Public Law 99–658; 48 U.S.C. 1931 note).”.

21 (3) BENEFICIARY TRAVEL.—Section 111 of title
22 38, United States Code, is amended by adding at
23 the end the following:

24 “(h)(1) Notwithstanding any other provision of law,
25 the Secretary may make payments to or for any person

1 traveling in, to, or from the Freely Associated States for
2 receipt of care or services authorized to be legally provided
3 by the Secretary in the Freely Associated States under
4 section 1724(f)(1) of this title.

5 “(2) A person who has received payment for travel
6 in a country pursuant to this subsection shall remain eligi-
7 ble for payment for such travel in that country regardless
8 of whether the country continues to qualify as a Freely
9 Associated State for purposes of this subsection.

10 “(3) The Secretary shall prescribe regulations to
11 carry out this subsection.

12 “(4) In this subsection, the term ‘Freely Associated
13 States’ means—

14 “(A) the Federated States of Micronesia, dur-
15 ing such time as it is a party to the Compact of
16 Free Association set forth in section 201 of the
17 Compact of Free Association Act of 1985 (Public
18 Law 99–239; 48 U.S.C. 1901 note);

19 “(B) the Republic of the Marshall Islands, dur-
20 ing such time as it is a party to the Compact of
21 Free Association set forth in section 201 of the
22 Compact of Free Association Act of 1985 (Public
23 Law 99–239; 48 U.S.C. 1901 note); and

24 “(C) the Republic of Palau, during such time as
25 it is a party to the Compact of Free Association be-

1 tween the United States and the Government of
2 Palau set forth in section 201 of Joint Resolution
3 entitled ‘Joint Resolution to approve the “Compact
4 of Free Association” between the United States and
5 the Government of Palau, and for other purposes’
6 (Public Law 99–658; 48 U.S.C. 1931 note).”.

7 (4) LEGAL ISSUES.—

8 (A) AGREEMENTS TO FURNISH CARE AND
9 SERVICES.—

10 (i) IN GENERAL.—Before delivering
11 hospital care or medical services under
12 subsection (f) of section 1724 of title 38,
13 United States Code, as added by para-
14 graph (2)(B), the Secretary of Veterans
15 Affairs, in consultation with the Secretary
16 of State, shall enter into agreements with
17 the governments of the Freely Associated
18 States to—

19 (I) facilitate the furnishing of
20 health services, including telehealth,
21 under the laws administered by the
22 Secretary of Veterans Affairs, to vet-
23 erans in the Freely Associated States,
24 such as by addressing—

1 (aa) licensure, certification,
2 registration, and tort issues relat-
3 ing to health care personnel;

4 (bb) the scope of health
5 services the Secretary may fur-
6 nish, as well as the means for
7 furnishing such services; and

8 (cc) matters relating to de-
9 livery of pharmaceutical products
10 and medical surgical products,
11 including delivery of such prod-
12 ucts through the Consolidated
13 Mail Outpatient Pharmacy of the
14 Department of Veterans Affairs,
15 to the Freely Associated States;

16 (II) clarify the authority of the
17 Secretary of Veterans Affairs to pay
18 for tort claims as set forth under sub-
19 paragraph (C); and

20 (III) clarify authority and re-
21 sponsibility on any other matters de-
22 termined relevant by the Secretary of
23 Veterans Affairs or the governments
24 of the Freely Associated States.

1 (ii) SCOPE OF AGREEMENTS.—The
2 agreements described in clause (i) shall in-
3 corporate, to the extent practicable, the ap-
4 plicable laws of the Freely Associated
5 States and define the care and services
6 that can be legally provided by the Sec-
7 retary of Veterans Affairs in the Freely
8 Associated States.

9 (iii) REPORT TO CONGRESS.—

10 (I) IN GENERAL.—Not later than
11 90 days after entering into an agree-
12 ment described in clause (i), the Sec-
13 retary of Veterans Affairs shall sub-
14 mit the agreement to the appropriate
15 committees of Congress.

16 (II) APPROPRIATE COMMITTEES
17 OF CONGRESS DEFINED.—In this
18 clause, the term “appropriate commit-
19 tees of Congress” means—

20 (aa) the Committee on En-
21 ergy and Natural Resources, the
22 Committee on Foreign Relations,
23 and the Committee on Veterans’
24 Affairs of the Senate; and

1 (bb) the Committee on Nat-
2 ural Resources, the Committee
3 on Foreign Affairs, and the Com-
4 mittee on Veterans' Affairs of the
5 House of Representatives.

6 (B) LICENSURE OF HEALTH CARE PRO-
7 FESSIONALS PROVIDING TREATMENT VIA TELE-
8 MEDICINE IN THE FREELY ASSOCIATED
9 STATES.—Section 1730C(a) of title 38, United
10 States Code, is amended by striking “any
11 State” and inserting “any State or any of the
12 Freely Associated States (as defined in section
13 1724(f) of this title)”.

14 (C) PAYMENT OF CLAIMS.—The Secretary
15 of Veterans Affairs may pay tort claims, in the
16 manner authorized in the first paragraph of
17 section 2672 of title 28, United States Code,
18 when such claims arise in the Freely Associated
19 States in connection with furnishing hospital
20 care or medical services or providing medical
21 consultation or medical advice to a veteran
22 under the laws administered by the Secretary,
23 including through a remote or telehealth pro-
24 gram.

1 (5) OUTREACH AND ASSESSMENT OF OP-
2 TIONS.—During the 1-year period beginning on the
3 date of enactment of this joint resolution, the Sec-
4 retary of Veterans Affairs shall, subject to the avail-
5 ability of appropriations—

6 (A) conduct robust outreach to, and en-
7 gage with, each government of the Freely Asso-
8 ciated States;

9 (B) assess options for the delivery of care
10 through the use of authorities provided pursu-
11 ant to the amendments made by this sub-
12 section; and

13 (C) increase staffing as necessary to con-
14 duct outreach under subparagraph (A).

15 (b) AUTHORIZATION OF EDUCATION PROGRAMS.—

16 (1) ELIGIBILITY.—For fiscal year 2024 and
17 each fiscal year thereafter, the Government of the
18 United States shall—

19 (A) continue to make available to the Fed-
20 erated States of Micronesia, the Republic of the
21 Marshall Islands, and the Republic of Palau,
22 grants for services to individuals eligible for
23 such services under part B of the Individuals
24 with Disabilities Education Act (20 U.S.C.
25 1411 et seq.) to the extent that those services

1 continue to be available to individuals in the
2 United States;

3 (B) continue to make available to the Fed-
4 erated States of Micronesia and the Republic of
5 the Marshall Islands and make available to the
6 Republic of Palau, competitive grants under the
7 Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 6301 et seq.), the Carl D.
9 Perkins Career and Technical Education Act of
10 2006 (20 U.S.C. 2301 et seq.), and part D of
11 the Individuals with Disabilities Education Act
12 (20 U.S.C. 1450 et seq.), to the extent that
13 those grants continue to be available to State
14 and local governments in the United States;

15 (C) continue to make grants available to
16 the Republic of Palau under part A of title I of
17 the Elementary and Secondary Education Act
18 of 1965 (20 U.S.C. 6311 et seq.), the Adult
19 Education and Family Literacy Act (29 U.S.C.
20 3271 et seq.), and the Carl D. Perkins Career
21 and Technical Education Act of 2006 (20
22 U.S.C. 2301 et seq.);

23 (D) continue to make available to eligible
24 institutions of higher education in the Republic
25 of Palau and make available to eligible institu-

1 tions of higher education in the Federated
2 States of Micronesia and the Republic of the
3 Marshall Islands and to students enrolled in
4 those institutions of higher education, and to
5 students who are citizens of the Federated
6 States of Micronesia, the Republic of the Mar-
7 shall Islands, and the Republic of Palau and
8 enrolled in institutions of higher education in
9 the United States and territories of the United
10 States, grants under—

11 (i) subpart 1 of part A of title IV of
12 the Higher Education Act of 1965 (20
13 U.S.C. 1070a et seq.);

14 (ii) subpart 3 of part A of title IV of
15 the Higher Education Act of 1965 (20
16 U.S.C. 1070b et seq.); and

17 (iii) part C of title IV of the Higher
18 Education Act of 1965 (20 U.S.C. 1087–
19 51 et seq.);

20 (E) require, as a condition of eligibility for
21 a public institution of higher education in any
22 State (as defined in section 103 of the Higher
23 Education Act of 1965 (20 U.S.C. 1003)) that
24 is not a Freely Associated State to participate
25 in or receive funds under any program under

1 title IV of such Act (20 U.S.C. 1070 et seq.),
2 that the institution charge students who are
3 citizens of the Federated States of Micronesia,
4 the Republic of the Marshall Islands, or the Re-
5 public of Palau tuition for attendance at a rate
6 that is not greater than the rate charged for
7 residents of the State in which such public in-
8 stitution of higher education is located; and

9 (F) continue to make available, to eligible
10 institutions of higher education, secondary
11 schools, and nonprofit organizations in the Fed-
12 erated States of Micronesia, the Republic of the
13 Marshall Islands, and the Republic of Palau,
14 competitive grants under the Higher Education
15 Act of 1965 (20 U.S.C. 1001 et seq.).

16 (2) OTHER FORMULA GRANTS.—Except as pro-
17 vided in paragraph (1), the Secretary of Education
18 shall not make a grant under any formula grant pro-
19 gram administered by the Department of Education
20 to the Federated States of Micronesia, the Republic
21 of the Marshall Islands, or the Republic of Palau.

22 (3) GRANTS TO THE FREELY ASSOCIATED
23 STATES UNDER PART B OF THE INDIVIDUALS WITH
24 DISABILITIES EDUCATION ACT.—Section 611(b)(1)
25 of the Individuals with Disabilities Education Act

1 (20 U.S.C. 1411(b)(1)) is amended by striking sub-
2 paragraph (A) and inserting the following:

3 “(A) FUNDS RESERVED.—From the
4 amount appropriated for any fiscal year under
5 subsection (i), the Secretary shall reserve not
6 more than 1 percent, which shall be used as fol-
7 lows:

8 “(i) To provide assistance to the out-
9 lying areas in accordance with their respec-
10 tive populations of individuals aged 3
11 through 21.

12 “(ii)(I) To provide each freely associ-
13 ated State a grant so that no freely associ-
14 ated State receives a lesser share of the
15 total funds reserved for the freely associ-
16 ated State than the freely associated State
17 received of those funds for fiscal year
18 2023.

19 “(II) Each freely associated State
20 shall establish its eligibility under this sub-
21 paragraph consistent with the require-
22 ments for a State under section 612.

23 “(III) The funds provided to each
24 freely associated State under this part may
25 be used to provide, to each infant or tod-

1 dler with a disability (as defined in section
2 632), either a free appropriate public edu-
3 cation, consistent with section 612, or
4 early intervention services consistent with
5 part C, notwithstanding the application
6 and eligibility requirements of sections
7 634(2), 635, and 637.”.

8 (4) TECHNICAL AMENDMENTS TO THE ELE-
9 MENTARY AND SECONDARY EDUCATION ACT OF
10 1965.—The Elementary and Secondary Education
11 Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

12 (A) by striking subparagraph (A) of sec-
13 tion 1121(b)(1) (20 U.S.C. 6331(b)(1)) and in-
14 serting the following:

15 “(A) first reserve \$1,000,000 for the Re-
16 public of Palau, subject to such terms and con-
17 ditions as the Secretary may establish, except
18 that Public Law 95–134, permitting the con-
19 solidation of grants, shall not apply; and”;

20 (B) in section 8101 (20 U.S.C. 7801), by
21 amending paragraph (36) to read as follows:

22 “(36) OUTLYING AREA.—The term ‘outlying
23 area’—

24 “(A) means American Samoa, the Com-
25 monwealth of the Northern Mariana Islands,

1 Guam, and the United States Virgin Islands;
2 and

3 “(B) for the purpose of any discretionary
4 grant program under this Act, includes the Re-
5 public of the Marshall Islands, the Federated
6 States of Micronesia, and the Republic of
7 Palau, to the extent that any such grant pro-
8 gram continues to be available to State and
9 local governments in the United States.”.

10 (5) TECHNICAL AMENDMENT TO THE COMPACT
11 OF FREE ASSOCIATION AMENDMENTS ACT OF 2003.—
12 Section 105(f)(1)(B) of the Compact of Free Asso-
13 ciation Amendments Act of 2003 (48 U.S.C.
14 1921d(f)(1)(B)) is amended by striking clause (ix).

15 (6) HEAD START PROGRAMS.—

16 (A) DEFINITIONS.—Section 637 of the
17 Head Start Act (42 U.S.C. 9832) is amended,
18 in the paragraph defining the term “State”, by
19 striking the second sentence and inserting “The
20 term ‘State’ includes the Federated States of
21 Micronesia, the Republic of the Marshall Is-
22 lands, and the Republic of Palau.”.

23 (B) ALLOTMENT OF FUNDS.—Section
24 640(a)(2)(B) of the Head Start Act (42 U.S.C.
25 9835(a)(2)(B)) is amended—

1 (i) in clause (iv), by inserting “the
2 Republic of Palau,” before “and the Virgin
3 Islands”; and

4 (ii) by amending clause (v) to read as
5 follows:

6 “(v) if a base grant has been established through ap-
7 propriations for the Federated States of Micronesia or the
8 Republic of the Marshall Islands, to provide an amount
9 for that jurisdiction (for Head Start agencies (including
10 Early Head Start agencies) in the jurisdiction) that is
11 equal to the amount provided for base grants for such ju-
12 risdiction under this subchapter for the prior fiscal year,
13 by allotting to each agency described in this clause an
14 amount equal to that agency’s base grant for the prior
15 fiscal year; and”.

16 (7) COORDINATION REQUIRED.—The Secretary
17 of the Interior, in coordination with the Secretary of
18 Education and the Secretary of Health and Human
19 Services, as applicable, shall, to the maximum extent
20 practicable, coordinate with the 3 United States ap-
21 pointees to the Joint Economic Management Com-
22 mittee described in section 1405(b)(1) and the 2
23 United States appointees to the Joint Economic
24 Management and Financial Accountability Com-
25 mittee described in section 1406(d)(1) to avoid du-

1 plication of economic assistance for education pro-
2 vided under section 261(a)(1) of the 2023 Amended
3 U.S.-FSM Compact or section 261(a)(1) of the 2023
4 Amended U.S.-RMI Compact of activities or services
5 provided under—

6 (A) the Head Start Act (42 U.S.C. 9831
7 et seq.);

8 (B) subpart 3 of part A of title IV of the
9 Higher Education Act of 1965 (20 U.S.C.
10 1070b et seq.); or

11 (C) part C of title IV of the Higher Edu-
12 cation Act of 1965 (20 U.S.C. 1087–51 et
13 seq.).

14 (c) AUTHORIZATION OF DEPARTMENT OF DEFENSE
15 PROGRAMS.—

16 (1) DEPARTMENT OF DEFENSE MEDICAL FA-
17 CILITIES.—The Secretary of Defense shall make
18 available, on a space available and reimbursable
19 basis, the medical facilities of the Department of De-
20 fense for use by citizens of the Federated States of
21 Micronesia, the Republic of the Marshall Islands,
22 and the Republic of Palau, who are properly referred
23 to the facilities by government authorities respon-
24 sible for provision of medical services in the Fed-
25 erated States of Micronesia, the Republic of the

1 Marshall Islands, the Republic of Palau, and the af-
2 fected jurisdictions (as defined in section 104(e)(2)
3 of the Compact of Free Association Amendments
4 Act of 2003 (48 U.S.C. 1921c(e)(2))).

5 (2) PARTICIPATION BY SECONDARY SCHOOLS IN
6 THE ARMED SERVICES VOCATIONAL APTITUDE BAT-
7 TERY STUDENT TESTING PROGRAM.—It is the sense
8 of Congress that the Department of Defense may ex-
9 tend the Armed Services Vocational Aptitude Bat-
10 tery (ASVAB) Student Testing Program and the
11 ASVAB Career Exploration Program to selected sec-
12 ondary schools in the Federated States of Micro-
13 nesia, the Republic of the Marshall Islands, and the
14 Republic of Palau to the extent such programs are
15 available to Department of Defense dependent sec-
16 ondary schools established under section 2164 of
17 title 10, United States Code, and located outside the
18 United States.

19 (d) JUDICIAL TRAINING.—In addition to amounts
20 provided under section 261(a)(4) of the 2023 Amended
21 U.S.-FSM Compact and the 2023 Amended U.S.-RMI
22 Compact and under subsections (a) and (b) of Article 1
23 of the 2023 U.S.-Palau Compact Review Agreement, for
24 each of fiscal years 2024 through 2043, the Secretary of
25 the Interior shall use the amounts made available to the

1 Secretary of the Interior under section 1411(c) to train
2 judges and officials of the judiciary in the Federated
3 States of Micronesia, the Republic of the Marshall Islands,
4 and the Republic of Palau, in cooperation with the Pacific
5 Islands Committee of the judicial council of the ninth judi-
6 cial circuit of the United States.

7 (e) ELIGIBILITY FOR THE REPUBLIC OF PALAU.—

8 (1) NATIONAL HEALTH SERVICE CORPS.—The
9 Secretary of Health and Human Services shall make
10 the services of the National Health Service Corps
11 available to the residents of the Federated States of
12 Micronesia, the Republic of the Marshall Islands,
13 and the Republic of Palau to the same extent, and
14 for the same duration, as services are authorized to
15 be provided to persons residing in any other areas
16 within or outside the United States.

17 (2) ADDITIONAL PROGRAMS AND SERVICES.—

18 The Republic of Palau shall be eligible for the pro-
19 grams and services made available to the Federated
20 States of Micronesia and the Republic of the Mar-
21 shall Islands under section 108(a) of the Compact of
22 Free Association Amendments Act of 2003 (48
23 U.S.C. 1921g(a)).

24 (3) PROGRAMS AND SERVICES OF CERTAIN

25 AGENCIES.—In addition to the programs and serv-

1 ices set forth in the operative Federal Programs and
2 Services Agreement between the United States and
3 the Republic of Palau, the programs and services of
4 the following agencies shall be made available to the
5 Republic of Palau:

6 (A) The Legal Services Corporation.

7 (B) The Public Health Service.

8 (C) The Rural Housing Service.

9 (f) COMPACT IMPACT FAIRNESS.—

10 (1) IN GENERAL.—Section 402 of the Personal
11 Responsibility and Work Opportunity Reconciliation
12 Act of 1996 (8 U.S.C. 1612) is amended—

13 (A) in subsection (a)(2), by adding at the
14 end the following:

15 “(N) EXCEPTION FOR CITIZENS OF FREE-
16 LY ASSOCIATED STATES.—With respect to eligi-
17 bility for benefits for any specified Federal pro-
18 gram, paragraph (1) shall not apply to any in-
19 dividual who lawfully resides in the United
20 States in accordance with section 141 of the
21 Compacts of Free Association between the Gov-
22 ernment of the United States and the Govern-
23 ments of the Federated States of Micronesia,
24 the Republic of the Marshall Islands, and the
25 Republic of Palau.”; and

1 (B) in subsection (b)(2)(G)—

2 (i) in the subparagraph heading, by
3 striking “MEDICAID EXCEPTION FOR” and
4 inserting “EXCEPTION FOR”; and

5 (ii) by striking “the designated Fed-
6 eral program defined in paragraph (3)(C)
7 (relating to the Medicaid program)” and
8 inserting “any designated Federal pro-
9 gram”.

10 (2) EXCEPTION TO 5-YEAR WAIT REQUIRE-
11 MENT.—Section 403(b)(3) of the Personal Responsi-
12 bility and Work Opportunity Reconciliation Act of
13 1996 (8 U.S.C. 1613(b)(3)) is amended by striking
14 “, but only with respect to the designated Federal
15 program defined in section 402(b)(3)(C)”.

16 (3) DEFINITION OF QUALIFIED ALIEN.—Section
17 431(b)(8) of the Personal Responsibility and Work
18 Opportunity Reconciliation Act of 1996 (8 U.S.C.
19 1641(b)(8)) is amended by striking “, but only with
20 respect to the designated Federal program defined
21 in section 402(b)(3)(C) (relating to the Medicaid
22 program)”.

23 (g) CONSULTATION WITH INTERNATIONAL FINAN-
24 CIAL INSTITUTIONS.—The Secretary of the Treasury, in
25 coordination with the Secretary of the Interior and the

1 Secretary of State, shall consult with appropriate officials
2 of the Asian Development Bank and relevant international
3 financial institutions (as defined in section 1701(c) of the
4 International Financial Institutions Act (22 U.S.C.
5 262r(e))), as appropriate, with respect to overall economic
6 conditions in, and the activities of other providers of as-
7 sistance to, the Freely Associated States.

8 (h) CHIEF OF MISSION.—Section 105(b) of the Com-
9 pact of Free Association Amendments Act of 2003 (48
10 U.S.C. 1921d(b)) is amended by striking paragraph (5)
11 and inserting the following:

12 “(5) Pursuant to section 207 of the Foreign
13 Service Act of 1980 (22 U.S.C. 3927), all United
14 States Government executive branch employees in
15 the Federated States of Micronesia, the Republic of
16 the Marshall Islands, and the Republic of Palau fall
17 under the authority of the respective applicable chief
18 of mission, except for employees identified as ex-
19 cepted from the authority under Federal law or by
20 Presidential directive.”.

21 (i) ESTABLISHMENT OF A UNIT FOR THE FREELY
22 ASSOCIATED STATES IN THE BUREAU OF EAST ASIAN
23 AND PACIFIC AFFAIRS OF THE DEPARTMENT OF STATE
24 AND INCREASING PERSONNEL FOCUSED ON OCEANIA.—

1 (1) DEFINITION OF APPROPRIATE CONGRES-
2 SIONAL COMMITTEES.—In this subsection, the term
3 “appropriate congressional committees” means the
4 Committee on Foreign Relations of the Senate and
5 the Committee on Foreign Affairs of the House of
6 Representatives.

7 (2) REQUIREMENTS.—The Secretary of State
8 shall—

9 (A) assign additional full-time equivalent
10 personnel to the Office of Australia, New Zea-
11 land, and Pacific Island Affairs of the Bureau
12 of East Asian and Pacific Affairs of the De-
13 partment of State, including to the unit estab-
14 lished under subparagraph (B), as the Sec-
15 retary of State determines to be appropriate, in
16 accordance with paragraph (4)(A); and

17 (B) establish a unit in the Bureau of East
18 Asian and Pacific Affairs of the Department of
19 State to carry out the functions described in
20 paragraph (3).

21 (3) FUNCTIONS OF UNIT.—The unit established
22 under paragraph (2)(B) shall be responsible for the
23 following:

24 (A) Managing the bilateral and regional re-
25 lations with the Freely Associated States.

1 (B) Supporting the Secretary of State in
2 leading negotiations relating to the Compacts of
3 Free Association with the Freely Associated
4 States.

5 (C) Coordinating, in consultation with the
6 Department of the Interior, the Department of
7 Defense, and other interagency partners as ap-
8 propriate, implementation of the Compacts of
9 Free Association with the Freely Associated
10 States.

11 (4) FULL-TIME EQUIVALENT EMPLOYEES.—The
12 Secretary of State shall—

13 (A) not later than 5 years after the date
14 of enactment of this joint resolution, assign to
15 the Office of Australia, New Zealand, and Pa-
16 cific Island Affairs of the Bureau of East Asian
17 and Pacific Affairs, including to the unit estab-
18 lished under paragraph (2)(B), not less than 4
19 additional full-time equivalent staff, who shall
20 not be dual-hatted, including by considering—

21 (i) the use of existing flexible hiring
22 authorities, including Domestic Employees
23 Teleworking Overseas (DETOs); and

1 (ii) the realignment of existing per-
2 sonnel, including from the United States
3 Mission in Australia, as appropriate;

4 (B) reduce the number of vacant foreign
5 service positions in the Pacific Island region by
6 establishing an incentive program within the
7 Foreign Service for overseas positions related to
8 the Pacific Island region; and

9 (C) report to the appropriate congressional
10 committees on progress toward objectives out-
11 lined in this subsection beginning 1 year from
12 the date of the enactment of this joint resolu-
13 tion and annually thereafter for 5 years.

14 (j) TECHNICAL ASSISTANCE.—Section 105 of the
15 Compact of Free Association Amendments Act of 2003
16 (48 U.S.C. 1921d) is amended by striking subsection (j)
17 and inserting the following:

18 “(j) TECHNICAL ASSISTANCE.—

19 “(1) IN GENERAL.—Technical assistance may
20 be provided pursuant to section 224 of the 2023
21 Amended U.S.-FSM Compact, section 224 of the
22 2023 Amended U.S.-RMI Compact, or section 222
23 of the U.S.-Palau Compact (as those terms are de-
24 fined in section 1403 of the Compact of Free Asso-
25 ciation Amendments Act of 2024) by Federal agen-

1 cies and institutions of the Government of the
2 United States to the extent the assistance shall be
3 provided to States, territories, or units of local gov-
4 ernment.

5 “(2) HISTORIC PRESERVATION.—

6 “(A) IN GENERAL.—Any technical assist-
7 ance authorized under paragraph (1) that is
8 provided by the Forest Service, the Natural Re-
9 sources Conservation Service, the United States
10 Fish and Wildlife Service, the National Marine
11 Fisheries Service, the United States Coast
12 Guard, the Advisory Council on Historic Pres-
13 ervation, the Department of the Interior, or any
14 other Federal agency providing assistance
15 under division A of subtitle III of title 54,
16 United States Code, may be provided on a non-
17 reimbursable basis.

18 “(B) GRANTS.—During the period in
19 which the 2023 Amended U.S.-FSM Compact
20 (as so defined) and the 2023 Amended U.S.-
21 RMI Compact (as so defined) are in force, the
22 grant programs under division A of subtitle III
23 of title 54, United States Code, shall continue
24 to apply to the Federated States of Micronesia
25 and the Republic of the Marshall Islands in the

1 same manner and to the same extent as those
2 programs applied prior to the approval of the
3 U.S.-FSM Compact and U.S.-RMI Compact.

4 “(3) ADDITIONAL FUNDS.—Any funds provided
5 pursuant to this subsection, subsections (c), (g), (h),
6 (i), (k), (l), and (m), section 102(a), and subsections
7 (a), (b), (f), (g), (h), and (j) of section 103 shall be
8 in addition to, and not charged against, any
9 amounts to be paid to the Federated States of Mi-
10 cronesia or the Republic of the Marshall Islands pur-
11 suant to—

12 “(A) the U.S.-FSM Compact;

13 “(B) the U.S.-RMI Compact; or

14 “(C) any related subsidiary agreement.”.

15 (k) CONTINUING TRUST TERRITORY AUTHORIZA-
16 TION.—The authorization provided by the Act of June 30,
17 1954 (68 Stat. 330, chapter 423), shall remain available
18 after the effective date of the 2023 Amended U.S.-FSM
19 Compact and the 2023 Amended U.S.-RMI Compact with
20 respect to the Federated States of Micronesia and the Re-
21 public of the Marshall Islands for transition purposes, in-
22 cluding—

23 (1) completion of projects and fulfillment of
24 commitments or obligations;

1 (2) termination of the Trust Territory Govern-
2 ment and termination of the High Court;

3 (3) health and education as a result of excep-
4 tional circumstances;

5 (4) ex gratia contributions for the populations
6 of Bikini, Enewetak, Rongelap, and Utrik; and

7 (5) technical assistance and training in finan-
8 cial management, program administration, and
9 maintenance of infrastructure.

10 (1) TECHNICAL AMENDMENTS.—

11 (1) PUBLIC HEALTH SERVICE ACT DEFINI-
12 TION.—Section 2(f) of the Public Health Service Act
13 (42 U.S.C. 201(f)) is amended by striking “and the
14 Trust Territory of the Pacific Islands” and inserting
15 “the Federated States of Micronesia, the Republic of
16 the Marshall Islands, and the Republic of Palau”.

17 (2) COMPACT IMPACT AMENDMENTS.—Section
18 104(e) of the Compact of Free Association Amend-
19 ments Act of 2003 (48 U.S.C. 1921c(e)) is amend-
20 ed—

21 (A) in paragraph (4)—

22 (i) in subparagraph (A), by striking
23 “beginning in fiscal year 2003” and insert-
24 ing “during the period of fiscal years 2003
25 through 2023”; and

1 (ii) in subparagraph (C), by striking
2 “after fiscal year 2003” and inserting “for
3 the period of fiscal years 2004 through
4 2023”;

5 (B) by striking paragraph (5); and

6 (C) by redesignating paragraphs (6)
7 through (10) as paragraphs (5) through (9), re-
8 spectively.

9 **SEC. 1410. ADDITIONAL AUTHORITIES.**

10 (a) AGENCIES, DEPARTMENTS, AND INSTRUMENTAL-
11 ITIES.—

12 (1) IN GENERAL.—Appropriations to carry out
13 the obligations, services, and programs described in
14 paragraph (2) shall be made directly to the Federal
15 agencies, departments, and instrumentalities car-
16 rying out the obligations, services and programs.

17 (2) OBLIGATIONS, SERVICES, AND PROGRAMS
18 DESCRIBED.—The obligations, services, and pro-
19 grams referred to in paragraphs (1) and (3) are the
20 obligations, services, and programs under—

21 (A) sections 131 and 132, paragraphs (1)
22 and (3) through (6) of section 221(a), and sec-
23 tion 221(b) of the 2023 Amended U.S.-FSM
24 Compact;

1 (B) sections 131 and 132, paragraphs (1)
2 and (3) through (6) of section 221(a), and sec-
3 tion 221(b) of the 2023 Amended U.S.-RMI
4 Compact;

5 (C) sections 131 and 132 and paragraphs
6 (1), (3), and (4) of section 221(a) of the U.S.-
7 Palau Compact;

8 (D) Article 6 of the 2023 U.S.-Palau Com-
9 pact Review Agreement; and

10 (E) section 1409.

11 (3) AUTHORITY.—The heads of the Federal
12 agencies, departments, and instrumentalities to
13 which appropriations are made available under para-
14 graph (1) as well as the Federal Deposit Insurance
15 Corporation shall—

16 (A) have the authority to carry out any ac-
17 tivities that are necessary to fulfill the obliga-
18 tions, services, and programs described in para-
19 graph (2); and

20 (B) use available funds to carry out the ac-
21 tivities under subparagraph (A).

22 (b) ADDITIONAL ASSISTANCE.—Any assistance pro-
23 vided pursuant to section 105(j) of the Compact of Free
24 Association Amendments Act of 2003 (48 U.S.C.
25 1921d(j)) (as amended by section 1409(j)) and sections

1 1405(a), 1406(a), 1407(b), and 1409 shall be in addition
2 to and not charged against any amounts to be paid to the
3 Federated States of Micronesia, the Republic of the Mar-
4 shall Islands, and the Republic of Palau pursuant to—

- 5 (1) the 2023 Amended U.S.-FSM Compact;
- 6 (2) the 2023 Amended U.S.-RMI Compact;
- 7 (3) the 2023 U.S.-Palau Compact Review
8 Agreement; or
- 9 (4) any related subsidiary agreement.

10 (c) REMAINING BALANCES.—Notwithstanding any
11 other provision of law, including section 109 of the Com-
12 pact of Free Association Amendments Act of 2003 (48
13 U.S.C. 1921h)—

14 (1) remaining balances appropriated to carry
15 out sections 211, 212(b), 215, and 217 of the 2023
16 Amended U.S.-FSM Compact, shall be programmed
17 pursuant to Article IX of the 2023 U.S.-FSM Fiscal
18 Procedures Agreement; and

19 (2) remaining balances appropriated to carry
20 out sections 211, 213(b), 216, and 218 of the 2023
21 Amended U.S.-RMI Compact, shall be programmed
22 pursuant to Article XI of the 2023 U.S.-RMI Fiscal
23 Procedures Agreement.

24 (d) GRANTS.—Notwithstanding any other provision
25 of law—

1 (1) contributions under the 2023 Amended
2 U.S.-FSM Compact, the 2023 U.S.-Palau Compact
3 Review Agreement, and the 2023 Amended U.S.-
4 RMI Compact may be provided as grants for pur-
5 poses of implementation of the 2023 Amended U.S.-
6 FSM Compact, the 2023 U.S.-Palau Compact Re-
7 view Agreement, and the 2023 Amended U.S.-RMI
8 Compact under the laws of the United States; and

9 (2) funds appropriated pursuant to section
10 1411 may be deposited in interest-bearing accounts
11 and any interest earned may be retained in and form
12 part of those accounts for use consistent with the
13 purpose of the deposit.

14 (e) RULE OF CONSTRUCTION.—Except as specifically
15 provided, nothing in this joint resolution or the amend-
16 ments made by this joint resolution amends the following:

17 (1) Title I of the Compact of Free Association
18 Act of 1985 (48 U.S.C. 1901 et seq.).

19 (2) Title I of Public Law 99–658 (48 U.S.C.
20 1931 et seq.).

21 (3) Title I of the Compact of Free Association
22 Amendments Act of 2003 (48 U.S.C. 1921 et seq.).

23 (4) Section 1259C of the National Defense Au-
24 thorization Act for Fiscal Year 2018 (48 U.S.C.
25 1931 note; Public Law 115–91).

1 (5) The Department of the Interior, Environ-
2 ment, and Related Agencies Appropriations Act,
3 2018 (Public Law 115–141; 132 Stat. 635).

4 (f) CLARIFICATION RELATING TO APPROPRIATED
5 FUNDS.—Notwithstanding section 109 of the Compacts of
6 Free Association Amendments Act of 2003 (48 U.S.C.
7 1921h)—

8 (1) funds appropriated by that section and de-
9 posited into the RMI Compact Trust Fund shall be
10 governed by the 2023 U.S.-RMI Trust Fund Agree-
11 ment on entry into force of the 2023 U.S.-RMI
12 Trust Fund Agreement;

13 (2) funds appropriated by that section and de-
14 posited into the FSM Compact Trust Fund shall be
15 governed by the 2023 U.S.-FSM Trust Fund Agree-
16 ment on entry into force of the 2023 U.S.-FSM
17 Trust Fund Agreement;

18 (3) funds appropriated by that section and
19 made available for fiscal year 2024 or any fiscal year
20 thereafter as grants to carry out the purposes of sec-
21 tion 211(b) of the 2003 U.S.-RMI Amended Com-
22 pact shall be subject to the provisions of the 2023
23 U.S.-RMI Fiscal Procedures Agreement on entry
24 into force of the 2023 U.S.-RMI Fiscal Procedures
25 Agreement;

1 (4) funds appropriated by that section and
2 made available for fiscal year 2024 or any fiscal year
3 thereafter as grants to carry out the purposes of sec-
4 tion 221 of the 2003 U.S.-RMI Amended Compact
5 shall be subject to the provisions of the 2023 U.S.-
6 RMI Fiscal Procedures Agreement on entry into
7 force of the 2023 U.S.-RMI Fiscal Procedures
8 Agreement, except as modified in the Federal Pro-
9 grams and Services Agreement in force between the
10 United States and the Republic of the Marshall Is-
11 lands; and

12 (5) funds appropriated by that section and
13 made available for fiscal year 2024 or any fiscal year
14 thereafter as grants to carry out the purposes of sec-
15 tion 221 of the 2003 U.S.-FSM Amended Compact
16 shall be subject to the provisions of the 2023 U.S.-
17 FSM Fiscal Procedures Agreement on entry into
18 force of the 2023 U.S.-FSM Fiscal Procedures
19 Agreement, except as modified in the 2023 U.S.-
20 FSM Federal Programs and Services Agreement.

21 **SEC. 1411. COMPACT APPROPRIATIONS.**

22 (a) **FUNDING FOR ACTIVITIES OF THE SECRETARY**
23 **OF THE INTERIOR.**—For the period of fiscal years 2024
24 through 2043, there are appropriated to the Compact of
25 Free Association account of the Department of the Inte-

1 rior, out of any funds in the Treasury not otherwise appro-
2 priated, to remain available until expended, the amounts
3 described in and to carry out the purposes of—

4 (1) sections 261, 265, and 266 of the 2023
5 Amended U.S.-FSM Compact;

6 (2) sections 261, 265, and 266 of the 2023
7 Amended U.S.-RMI Compact; and

8 (3) Articles 1, 2, and 3 of the 2023 U.S.-Palau
9 Compact Review Agreement.

10 (b) FUNDING FOR ACTIVITIES OF THE UNITED
11 STATES POSTAL SERVICE.—

12 (1) APPROPRIATION.—There is appropriated to
13 the United States Postal Service, out of any funds
14 in the Treasury not otherwise appropriated for each
15 of fiscal years 2024 through 2043, \$31,700,000, to
16 remain available until expended, to carry out the
17 costs of the following provisions that are not other-
18 wise funded:

19 (A) Section 221(a)(2) of the 2023 Amend-
20 ed U.S.-FSM Compact.

21 (B) Section 221(a)(2) of the 2023 Amend-
22 ed U.S.-RMI Compact.

23 (C) Section 221(a)(2) of the U.S.-Palau
24 Compact.

1 (D) Article 6(a) of the 2023 U.S.-Palau
2 Compact Review Agreement.

3 (2) DEPOSIT.—

4 (A) IN GENERAL.—The amounts appro-
5 priated to the United States Postal Service
6 under paragraph (1) shall be deposited into the
7 Postal Service Fund established under section
8 2003 of title 39, United States Code, to carry
9 out the provisions described in that paragraph.

10 (B) REQUIREMENT.—Any amounts depos-
11 ited into the Postal Service Fund under sub-
12 paragraph (A) shall be the fiduciary, fiscal, and
13 audit responsibility of the Postal Service.

14 (c) FUNDING FOR JUDICIAL TRAINING.—There is
15 appropriated to the Secretary of the Interior to carry out
16 section 1409(d) out of any funds in the Treasury not oth-
17 erwise appropriated, \$550,000 for each of fiscal years
18 2024 through 2043, to remain available until expended.

19 (d) TREATMENT OF PREVIOUSLY APPROPRIATED
20 AMOUNTS.—The total amounts made available to the Gov-
21 ernment of the Federated States of Micronesia and the
22 Government of the Republic of the Marshall Islands under
23 subsection (a) shall be reduced by amounts made available
24 to the Government of the Federated States of Micronesia
25 and the Government of the Republic of the Marshall Is-

1 lands, as applicable, under section 2101(a) of the Con-
2 tinuing Appropriations Act, 2024 and Other Extensions
3 Act (Public Law 118–15; 137 Stat. 81) (as amended by
4 section 101 of division B of the Further Continuing Ap-
5 propriations and Other Extensions Act, 2024 (Public Law
6 118–22; 137 Stat. 114) and section 201 of the Further
7 Additional Continuing Appropriations and Other Exten-
8 sions Act, 2024 (Public Law 118–35; 138 Stat. 7)).

9 **SEC. 1412. RESCISSION OF INFLATION REDUCTION ACT**
10 **FUNDS.**

11 The unobligated balances of amounts appropriated or
12 otherwise made available by each of the following provi-
13 sions of Public Law 117–169 (commonly referred to as
14 the “Inflation Reduction Act”) are hereby permanently re-
15 scinded:

- 16 (1) Section 50131.
17 (2) Section 50144.
18 (3) Section 60114.
19 (4) Section 60501.

1 **TITLE XV—MISCELLANEOUS**
2 **MATTERS**

3 **SEC. 1501. COUNTERING THE EVASION OF EXPORT CON-**
4 **TROLS.**

5 Section 1756 of the John S. McCain National De-
6 fense Authorization Act for fiscal year 2019 (Public Law
7 115-232; 50 U.S.C. 4815) is amended—

8 (a) by redesignating subsections (c) and (d) as sub-
9 sections (d) and (e); and

10 (b) by inserting after subsection (b) the following new
11 subsection:

12 “(c) EXPORT CONTROL EVASION RISKS.—

13 “(1) EXPORT CONTROL EVASION RISK DE-
14 FINED.—In this Act, the term ‘export control eva-
15 sion risk’ means any foreign person—

16 “(A) listed pursuant to Section 1754(a)(2)
17 of this Act and subject to restrictions pursuant
18 to Section 1754(a)(4) of this Act; and

19 “(B) domiciled in a country subject to an
20 arms embargo imposed by the United States.

21 “(2) LICENSING POLICIES FOR EXPORT CON-
22 TROL EVASION RISKS.—Procedures pursuant to sub-
23 section (a) of this section applied to an export con-
24 trol evasion risk shall apply to any person that—

1 “(A) is a successor, subunit, parent com-
2 pany or subsidiary of that export control eva-
3 sion risk;

4 “(B) is owned or controlled by, or is acting
5 for or on behalf of, directly or indirectly, any
6 person described in subparagraph (A);

7 “(C) owns or controls, directly or indi-
8 rectly, a person described in subparagraphs (A)
9 and (B); or

10 “(D) is owned or controlled by, directly or
11 indirectly, a person described in subparagraph
12 (C).”.

13 **SEC. 1502. TECHNOLOGY CONTROL OPERATING COM-**
14 **MITTEE DECISION MAKING.**

15 Licensing decisions shall be determined by the four
16 agencies on the Operating Committee. Each agency shall
17 have one vote for license applications. A majority vote
18 shall be the Operating Committee’s final disposition. In
19 the event of a two-to-two tie vote, a license shall be denied.
20 Escalation to the Advisory Committee on Export Policy
21 shall only be allowed in instances when agencies on the
22 Operating Committee seek to overturn the approval of a
23 license at the Operating Committee level. All votes at the
24 Operating Committee shall be recorded and transmitted

1 to the House Foreign Affairs Committee and Senate
2 Banking Committee every 30 days.

3 **SEC. 1503. REPORT RELATING TO IDENTIFICATION AND**
4 **CONTROL OF EMERGING AND**
5 **FOUNDATIONAL TECHNOLOGIES.**

6 Section 1758 of the Export Control Reform Act of
7 2018 (50 U.S.C. 4817) is amended by striking subsection
8 (e) and inserting the following:

9 “(e) REPORT TO CONGRESS.—

10 “(1) IN GENERAL.—Not less frequently than
11 every 90 days, the Secretary, in coordination with
12 the Secretary of Defense, the Secretary of State, the
13 Secretary of Energy, and the heads of other Federal
14 agencies, as appropriate, shall submit to the appro-
15 priate congressional committees a report on efforts
16 to identify and control emerging and foundational
17 technologies pursuant to this section.

18 “(2) ELEMENTS.—Each report required by
19 paragraph (1) shall include the following:

20 “(A) A description of the methods and
21 process used to evaluate and identify such tech-
22 nologies, including—

23 “(i) the agendas and participants for
24 all meetings to discuss technologies during
25 the reporting time period;

1 “(ii) experts within and outside gov-
2 ernment, including national labs, used to
3 consult on technologies; and

4 “(iii) use of open source and classified
5 information.

6 “(B) Potential methods to improve the
7 evaluation and identification of such tech-
8 nologies, including—

9 “(i) leadership of the interagency
10 process and what agency is best equipped
11 to carry out this requirement;

12 “(ii) the level of financial resources
13 needed; and

14 “(iii) whether the government has ex-
15 isting technical expertise to carry out this
16 requirement or new partnerships or hiring
17 authorities are needed.

18 “(C) An individual description of such
19 technologies evaluated and recommended for
20 identification, including—

21 “(i) what agency proposed the identi-
22 fication;

23 “(ii) the justification for the identi-
24 fication;

1 “(iii) end-uses and end-users of con-
2 cern that will be able to access the tech-
3 nology;

4 “(iv) foreign availability of the tech-
5 nology and levels of control;

6 “(v) development of the technology in
7 embargoed countries; and

8 “(vi) anticipated impacts, including
9 loss of revenue, on the United States in-
10 dustrial base of the control.

11 “(D) An individual description of such
12 technologies evaluated and not recommended
13 for identification and control, including—

14 “(i) what agency proposed the control;

15 “(ii) what agency objected to the pro-
16 posed control;

17 “(iii) foreign availability of the tech-
18 nology and levels of control;

19 “(iv) end-uses and end-users of con-
20 cern that will be able to access the tech-
21 nology;

22 “(v) development of the technology in
23 embargoed countries;

1 “(vi) justifications, risk-based and
2 economic analyses, for not establishing
3 controls; and

4 “(vii) anticipated impacts, including
5 gains to revenue that will be used for re-
6 search and development, on the united
7 states industrial base.

8 “(E) A summary of actions taken pursuant
9 to this section, including actions taken pursuant
10 to this section and the results of such actions.

11 “(3) FORM.—The report required by this sub-
12 section shall be submitted in unclassified form, but
13 may contain a classified annex.

14 “(4) DEFINITIONS.—In this section, the term
15 appropriate congressional committees means—

16 “(A) the Committee on Financial Services,
17 the Committee on Foreign Affairs, the Com-
18 mittee on Armed Services, and the Permanent
19 Select Committee on Intelligence of the House
20 of Representatives; and

21 “(B) the Committee on Banking, Housing,
22 and Urban Affairs, the Committee on Foreign
23 Relations, the Committee on Armed Services,
24 and the Select Committee on Intelligence of the
25 Senate.”.

1 **SEC. 1504. TRANSFER OF BUREAU OF INDUSTRY AND SECUR-**
2 **RITY TO THE DEPARTMENT OF STATE.**

3 (a) IN GENERAL.—The Bureau of Industry and Se-
4 curity is abolished.

5 (b) TRANSFER OF FUNCTIONS.—There are trans-
6 ferred to the Secretary of State all functions that, on the
7 day before the date of the enactment of this Act, were
8 authorized to be performed by the Bureau of Industry and
9 Security under any statute, reorganization plan, Executive
10 order, or other provision of law.

11 (c) TRANSFER OF ASSETS AND LIABILITIES.—The
12 Secretary of Commerce shall transfer to the Secretary of
13 State all contracts, property, records, and unexpended bal-
14 ance of appropriations, authorizations, allocations, and
15 other funds employed, held, used, arising from, available
16 to, or to be made available in connection with the func-
17 tions of the Bureau of Industry and Security transferred.

18 **SEC. 1505. SHORT TITLE.**

19 This Act may be cited as the “Telling Everyone the
20 Location of data Leaving the U.S. Act” or the “TELL
21 Act”.

22 **SEC. 1506. COUNTRY DISCLOSURE REQUIREMENTS.**

23 (a) DISCLOSURE REQUIREMENTS.—Any person that
24 maintains an internet website or that sells or distributes
25 a mobile application that stores and maintains information
26 collected from such website or application in the People’s

1 Republic of China shall disclose to any individual who
2 downloads or otherwise uses such website or application,
3 in a clear and conspicuous manner, the following:

4 (1) That such information is stored and main-
5 tained in the People's Republic of China.

6 (2) Whether the Chinese Communist Party or
7 a Chinese State-owned entity has access to such in-
8 formation.

9 (b) FALSE INFORMATION.—It shall be unlawful for
10 a person required to disclose information under subsection
11 (a) to knowingly disclose false information under such
12 subsection.

13 **SEC. 1507. ENFORCEMENT.**

14 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—
15 A violation of this Act shall be treated as a violation of
16 a rule defining an unfair or deceptive act or practice pre-
17 scribed under section 18(a)(1)(B) of the Federal Trade
18 Commission Act (15 U.S.C. 57a(a)(1)(B)).

19 (b) POWERS OF FEDERAL TRADE COMMISSION.—

20 (1) IN GENERAL.—The Federal Trade Commis-
21 sion shall enforce this Act in the same manner, by
22 the same means, and with the same jurisdiction,
23 powers, and duties as though all applicable terms
24 and provisions of the Federal Trade Commission Act

1 (15 U.S.C. 41 et seq.) were incorporated into and
2 made a part of this Act.

3 (2) PRIVILEGES AND IMMUNITIES.—Any person
4 that violates this Act shall be subject to the pen-
5 alties, and entitled to the privileges and immunities,
6 provided in the Federal Trade Commission Act (15
7 U.S.C. 41 et seq.).

8 **TITLE XVI—LICENSING POLICY**
9 **FOR NATIONAL SECURITY**
10 **THREATS**

11 **SEC. 1601. REPORT ON LICENSE APPLICATIONS AND OTHER**
12 **REQUESTS FOR AUTHORIZATION FOR THE**
13 **EXPORT, REEXPORT, AND IN-COUNTRY**
14 **TRANSFER OF ITEMS CONTROLLED UNDER**
15 **PART I OF THE EXPORT CONTROL REFORM**
16 **ACT OF 2018 TO LISTED ENTITIES THAT**
17 **THREATEN UNITED STATES NATIONAL SECU-**
18 **RITY AND FOREIGN POLICY INTERESTS.**

19 Section 1756 of the Export Control Reform Act of
20 2018 (50 U.S.C. 4815) is amended by adding at the end
21 the following:

22 “(e) REPORT TO CONGRESS.—

23 “(1) IN GENERAL.—Not less frequently than
24 every 90 days, the Secretary, in coordination with
25 the Secretary of Defense, the Secretary of State, the

1 Secretary of Energy, and the heads of other Federal
2 agencies, as appropriate, shall submit to the appro-
3 priate congressional committees a report on license
4 applications and other requests for authorization for
5 the export, reexport, and in-country transfer of
6 items controlled under this part to covered entities.

7 “(2) ELEMENTS.—Each report required by
8 paragraph (1) shall include the following:

9 “(A) For each license application or other
10 request for authorization—

11 “(i) the name of the entity submitting
12 the application (both parent company as
13 well as the subsidiary directly involved), a
14 brief description of the item (including the
15 Export Control Classification Number
16 (ECCN) and level of control, if applicable),
17 the name of the end-user in both English
18 and Chinese characters, the end-user’s lo-
19 cation (not confined only to entities oper-
20 ating in the People’s Republic of China), a
21 value estimate, decision with respect to the
22 license application or authorization, and
23 the date of submission; and

24 “(ii) the date, location, and result of
25 site inspections, monitoring, and enforce-

1 ment actions to ensure compliance with the
2 terms of the license or authorization.

3 “(B) Aggregate statistics on all license ap-
4 plications and other requests for authorization
5 as described in subparagraph (A).

6 “(3) DEFINITIONS.—In this section:

7 “(A) APPROPRIATE CONGRESSIONAL COM-
8 MITTEES.—The term ‘appropriate congressional
9 committees’ means—

10 “(i) the Committee on Foreign Affairs
11 of the House of Representatives; and

12 “(ii) the Committee on Banking,
13 Housing, and Urban Affairs of the Senate.

14 “(B) COVERED ENTITY.—The term ‘cov-
15 ered entity’ means any entity on—

16 “(i) the list maintained and set forth
17 in Supplement No. 4 to part 744 of the
18 Export Administration Regulations;

19 “(ii) the list maintained and set forth
20 in Supplement No. 7 to part 744 of the
21 Export Administration Regulations; or

22 “(iii) the list maintained and pub-
23 lished under section 1237 of the Strom
24 Thurmond National Defense Authorization

1 Act for Fiscal Year 1999 (50 U.S.C. 1701
2 note) or any successor provision of law.”.

3 **SEC. 1601. DESIGNATION ON ENTITY LIST OF ENTITIES**
4 **IDENTIFIED ON THE DEPARTMENT OF DE-**
5 **FENSE’S CHINESE COMMUNIST PARTY MILI-**
6 **TARY LIST.**

7 (a) IN GENERAL.—The Secretary of Commerce shall
8 designate on the list maintained and set forth in Supple-
9 ment No. 4 to part 744 of the Export Administration Reg-
10 ulations each entity identified on the list maintained and
11 published under section 1237 of the Strom Thurmond Na-
12 tional Defense Authorization Act for Fiscal Year 1999 (50
13 U.S.C. 1701 note) or any successor provision of law.

14 (b) LICENSING POLICY.—Any entity designated
15 under subsection (a) shall be required to obtain an export
16 control license from the Department of Commerce under
17 a licensing policy of a presumption of denial.

18 **TITLE XVII—IMMIGRATION**

19 **SEC. 1701. SCRUTINY OF VISAS FOR CHINESE COMMUNIST**
20 **PARTY MEMBERS.**

21 (a) INADMISSIBILITY.—Section 212(a)(3)(D) of the
22 Immigration and Nationality Act (8 U.S.C.
23 1182(a)(3)(D)) is amended—

1 (1) in the subparagraph heading, by striking
2 “IMMIGRANT MEMBERSHIP” and inserting “MEM-
3 BERSHIP”; and

4 (2) by adding at the end the following:

5 “(v) PROHIBITION ON ISSUANCE OF
6 CERTAIN VISAS TO MEMBERS OF THE CHI-
7 NESE COMMUNIST PARTY.—An alien who
8 is or has been a member of or affiliated
9 with the Chinese Communist Party—

10 “(I) is inadmissible; and

11 “(II) shall not be issued a visa as
12 a nonimmigrant described in section
13 101(a)(15)(B).”.

14 (b) APPLICATIONS FOR VISA EXTENSIONS.—With re-
15 spect to applications to extend visas issued to non-
16 immigrants described in section 101(a)(15)(B) of the Im-
17 migration and Nationality Act (8 U.S.C. 1101(a)(15)(B))
18 through enrollment in the Electronic Visa Update System
19 or any successor system—

20 (1) the Commissioner of U.S. Customs and
21 Border Protection shall ensure that such system has
22 a functionality for determining whether an applicant
23 is a covered alien; and

1 (2) in the case of an applicant determined to be
2 a covered alien, the applicant's request for enroll-
3 ment shall be denied.

4 (c) CANCELLATION OF VISAS AUTHORIZED.—

5 (1) IN GENERAL.—On encountering a covered
6 alien who is in possession of a valid, unexpired visa
7 issued under section 101(a)(15)(B) of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1101(a)(15)(B)),
9 the Commissioner of US. Customs and Border Pro-
10 tection shall cancel such visa.

11 (2) ROLE OF BUREAU OF CONSULAR AF-
12 FAIRS.—Not later than 90 days after the date of the
13 enactment of this Act, the Assistant Secretary for
14 Consular Affairs shall—

15 (A) cancel all nonimmigrant visas issued to
16 covered aliens under section 101(a)(15)(B) of
17 the Immigration and Nationality Act (8 U.S.C.
18 1101(a)(15)(B)); and

19 (B) update the Consular Consolidated
20 Database and the Consular Lookout and Sup-
21 port System to reflect such cancellations.

22 (3) REMEDY.—The sole legal remedy available
23 to an alien whose visa has been cancelled under this
24 subsection shall be to submit a new application for

1 a visa in accordance with the procedures established
2 by the Bureau of Consular Affairs.

3 (d) DEFINITION OF COVERED ALIEN.—In this sec-
4 tion, the term “covered alien” means an alien who is or
5 has been a member of or affiliated with the Chinese Com-
6 munist Party.

7 **SEC. 1702. LIMITATION ON ELIGIBILITY FOR INVESTOR**
8 **VISAS.**

9 (a) DEFINITIONS.—In this section:

10 (1) COUNTRY OF CONCERN.—the term “country
11 of concern”—

12 (A) has the meaning given the term “cov-
13 ered nation” in section 4872(d) of title 10,
14 United States Code; and

15 (B) includes a jurisdiction that the com-
16 mission, in consultation with the Secretary of
17 State and the Secretary of the Treasury, deter-
18 mines to be subject to the political and legal
19 control of a covered nation, as defined in sec-
20 tion 4872(d) of title 10, United States Code.

21 (b) Section 203(b)(5) of the immigration and nation-
22 ality act (8 U.S.C. 1153(b)(5)) is amended by adding at
23 the end the following:

24 “(E) COUNTRY OF CONCERN LIMITA-
25 TION.—

1 “(i) IN GENERAL.—A citizen or na-
2 tional of a country of concern is prohibited
3 from receiving any visa made available
4 under this paragraph. Section 610 of the
5 Departments of Commerce, Justice, and
6 State, the Judiciary, and Related Agencies
7 Appropriations Act, 1993 (8 U.S.C. 1153
8 note) is amended by adding at the end the
9 following:

10 “(e)(1) A citizen or national of a country of concern
11 shall be ineligible for the pilot program described in this
12 section.”.

13 **TITLE XVIII**

14 **Subtitle A—Onshore and Offshore** 15 **Leasing and Oversight**

16 **SEC. 1801. ONSHORE OIL AND GAS LEASING.**

17 (a) REQUIREMENT TO IMMEDIATELY RESUME ON-
18 SHORE OIL AND GAS LEASE SALES.—

19 (1) IN GENERAL.—The Secretary of the Inte-
20 rior shall immediately resume quarterly onshore oil
21 and gas lease sales in compliance with the Mineral
22 Leasing Act (30 U.S.C. 181 et seq.).

23 (2) REQUIREMENT.—The Secretary of the Inte-
24 rior shall ensure—

1 (A) that any oil and gas lease sale pursu-
2 ant to paragraph (1) is conducted immediately
3 on completion of all applicable scoping, public
4 comment, and environmental analysis require-
5 ments under the Mineral Leasing Act (30
6 U.S.C. 181 et seq.) and the National Environ-
7 mental Policy Act of 1969 (42 U.S.C. 4321 et
8 seq.); and

9 (B) that the processes described in sub-
10 paragraph (A) are conducted in a timely man-
11 ner to ensure compliance with subsection (b)(1).

12 (3) LEASE OF OIL AND GAS LANDS.—Section
13 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C.
14 226(b)(1)(A)) is amended by inserting “Eligible
15 lands comprise all lands subject to leasing under this
16 Act and not excluded from leasing by a statutory or
17 regulatory prohibition. Available lands are those
18 lands that have been designated as open for leasing
19 under a land use plan developed under section 202
20 of the Federal Land Policy and Management Act of
21 1976 and that have been nominated for leasing
22 through the submission of an expression of interest,
23 are subject to drainage in the absence of leasing, or
24 are otherwise designated as available pursuant to

1 regulations adopted by the Secretary.” after “sales
2 are necessary.”.

3 (b) QUARTERLY LEASE SALES.—

4 (1) IN GENERAL.—In accordance with the Min-
5 eral Leasing Act (30 U.S.C. 181 et seq.), each fiscal
6 year, the Secretary of the Interior shall conduct a
7 minimum of four oil and gas lease sales in each of
8 the following States:

9 (A) Wyoming.

10 (B) New Mexico.

11 (C) Colorado.

12 (D) Utah.

13 (E) Montana.

14 (F) North Dakota.

15 (G) Oklahoma.

16 (H) Nevada.

17 (I) Alaska.

18 (J) Any other State in which there is land
19 available for oil and gas leasing under the Min-
20 eral Leasing Act (30 U.S.C. 181 et seq.) or any
21 other mineral leasing law.

22 (2) REQUIREMENT.—In conducting a lease sale
23 under paragraph (1) in a State described in that
24 paragraph, the Secretary of the Interior shall offer
25 all parcels nominated and eligible pursuant to the

1 requirements of the Mineral Leasing Act (30 U.S.C.
2 181 et seq.) for oil and gas exploration, develop-
3 ment, and production under the resource manage-
4 ment plan in effect for the State.

5 (3) REPLACEMENT SALES.—The Secretary of
6 the Interior shall conduct a replacement sale during
7 the same fiscal year if—

8 (A) a lease sale under paragraph (1) is
9 canceled, delayed, or deferred, including for a
10 lack of eligible parcels; or

11 (B) during a lease sale under paragraph
12 (1) the percentage of acreage that does not re-
13 ceive a bid is equal to or greater than 25 per-
14 cent of the acreage offered.

15 (4) NOTICE REGARDING MISSED SALES.—Not
16 later than 30 days after a sale required under this
17 subsection is canceled, delayed, deferred, or other-
18 wise missed the Secretary of the Interior shall sub-
19 mit to the Committee on Natural Resources of the
20 House of Representatives and the Committee on En-
21 ergy and Natural Resources of the Senate a report
22 that states what sale was missed and why it was
23 missed.

1 **SEC. 1802. LEASE REINSTATEMENT.**

2 The reinstatement of a lease entered into under the
3 Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Geo-
4 thermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) by
5 the Secretary shall be not considered a major Federal ac-
6 tion under section 102(2)(C) of the National Environ-
7 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

8 **SEC. 1803. PROTESTED LEASE SALES.**

9 Section 17(b)(1)(A) of the Mineral Leasing Act (30
10 U.S.C. 226(b)(1)(A)) is amended by inserting “The Sec-
11 retary shall resolve any protest to a lease sale not later
12 than 60 days after such payment.” after “annual rental
13 for the first lease year.”.

14 **SEC. 1804. SUSPENSION OF OPERATIONS.**

15 Section 17 of the Mineral Leasing Act (30 U.S.C.
16 226) is amended by adding at the end the following:

17 “(r) SUSPENSION OF OPERATIONS PERMITS.—In the
18 event that an oil and gas lease owner has submitted an
19 expression of interest for adjacent acreage that is part of
20 the nature of the geological play and has yet to be offered
21 in a lease sale by the Secretary, they may request a sus-
22 pension of operations from the Secretary of the Interior
23 and upon request, the Secretary shall grant the suspension
24 of operations within 15 days. Any payment of acreage
25 rental or of minimum royalty prescribed by such lease like-
26 wise shall be suspended during such period of suspension

1 of operations and production; and the term of such lease
2 shall be extended by adding any such suspension period
3 thereto.”.

4 **SEC. 1805. ADMINISTRATIVE PROTEST PROCESS REFORM.**

5 Section 17 of the Mineral Leasing Act (30 U.S.C.
6 226) is further amended by adding at the end the fol-
7 lowing:

8 “(s) PROTEST FILING FEE.—

9 “(1) IN GENERAL.—Before processing any pro-
10 test filed under this section, the Secretary shall col-
11 lect a filing fee in the amount described in para-
12 graph (2) from the protestor to recover the cost for
13 processing documents filed for each administrative
14 protest.

15 “(2) AMOUNT.—The amount described in this
16 paragraph is calculated as follows:

17 “(A) For each protest filed in a submission
18 not exceeding 10 pages in length, the base filing
19 fee shall be \$150.

20 “(B) For each submission exceeding 10
21 pages in length, in addition to the base filing
22 fee, an assessment of \$5 per page in excess of
23 10 pages shall apply.

24 “(C) For protests that include more than
25 one oil and gas lease parcel, right-of-way, or ap-

1 plication for permit to drill in a submission, an
2 additional assessment of \$10 per additional
3 lease parcel, right-of-way, or application for
4 permit to drill shall apply.

5 “(3) ADJUSTMENT.—

6 “(A) IN GENERAL.—Beginning on January
7 1, 2025, and annually thereafter, the Secretary
8 shall adjust the filing fees established in this
9 subsection to whole dollar amounts to reflect
10 changes in the Producer Price Index, as pub-
11 lished by the Bureau of Labor Statistics, for
12 the previous 12 months.

13 “(B) PUBLICATION OF ADJUSTED FILING
14 FEES.—At least 30 days before the filing fees
15 as adjusted under this paragraph take effect,
16 the Secretary shall publish notification of the
17 adjustment of such fees in the Federal Reg-
18 ister.”.

19 **SEC. 1806. LEASING AND PERMITTING TRANSPARENCY.**

20 (a) REPORT.—Not later than 30 days after the date
21 of the enactment of this section, and annually thereafter,
22 the Secretary of the Interior shall submit to the Com-
23 mittee on Natural Resources of the House of Representa-
24 tives and the Committee on Energy and Natural Re-
25 sources of the Senate a report that describes—

1 (1) the status of nominated parcels for future
2 onshore oil and gas and geothermal lease sales, in-
3 cluding—

4 (A) the number of expressions of interest
5 received each month during the period of 365
6 days that ends on the date on which the report
7 is submitted with respect to which the Bureau
8 of Land Management—

9 (i) has not taken any action to review;

10 (ii) has not completed review; or

11 (iii) has completed review and deter-
12 mined that the relevant area meets all ap-
13 plicable requirements for leasing, but has
14 not offered the relevant area in a lease
15 sale;

16 (B) how long expressions of interest de-
17 scribed in subparagraph (A) have been pending;
18 and

19 (C) a plan, including timelines, for how the
20 Secretary of the Interior plans to—

21 (i) work through future expressions of
22 interest to prevent delays;

23 (ii) put expressions of interest de-
24 scribed in subparagraph (A) into a lease
25 sale; and

1 (iii) complete review for expressions of
2 interest described in clauses (i) and (ii) of
3 subparagraph (A);

4 (2) the status of each pending application for
5 permit to drill received during the period of 365
6 days that ends on the date on which the report is
7 submitted, including the number of applications re-
8 ceived each month, by each Bureau of Land Man-
9 agement office, including—

10 (A) a description of the cause of delay for
11 pending applications, including as a result of
12 staffing shortages, technical limitations, incom-
13 plete applications, and incomplete review pursu-
14 ant to the National Environmental Policy Act
15 of 1969 (42 U.S.C. 4321 et seq.) or other ap-
16 plicable laws;

17 (B) the number of days an application has
18 been pending in violation of section 17(p)(2) of
19 the Mineral Leasing Act (30 U.S.C. 226(p)(2));
20 and

21 (C) a plan for how the office intends to
22 come into compliance with the requirements of
23 section 17(p)(2) of the Mineral Leasing Act (30
24 U.S.C. 226(p)(2));

1 (3) the number of permits to drill issued each
2 month by each Bureau of Land Management office
3 during the 5-year period ending on the date on
4 which the report is submitted;

5 (4) the status of each pending application for a
6 license for offshore geological and geophysical sur-
7 veys received during the period of 365 days that
8 ends on the date on which the report is submitted,
9 including the number of applications received each
10 month, by each Bureau of Ocean Energy manage-
11 ment regional office, including—

12 (A) a description of any cause of delay for
13 pending applications, including as a result of
14 staffing shortages, technical limitations, incom-
15 plete applications, and incomplete review pursu-
16 ant to the National Environmental Policy Act
17 of 1969 (42 U.S.C. 4321 et seq.) or other ap-
18 plicable laws;

19 (B) the number of days an application has
20 been pending; and

21 (C) a plan for how the Bureau of Ocean
22 Energy Management intends to complete review
23 of each application;

24 (5) the number of licenses for offshore geologi-
25 cal and geophysical surveys issued each month by

1 each Bureau of Ocean Energy Management regional
2 office during the 5-year period ending on the date on
3 which the report is submitted;

4 (6) the status of each pending application for a
5 permit to drill received during the period of 365
6 days that ends on the date on which the report is
7 submitted, including the number of applications re-
8 ceived each month, by each Bureau of Safety and
9 Environmental Enforcement regional office, includ-
10 ing—

11 (A) a description of any cause of delay for
12 pending applications, including as a result of
13 staffing shortages, technical limitations, incom-
14 plete applications, and incomplete review pursu-
15 ant to the National Environmental Policy Act
16 of 1969 (42 U.S.C. 4321 et seq.) or other ap-
17 plicable laws;

18 (B) the number of days an application has
19 been pending; and

20 (C) steps the Bureau of Safety and Envi-
21 ronmental Enforcement is taking to complete
22 review of each application;

23 (7) the number of permits to drill issued each
24 month by each Bureau of Safety and Environmental
25 Enforcement regional office during the period of 365

1 days that ends on the date on which the report is
2 submitted;

3 (8) how, as applicable, the Bureau of Land
4 Management, the Bureau of Ocean Energy Manage-
5 ment, and the Bureau of Safety and Environmental
6 Enforcement determines whether to—

7 (A) issue a license for geological and geo-
8 physical surveys;

9 (B) issue a permit to drill; and

10 (C) issue, extend, or suspend an oil and
11 gas lease;

12 (9) when determinations described in paragraph
13 (8) are sent to the national office of the Bureau of
14 Land Management, the Bureau of Ocean Energy
15 Management, or the Bureau of Safety and Environ-
16 mental Enforcement for final approval;

17 (10) the degree to which Bureau of Land Man-
18 agement, Bureau of Ocean Energy Management,
19 and Bureau of Safety and Environmental Enforce-
20 ment field, State, and regional offices exercise dis-
21 cretion on such final approval;

22 (11) during the period of 365 days that ends on
23 the date on which the report is submitted, the num-
24 ber of auctioned leases receiving accepted bids that
25 have not been issued to winning bidders and the

1 number of days such leases have not been issued;
2 and

3 (12) a description of the uses of application for
4 permit to drill fees paid by permit holders during
5 the 5-year period ending on the date on which the
6 report is submitted.

7 (b) PENDING APPLICATIONS FOR PERMITS TO
8 DRILL.—Not later than 30 days after the date of the en-
9 actment of this section, the Secretary of the Interior
10 shall—

11 (1) complete all requirements under the Na-
12 tional Environmental Policy Act of 1969 (42 U.S.C.
13 4321 et seq.) and other applicable law that must be
14 met before issuance of a permit to drill described in
15 paragraph (2); and

16 (2) issue a permit for all completed applications
17 to drill that are pending on the date of the enact-
18 ment of this Act.

19 (c) PUBLIC AVAILABILITY OF DATA.—

20 (1) MINERAL LEASING ACT.—Section 17 of the
21 Mineral Leasing Act (30 U.S.C. 226) is further
22 amended by adding at the end the following:

23 “(t) PUBLIC AVAILABILITY OF DATA.—

24 “(1) EXPRESSIONS OF INTEREST.—Not later
25 than 30 days after the date of the enactment of this

1 subsection, and each month thereafter, the Secretary
2 shall publish on the website of the Department of
3 the Interior the number of pending, approved, and
4 not approved expressions of interest in nominated
5 parcels for future onshore oil and gas lease sales in
6 the preceding month.

7 “(2) APPLICATIONS FOR PERMITS TO DRILL.—
8 Not later than 30 days after the date of the enact-
9 ment of this subsection, and each month thereafter,
10 the Secretary shall publish on the website of the De-
11 partment of the Interior the number of pending and
12 approved applications for permits to drill in the pre-
13 ceding month in each State office.

14 “(3) PAST DATA.—Not later than 30 days after
15 the date of the enactment of this subsection, the
16 Secretary shall publish on the website of the Depart-
17 ment of the Interior, with respect to each month
18 during the 5-year period ending on the date of the
19 enactment of this subsection—

20 “(A) the number of approved and not ap-
21 proved expressions of interest for onshore oil
22 and gas lease sales during such 5-year period;
23 and

1 “(B) the number of approved and not ap-
2 proved applications for permits to drill during
3 such 5-year period.”.

4 (2) OUTER CONTINENTAL SHELF LANDS ACT.—
5 Section 8 of the Outer Continental Shelf Lands Act
6 (43 U.S.C. 1337) is amended by adding at the end
7 the following:

8 “(q) PUBLIC AVAILABILITY OF DATA.—

9 “(1) OFFSHORE GEOLOGICAL AND GEO-
10 PHYSICAL SURVEY LICENSES.—Not later than 30
11 days after the date of the enactment of this sub-
12 section, and each month thereafter, the Secretary
13 shall publish on the website of the Department of
14 the Interior the number of pending and approved
15 applications for licenses for offshore geological and
16 geophysical surveys in the preceding month.

17 “(2) APPLICATIONS FOR PERMITS TO DRILL.—
18 Not later than 30 days after the date of the enact-
19 ment of this subsection, and each month thereafter,
20 the Secretary shall publish on the website of the De-
21 partment of the Interior the number of pending and
22 approved applications for permits to drill on the
23 outer Continental Shelf in the preceding month in
24 each regional office.

1 “(3) PAST DATA.—Not later than 30 days after
2 the date of the enactment of this subsection, the
3 Secretary shall publish on the website of the Depart-
4 ment of the Interior, with respect each month during
5 the 5-year period ending on the date of the enact-
6 ment of this subsection—

7 “(A) the number of approved applications
8 for licenses for offshore geological and geo-
9 physical surveys; and

10 “(B) the number of approved applications
11 for permits to drill on the outer Continental
12 Shelf.”.

13 (d) REQUIREMENT TO SUBMIT DOCUMENTS AND
14 COMMUNICATIONS.—

15 (1) IN GENERAL.—Not later than 60 days after
16 the date of the enactment of this section, the Sec-
17 retary of the Interior shall submit to the Committee
18 on Energy and Natural Resources of the Senate and
19 the Committee on Natural Resources of the House
20 of Representatives all documents and communica-
21 tions relating to the comprehensive review of Federal
22 oil and gas permitting and leasing practices required
23 under section 208 of Executive Order 14008 (86
24 Fed. Reg. 7624; relating to tackling the climate cri-
25 sis at home and abroad).

1 (2) INCLUSIONS.—The submission under para-
2 graph (1) shall include all documents and commu-
3 nications submitted to the Secretary of the Interior
4 by members of the public in response to any public
5 meeting or forum relating to the comprehensive re-
6 view described in that paragraph.

7 **SEC. 1807. OFFSHORE OIL AND GAS LEASING.**

8 (a) IN GENERAL.—The Secretary shall conduct all
9 lease sales described in the 2017– 2022 Outer Continental
10 Shelf Oil and Gas Leasing Proposed Final Program (No-
11 vember 2016) that have not been conducted as of the date
12 of the enactment of this Act by not later than September
13 30, 2023.

14 (b) GULF OF MEXICO REGION ANNUAL LEASE
15 SALES.—Notwithstanding any other provision of law, and
16 except within areas subject to existing oil and gas leasing
17 moratoria beginning in fiscal year 2024, the Secretary of
18 the Interior shall annually conduct a minimum of 2 re-
19 gion-wide oil and gas lease sales in the following planning
20 areas of the Gulf of Mexico region, as described in the
21 2017–2022 Outer Continental Shelf Oil and Gas Leasing
22 Proposed Final Program (November 2016).

23 (1) The Central Gulf of Mexico Planning Area.

24 (2) The Western Gulf of Mexico Planning Area.

1 (c) ALASKA REGION ANNUAL LEASE SALES.—Not-
2 withstanding any other provision of law, beginning in fis-
3 cal year 2024, the Secretary of the Interior shall annually
4 conduct a minimum of 2 region-wide oil and gas lease
5 sales in the Alaska region of the Outer Continental Shelf,
6 as described in the 2017–2022 Outer Continental Shelf
7 Oil and Gas Leasing Proposed Final Program (November
8 2016).

9 (d) REQUIREMENTS.—In conducting lease sales
10 under subsections (b) and (c), the Secretary of the Interior
11 shall—

12 (1) issue such leases in accordance with the
13 Outer Continental Shelf Lands Act (43 U.S.C. 1332
14 et seq.); and

15 (2) include in each such lease sale all unleased
16 areas that are not subject to a moratorium as of the
17 date of the lease sale.

18 **SEC. 1808. FIVE-YEAR PLAN FOR OFFSHORE OIL AND GAS**
19 **LEASING.**

20 Section 18 of the Outer Continental Shelf Lands Act
21 (43 U.S.C. 1344) is amended—

22 (1) in subsection (a)—

23 (A) by striking “subsections (c) and (d) of
24 this section, shall prepare and periodically re-

1 wise,” and inserting “this section, shall issue
2 every five years”;

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

4 “(5) Each five-year program shall include at
5 least two Gulf of Mexico region-wide lease sales per
6 year.”; and

7 (C) in paragraph (3), by inserting “domes-
8 tic energy security,” after “between”;

9 (2) by redesignating subsections (f) through (i)
10 as subsections (h) through (k), respectively; and

11 (3) by inserting after subsection (e) the fol-
12 lowing:

13 “(f) FIVE-YEAR PROGRAM FOR 2023–2028.—The
14 Secretary shall issue the five-year oil and gas leasing pro-
15 gram for 2023 through 2028 and issue the Record of De-
16 cision on the Final Programmatic Environmental Impact
17 Statement by not later than July 1, 2023.

18 “(g) SUBSEQUENT LEASING PROGRAMS.—

19 “(1) IN GENERAL.—Not later than 36 months
20 after conducting the first lease sale under an oil and
21 gas leasing program prepared pursuant to this sec-
22 tion, the Secretary shall begin preparing the subse-
23 quent oil and gas leasing program under this sec-
24 tion.

1 “(2) REQUIREMENT.—Each subsequent oil and
2 gas leasing program under this section shall be ap-
3 proved by not later than 180 days before the expira-
4 tion of the previous oil and gas leasing program.”.

5 **SEC. 1809. GEOTHERMAL LEASING.**

6 (a) ANNUAL LEASING.—Section 4(b) of the Geo-
7 thermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amend-
8 ed—

9 (1) in paragraph (2), by striking “2 years” and
10 inserting “year”;

11 (2) by redesignating paragraphs (3) and (4) as
12 paragraphs (5) and (6), respectively; and

13 (3) after paragraph (2), by inserting the fol-
14 lowing:

15 “(3) REPLACEMENT SALES.—If a lease sale
16 under paragraph (1) for a year is canceled or de-
17 layed, the Secretary of the Interior shall conduct a
18 replacement sale during the same year.

19 “(4) REQUIREMENT.—In conducting a lease
20 sale under paragraph (2) in a State described in
21 that paragraph, the Secretary of the Interior shall
22 offer all nominated parcels eligible for geothermal
23 development and utilization under the resource man-
24 agement plan in effect for the State.”.

1 (b) DEADLINES FOR CONSIDERATION OF GEO-
2 THERMAL DRILLING PERMITS.—Section 4 of the Geo-
3 thermal Steam Act of 1970 (30 U.S.C. 1003) is amended
4 by adding at the end the following:

5 “(h) DEADLINES FOR CONSIDERATION OF GEO-
6 THERMAL DRILLING PERMITS.—

7 “(1) NOTICE.—Not later than 30 days after the
8 date on which the Secretary receives an application
9 for any geothermal drilling permit, the Secretary
10 shall—

11 “(A) provide written notice to the appli-
12 cant that the application is complete; or

13 “(B) notify the applicant that information
14 is missing and specify any information that is
15 required to be submitted for the application to
16 be complete.

17 “(2) ISSUANCE OF DECISION.—If the Secretary
18 determines that an application for a geothermal
19 drilling permit is complete under paragraph (1)(A),
20 the Secretary shall issue a final decision on the ap-
21 plication not later than 30 days after the Secretary
22 notifies the applicant that the application is com-
23 plete.”.

1 **SEC. 1810. LEASING FOR CERTAIN QUALIFIED COAL APPLI-**
2 **CATIONS.**

3 (a) DEFINITIONS.—In this section:

4 (1) COAL LEASE.—The term “coal lease”
5 means a lease entered into by the United States as
6 lessor, through the Bureau of Land Management,
7 and the applicant on Bureau of Land Management
8 Form 3400–012.

9 (2) QUALIFIED APPLICATION.—The term
10 “qualified application” means any application pend-
11 ing under the lease by application program adminis-
12 tered by the Bureau of Land Management pursuant
13 to the Mineral Leasing Act (30 U.S.C. 181 et seq.)
14 and subpart 3425 of title 43, Code of Federal Regu-
15 lations (as in effect on the date of the enactment of
16 this Act), for which the environmental review proc-
17 ess under the National Environmental Policy Act of
18 1969 (42 U.S.C. 4321 et seq.) has commenced.

19 (b) MANDATORY LEASING AND OTHER REQUIRED
20 APPROVALS.—As soon as practicable after the date of the
21 enactment of this Act, the Secretary shall promptly—

22 (1) with respect to each qualified application—
23 (A) if not previously published for public
24 comment, publish a draft environmental assess-
25 ment, as required under the National Environ-
26 mental Policy Act of 1969 (42 U.S.C. 4321 et

1 seq.) and any applicable implementing regula-
2 tions;

3 (B) finalize the fair market value of the
4 coal tract for which a lease by application is
5 pending;

6 (C) take all intermediate actions necessary
7 to grant the qualified application; and

8 (D) grant the qualified application; and

9 (2) with respect to previously awarded coal
10 leases, grant any additional approvals of the Depart-
11 ment of the Interior or any bureau, agency, or divi-
12 sion of the Department of the Interior required for
13 mining activities to commence.

14 **SEC. 1811. FUTURE COAL LEASING.**

15 Notwithstanding any judicial decision to the contrary
16 or a departmental review of the Federal coal leasing pro-
17 gram, Secretarial Order 3338, issued by the Secretary of
18 the Interior on January 15, 2016, shall have no force or
19 effect.

20 **SEC. 1812. STAFF PLANNING REPORT.**

21 The Secretary of the Interior and the Secretary of
22 Agriculture shall each annually submit to the Committee
23 on Natural Resources of the House of Representatives and
24 the Committee on Energy and Natural Resources of the
25 Senate a report on the staffing capacity of each respective

1 agency with respect to issuing oil, gas, hardrock mining,
2 coal, and renewable energy leases, rights-of-way, claims,
3 easements, and permits. Each such report shall include—

4 (1) the number of staff assigned to process and
5 issue oil, gas, hardrock mining, coal, and renewable
6 energy leases, rights-of-way, claims, easements, and
7 permits;

8 (2) a description of how many staff are needed
9 to meet statutory requirements for such oil, gas,
10 hardrock mining, coal, and renewable energy leases,
11 rights-of-way, claims, easements, and permits; and

12 (3) how, as applicable, the Department of the
13 Interior or the Department of Agriculture plans to
14 address staffing shortfalls and turnover to ensure
15 adequate staffing to process and issue such oil, gas,
16 hardrock mining, coal, and renewable energy leases,
17 rights-of-way, claims, easements, and permits.

18 **SEC. 1813. EFFECT ON OTHER LAW.**

19 Nothing in this Act, or any amendments made by this
20 Act, shall affect—

21 (1) the Presidential memorandum titled
22 “Memorandum on Withdrawal of Certain Areas of
23 the United States Outer Continental Shelf From
24 Leasing Disposition” and dated September 8, 2020;

1 (2) the Presidential memorandum titled
2 “Memorandum on Withdrawal of Certain Areas of
3 the United States Outer Continental Shelf From
4 Leasing Disposition” and dated September 25,
5 2020;

6 (3) the Presidential memorandum titled
7 “Memorandum on Withdrawal of Certain Areas off
8 the Atlantic Coast on the Outer Continental Shelf
9 From Leasing Disposition” and dated December 20,
10 2016; or

11 (4) the ban on oil and gas development in the
12 Great Lakes described in section 386 of the Energy
13 Policy Act of 2005 (42 U.S.C. 15941).

14 **Subtitle B—Permitting** 15 **Streamlining**

16 **SEC. 201. DEFINITIONS.**

17 In this subtitle:

18 (1) ENERGY FACILITY.—The term “energy fa-
19 cility” means a facility the primary purpose of which
20 is the exploration for, or the development, produc-
21 tion, conversion, gathering, storage, transfer, proc-
22 essing, or transportation of, any energy resource.

23 (2) ENERGY STORAGE DEVICE.—The term “en-
24 ergy storage device”—

1 (A) means any equipment that stores en-
2 ergy, including electricity, compressed air,
3 pumped water, heat, and hydrogen, which may
4 be converted into, or used to produce, elec-
5 tricity; and

6 (B) includes a battery, regenerative fuel
7 cell, flywheel, capacitor, superconducting mag-
8 net, and any other equipment the Secretary
9 concerned determines may be used to store en-
10 ergy which may be converted into, or used to
11 produce, electricity.

12 (3) PUBLIC LANDS.—The term “public lands”
13 means any land and interest in land owned by the
14 United States within the several States and adminis-
15 tered by the Secretary of the Interior or the Sec-
16 retary of Agriculture without regard to how the
17 United States acquired ownership, except—

18 (A) lands located on the Outer Continental
19 Shelf; and

20 (B) lands held in trust by the United
21 States for the benefit of Indians, Indian Tribes,
22 Aleuts, and Eskimos.

23 (4) RIGHT-OF-WAY.—The term “right-of-way”
24 means—

1 (A) a right-of-way issued, granted, or re-
2 newed under section 501 of the Federal Land
3 Policy and Management Act of 1976 (43 U.S.C.
4 1761); or

5 (B) a right-of-way granted under section
6 28 of the Mineral Leasing Act (30 U.S.C. 185).

7 (5) SECRETARY CONCERNED.—The term “Sec-
8 retary concerned” means—

9 (A) with respect to public lands, the Sec-
10 retary of the Interior; and

11 (B) with respect to National Forest Sys-
12 tem lands, the Secretary of Agriculture.

13 (6) LAND USE PLAN.—The term “land use
14 plan” means—

15 (A) a land and resource management plan
16 prepared by the Forest Service for a unit of the
17 National Forest System pursuant to section 6
18 of the Forest and Rangeland Renewable Re-
19 sources Planning Act of 1974 (16 U.S.C.
20 1604);

21 (B) a Land Management Plan developed
22 by the Bureau of Land Management under the
23 Federal Land Policy and Management Act of
24 1976 (43 U.S.C. 1701 et seq.); or

1 (C) a comprehensive conservation plan de-
2 veloped by the United States Fish and Wildlife
3 Service under section 4(e)(1)(A) of the National
4 Wildlife Refuge System Administration Act of
5 1966 (16 U.S.C. 668dd(e)(1)(A)).

6 **SEC. 202. BUILDER ACT.**

7 (a) PARAGRAPH (2) OF SECTION 102.—Section
8 102(2) of the National Environmental Policy Act of 1969
9 (42 U.S.C. 4332(2)) is amended—

10 (1) in subparagraph (A), by striking “insure”
11 and inserting “ensure”;

12 (2) in subparagraph (B), by striking “insure”
13 and inserting “ensure”;

14 (3) in subparagraph (C)—

15 (A) by inserting “consistent with the provi-
16 sions of this Act and except as provided by
17 other provisions of law,” before “include in
18 every”;

19 (B) by striking clauses (i) through (v) and
20 inserting the following:

21 “(i) reasonably foreseeable environ-
22 mental effects with a reasonably close
23 causal relationship to the proposed agency
24 action;

1 “(ii) any reasonably foreseeable ad-
2 verse environmental effects which cannot
3 be avoided should the proposal be imple-
4 mented;

5 “(iii) a reasonable number of alter-
6 natives to the proposed agency action, in-
7 cluding an analysis of any negative envi-
8 ronmental impacts of not implementing the
9 proposed agency action in the case of a no
10 action alternative, that are technically and
11 economically feasible, are within the juris-
12 diction of the agency, meet the purpose
13 and need of the proposal, and, where appli-
14 cable, meet the goals of the applicant;

15 “(iv) the relationship between local
16 short-term uses of man’s environment and
17 the maintenance and enhancement of long-
18 term productivity; and

19 “(v) any irreversible and irretrievable
20 commitments of Federal resources which
21 would be involved in the proposed agency
22 action should it be implemented.”; and

23 (C) by striking “the responsible Federal
24 official” and inserting “the head of the lead
25 agency”;

1 (4) in subparagraph (D), by striking “Any”
2 and inserting “any”;

3 (5) by redesignating subparagraphs (D)
4 through (I) as subparagraphs (F) through (K), re-
5 spectively;

6 (6) by inserting after subparagraph (C) the fol-
7 lowing:

8 “(D) ensure the professional integrity, in-
9 cluding scientific integrity, of the discussion
10 and analysis in an environmental document;

11 “(E) make use of reliable existing data and
12 resources in carrying out this Act;”;

13 (7) by amending subparagraph (G), as redesign-
14 nated, to read as follows:

15 “(G) consistent with the provisions of this
16 Act, study, develop, and describe technically
17 and economically feasible alternatives within the
18 jurisdiction and authority of the agency;”;

19 (8) in subparagraph (H), as amended, by in-
20 serting “consistent with the provisions of this Act,”
21 before “recognize”.

22 (b) NEW SECTIONS.—Title I of the National Envi-
23 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
24 is amended by adding at the end the following:

1 **“SEC. 106. PROCEDURE FOR DETERMINATION OF LEVEL OF**
2 **REVIEW.**

3 “(a) **THRESHOLD DETERMINATIONS.**—An agency is
4 not required to prepare an environmental document with
5 respect to a proposed agency action if—

6 “(1) the proposed agency action is not a final
7 agency action within the meaning of such term in
8 chapter 5 of title 5, United States Code;

9 “(2) the proposed agency action is covered by
10 a categorical exclusion established by the agency, an-
11 other Federal agency, or another provision of law;

12 “(3) the preparation of such document would
13 clearly and fundamentally conflict with the require-
14 ments of another provision of law;

15 “(4) the proposed agency action is, in whole or
16 in part, a nondiscretionary action with respect to
17 which such agency does not have authority to take
18 environmental factors into consideration in deter-
19 mining whether to take the proposed action;

20 “(5) the proposed agency action is a rulemaking
21 that is subject to section 553 of title 5, United
22 States Code; or

23 “(6) the proposed agency action is an action for
24 which such agency’s compliance with another stat-
25 ute’s requirements serve the same or similar func-

1 tion as the requirements of this Act with respect to
2 such action.

3 “(b) LEVELS OF REVIEW.—

4 “(1) ENVIRONMENTAL IMPACT STATEMENT.—

5 An agency shall issue an environmental impact
6 statement with respect to a proposed agency action
7 that has a significant effect on the quality of the
8 human environment.

9 “(2) ENVIRONMENTAL ASSESSMENT.—An agen-
10 cy shall prepare an environmental assessment with
11 respect to a proposed agency action that is not likely
12 to have a significant effect on the quality of the
13 human environment, or if the significance of such ef-
14 fect is unknown, unless the agency finds that a cat-
15 egorical exclusion established by the agency, another
16 Federal agency, or another provision of law applies.
17 Such environmental assessment shall be a concise
18 public document prepared by a Federal agency to set
19 forth the basis of such agency’s finding of no signifi-
20 cant impact.

21 “(3) SOURCES OF INFORMATION.—In making a
22 determination under this subsection, an agency—

23 “(A) may make use of any reliable data
24 source; and

1 “(B) is not required to undertake new sci-
2 entific or technical research.

3 **“SEC. 107. TIMELY AND UNIFIED FEDERAL REVIEWS.**

4 “(a) LEAD AGENCY.—

5 “(1) DESIGNATION.—

6 “(A) IN GENERAL.—If there are two or
7 more involved Federal agencies, such agencies
8 shall determine, by letter or memorandum,
9 which agency shall be the lead agency based on
10 consideration of the following factors:

11 “(i) Magnitude of agency’s involve-
12 ment.

13 “(ii) Project approval or disapproval
14 authority.

15 “(iii) Expertise concerning the ac-
16 tion’s environmental effects.

17 “(iv) Duration of agency’s involve-
18 ment.

19 “(v) Sequence of agency’s involve-
20 ment.

21 “(B) JOINT LEAD AGENCIES.—In making
22 a determination under subparagraph (A), the
23 involved Federal agencies may, in addition to a
24 Federal agency, appoint such Federal, State,
25 Tribal, or local agencies as joint lead agencies

1 as the involved Federal agencies shall determine
2 appropriate. Joint lead agencies shall jointly
3 fulfill the role described in paragraph (2).

4 “(C) MINERAL PROJECTS.—This para-
5 graph shall not apply with respect to a mineral
6 exploration or mine permit.

7 “(2) ROLE.—A lead agency shall, with respect
8 to a proposed agency action—

9 “(A) supervise the preparation of an envi-
10 ronmental document if, with respect to such
11 proposed agency action, there is more than one
12 involved Federal agency;

13 “(B) request the participation of each co-
14 operating agency at the earliest practicable
15 time;

16 “(C) in preparing an environmental docu-
17 ment, give consideration to any analysis or pro-
18 posal created by a cooperating agency with ju-
19 risdiction by law or a cooperating agency with
20 special expertise;

21 “(D) develop a schedule, in consultation
22 with each involved cooperating agency, the ap-
23 plicant, and such other entities as the lead
24 agency determines appropriate, for completion
25 of any environmental review, permit, or author-

1 ization required to carry out the proposed agen-
2 cy action;

3 “(E) if the lead agency determines that a
4 review, permit, or authorization will not be com-
5 pleted in accordance with the schedule devel-
6 oped under subparagraph (D), notify the agen-
7 cy responsible for issuing such review, permit,
8 or authorization of the discrepancy and request
9 that such agency take such measures as such
10 agency determines appropriate to comply with
11 such schedule; and

12 “(F) meet with a cooperating agency that
13 requests such a meeting.

14 “(3) COOPERATING AGENCY.—The lead agency
15 may, with respect to a proposed agency action, des-
16 ignate any involved Federal agency or a State, Trib-
17 al, or local agency as a cooperating agency. A co-
18 operating agency may, not later than a date speci-
19 fied by the lead agency, submit comments to the
20 lead agency. Such comments shall be limited to mat-
21 ters relating to the proposed agency action with re-
22 spect to which such agency has special expertise or
23 jurisdiction by law with respect to an environmental
24 issue.

1 “(4) REQUEST FOR DESIGNATION.—Any Fed-
2 eral, State, Tribal, or local agency or person that is
3 substantially affected by the lack of a designation of
4 a lead agency with respect to a proposed agency ac-
5 tion under paragraph (1) may submit a written re-
6 quest for such a designation to an involved Federal
7 agency. An agency that receives a request under this
8 paragraph shall transmit such request to each in-
9 volved Federal agency and to the Council.

10 “(5) COUNCIL DESIGNATION.—

11 “(A) REQUEST.—Not earlier than 45 days
12 after the date on which a request is submitted
13 under paragraph (4), if no designation has been
14 made under paragraph (1), a Federal, State,
15 Tribal, or local agency or person that is sub-
16 stantially affected by the lack of a designation
17 of a lead agency may request that the Council
18 designate a lead agency. Such request shall con-
19 sist of—

20 “(i) a precise description of the nature
21 and extent of the proposed agency action;
22 and

23 “(ii) a detailed statement with respect
24 to each involved Federal agency and each

1 factor listed in paragraph (1) regarding
2 which agency should serve as lead agency.

3 “(B) TRANSMISSION.—The Council shall
4 transmit a request received under subparagraph
5 (A) to each involved Federal agency.

6 “(C) RESPONSE.—An involved Federal
7 agency may, not later than 20 days after the
8 date of the submission of a request under sub-
9 paragraph (A), submit to the Council a re-
10 sponse to such request.

11 “(D) DESIGNATION.—Not later than 40
12 days after the date of the submission of a re-
13 quest under subparagraph (A), the Council
14 shall designate the lead agency with respect to
15 the relevant proposed agency action.

16 “(b) ONE DOCUMENT.—

17 “(1) DOCUMENT.—To the extent practicable, if
18 there are 2 or more involved Federal agencies with
19 respect to a proposed agency action and the lead
20 agency has determined that an environmental docu-
21 ment is required, such requirement shall be deemed
22 satisfied with respect to all involved Federal agencies
23 if the lead agency issues such an environmental docu-
24 ment.

1 “(2) CONSIDERATION TIMING.—In developing
2 an environmental document for a proposed agency
3 action, no involved Federal agency shall be required
4 to consider any information that becomes available
5 after the sooner of, as applicable—

6 “(A) receipt of a complete application with
7 respect to such proposed agency action; or

8 “(B) publication of a notice of intent or
9 decision to prepare an environmental impact
10 statement for such proposed agency action.

11 “(3) SCOPE OF REVIEW.—In developing an en-
12 vironmental document for a proposed agency action,
13 the lead agency and any other involved Federal
14 agencies shall only consider the effects of the pro-
15 posed agency action that—

16 “(A) occur on Federal land; or

17 “(B) are subject to Federal control and re-
18 sponsibility.

19 “(c) REQUEST FOR PUBLIC COMMENT.—Each notice
20 of intent to prepare an environmental impact statement
21 under section 102 shall include a request for public com-
22 ment on alternatives or impacts and on relevant informa-
23 tion, studies, or analyses with respect to the proposed
24 agency action.

1 “(d) STATEMENT OF PURPOSE AND NEED.—Each
2 environmental impact statement shall include a statement
3 of purpose and need that briefly summarizes the under-
4 lying purpose and need for the proposed agency action.

5 “(e) ESTIMATED TOTAL COST.—The cover sheet for
6 each environmental impact statement shall include a state-
7 ment of the estimated total cost of preparing such environ-
8 mental impact statement, including the costs of agency
9 full-time equivalent personnel hours, contractor costs, and
10 other direct costs.

11 “(f) PAGE LIMITS.—

12 “(1) ENVIRONMENTAL IMPACT STATEMENTS.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), an environmental impact
15 statement shall not exceed 150 pages, not in-
16 cluding any citations or appendices.

17 “(B) EXTRAORDINARY COMPLEXITY.—An
18 environmental impact statement for a proposed
19 agency action of extraordinary complexity shall
20 not exceed 300 pages, not including any cita-
21 tions or appendices.

22 “(2) ENVIRONMENTAL ASSESSMENTS.—An en-
23 vironmental assessment shall not exceed 75 pages,
24 not including any citations or appendices.

1 “(g) SPONSOR PREPARATION.—A lead agency shall
2 allow a project sponsor to prepare an environmental as-
3 sessment or an environmental impact statement upon re-
4 quest of the project sponsor. Such agency may provide
5 such sponsor with appropriate guidance and assist in the
6 preparation. The lead agency shall independently evaluate
7 the environmental document and shall take responsibility
8 for the contents upon adoption.

9 “(h) DEADLINES.—

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), with respect to a proposed agency action,
12 a lead agency shall complete, as applicable—

13 “(A) the environmental impact statement
14 not later than the date that is 2 years after the
15 sooner of, as applicable—

16 “(i) the date on which such agency
17 determines that section 102(2)(C) requires
18 the issuance of an environmental impact
19 statement with respect to such action;

20 “(ii) the date on which such agency
21 notifies the applicant that the application
22 to establish a right-of-way for such action
23 is complete; and

24 “(iii) the date on which such agency
25 issues a notice of intent to prepare the en-

1 vironmental impact statement for such ac-
2 tion; and

3 “(B) the environmental assessment not
4 later than the date that is 1 year after the
5 sooner of, as applicable—

6 “(i) the date on which such agency
7 determines that section 106(b)(2) requires
8 the preparation of an environmental as-
9 sessment with respect to such action;

10 “(ii) the date on which such agency
11 notifies the applicant that the application
12 to establish a right-of-way for such action
13 is complete; and

14 “(iii) the date on which such agency
15 issues a notice of intent to prepare the en-
16 vironmental assessment for such action.

17 “(2) DELAY.—A lead agency that determines it
18 is not able to meet the deadline described in para-
19 graph (1) may extend such deadline with the ap-
20 proval of the applicant. If the applicant approves
21 such an extension, the lead agency shall establish a
22 new deadline that provides only so much additional
23 time as is necessary to complete such environmental
24 impact statement or environmental assessment.

1 “(3) EXPENDITURES FOR DELAY.—If a lead
2 agency is unable to meet the deadline described in
3 paragraph (1) or extended under paragraph (2), the
4 lead agency must pay \$100 per day, to the extent
5 funding is provided in advance in an appropriations
6 Act, out of the office of the head of the department
7 of the lead agency to the applicant starting on the
8 first day immediately following the deadline de-
9 scribed in paragraph (1) or extended under para-
10 graph (2) up until the date that an applicant ap-
11 proves a new deadline. This paragraph does not
12 apply when the lead agency misses a deadline solely
13 due to delays caused by litigation.

14 “(i) REPORT.—

15 “(1) IN GENERAL.—The head of each lead
16 agency shall annually submit to the Committee on
17 Natural Resources of the House of Representatives
18 and the Committee on Environment and Public
19 Works of the Senate a report that—

20 “(A) identifies any environmental assess-
21 ment and environmental impact statement that
22 such lead agency did not complete by the dead-
23 line described in subsection (h); and

24 “(B) provides an explanation for any fail-
25 ure to meet such deadline.

1 “(2) INCLUSIONS.—Each report submitted
2 under paragraph (1) shall identify, as applicable—

3 “(A) the office, bureau, division, unit, or
4 other entity within the Federal agency respon-
5 sible for each such environmental assessment
6 and environmental impact statement;

7 “(B) the date on which—

8 “(i) such lead agency notified the ap-
9 plicant that the application to establish a
10 right-of-way for the major Federal action
11 is complete;

12 “(ii) such lead agency began the
13 scoping for the major Federal action; or

14 “(iii) such lead agency issued a notice
15 of intent to prepare the environmental as-
16 sessment or environmental impact state-
17 ment for the major Federal action; and

18 “(C) when such environmental assessment
19 and environmental impact statement is expected
20 to be complete.

21 **“SEC. 108. JUDICIAL REVIEW.**

22 “(a) LIMITATIONS ON CLAIMS.—Notwithstanding
23 any other provision of law, a claim arising under Federal
24 law seeking judicial review of compliance with this Act,
25 of a determination made under this Act, or of Federal ac-

1 tion resulting from a determination made under this Act,
2 shall be barred unless—

3 “(1) in the case of a claim pertaining to a pro-
4 posed agency action for which—

5 “(A) an environmental document was pre-
6 pared and an opportunity for comment was pro-
7 vided;

8 “(B) the claim is filed by a party that par-
9 ticipated in the administrative proceedings re-
10 garding such environmental document; and

11 “(C) the claim—

12 “(i) is filed by a party that submitted
13 a comment during the public comment pe-
14 riod for such administrative proceedings
15 and such comment was sufficiently detailed
16 to put the lead agency on notice of the
17 issue upon which the party seeks judicial
18 review; and

19 “(ii) is related to such comment;

20 “(2) except as provided in subsection (b), such
21 claim is filed not later than 120 days after the date
22 of publication of a notice in the Federal Register of
23 agency intent to carry out the proposed agency ac-
24 tion;

1 “(3) such claim is filed after the issuance of a
2 record of decision or other final agency action with
3 respect to the relevant proposed agency action;

4 “(4) such claim does not challenge the estab-
5 lishment or use of a categorical exclusion under sec-
6 tion 102; and

7 “(5) such claim concerns—

8 “(A) an alternative included in the envi-
9 ronmental document; or

10 “(B) an environmental effect considered in
11 the environmental document.

12 “(b) SUPPLEMENTAL ENVIRONMENTAL IMPACT
13 STATEMENT.—

14 “(1) SEPARATE FINAL AGENCY ACTION.—The
15 issuance of a Federal action resulting from a final
16 supplemental environmental impact statement shall
17 be considered a final agency action for the purposes
18 of chapter 5 of title 5, United States Code, separate
19 from the issuance of any previous environmental im-
20 pact statement with respect to the same proposed
21 agency action.

22 “(2) DEADLINE FOR FILING A CLAIM.—A claim
23 seeking judicial review of a Federal action resulting
24 from a final supplemental environmental review

1 issued under section 102(2)(C) shall be barred un-
2 less—

3 “(A) such claim is filed within 120 days of
4 the date on which a notice of the Federal agen-
5 cy action resulting from a final supplemental
6 environmental impact statement is issued; and

7 “(B) such claim is based on information
8 contained in such supplemental environmental
9 impact statement that was not contained in a
10 previous environmental document pertaining to
11 the same proposed agency action.

12 “(c) PROHIBITION ON INJUNCTIVE RELIEF.—Not-
13 withstanding any other provision of law, a violation of this
14 Act shall not constitute the basis for injunctive relief.

15 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion shall be construed to create a right of judicial review
17 or place any limit on filing a claim with respect to the
18 violation of the terms of a permit, license, or approval.

19 “(e) REMAND.—Notwithstanding any other provision
20 of law, no proposed agency action for which an environ-
21 mental document is required shall be vacated or otherwise
22 limited, delayed, or enjoined unless a court concludes al-
23 lowing such proposed action will pose a risk of an immi-
24 nent and substantial environmental harm and there is no
25 other equitable remedy available as a matter of law.

1 **“SEC. 109. DEFINITIONS.**

2 “In this title:

3 “(1) CATEGORICAL EXCLUSION.—The term
4 ‘categorical exclusion’ means a category of actions
5 that a Federal agency has determined normally does
6 not significantly affect the quality of the human en-
7 vironment within the meaning of section 102(2)(C).

8 “(2) COOPERATING AGENCY.—The term ‘co-
9 operating agency’ means any Federal, State, Tribal,
10 or local agency that has been designated as a co-
11 operating agency under section 107(a)(3).

12 “(3) COUNCIL.—The term ‘Council’ means the
13 Council on Environmental Quality established in
14 title II.

15 “(4) ENVIRONMENTAL ASSESSMENT.—The
16 term ‘environmental assessment’ means an environ-
17 mental assessment prepared under section
18 106(b)(2).

19 “(5) ENVIRONMENTAL DOCUMENT.—The term
20 ‘environmental document’ means an environmental
21 impact statement, an environmental assessment, or
22 a finding of no significant impact.

23 “(6) ENVIRONMENTAL IMPACT STATEMENT.—
24 The term ‘environmental impact statement’ means a
25 detailed written statement that is required by section
26 102(2)(C).

1 “(7) FINDING OF NO SIGNIFICANT IMPACT.—

2 The term ‘finding of no significant impact’ means a
3 determination by a Federal agency that a proposed
4 agency action does not require the issuance of an en-
5 vironmental impact statement.

6 “(8) INVOLVED FEDERAL AGENCY.—The term
7 ‘involved Federal agency’ means an agency that,
8 with respect to a proposed agency action—

9 “(A) proposed such action; or

10 “(B) is involved in such action because
11 such action is directly related, through func-
12 tional interdependence or geographic proximity,
13 to an action such agency has taken or has pro-
14 posed to take.

15 “(9) LEAD AGENCY.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), the term ‘lead agency’
18 means, with respect to a proposed agency ac-
19 tion—

20 “(i) the agency that proposed such ac-
21 tion; or

22 “(ii) if there are 2 or more involved
23 Federal agencies with respect to such ac-
24 tion, the agency designated under section
25 107(a)(1).

1 “(B) SPECIFICATION FOR MINERAL EX-
2 PLOURATION OR MINE PERMITS.—With respect
3 to a proposed mineral exploration or mine per-
4 mit, the term ‘lead agency’ has the meaning
5 given such term in section 40206(a) of the In-
6 frastructure Investment and Jobs Act.

7 “(10) MAJOR FEDERAL ACTION.—

8 “(A) IN GENERAL.—The term ‘major Fed-
9 eral action’ means an action that the agency
10 carrying out such action determines is subject
11 to substantial Federal control and responsi-
12 bility.

13 “(B) EXCLUSION.—The term ‘major Fed-
14 eral action’ does not include—

15 “(i) a non-Federal action—

16 “(I) with no or minimal Federal
17 funding;

18 “(II) with no or minimal Federal
19 involvement where a Federal agency
20 cannot control the outcome of the
21 project; or

22 “(III) that does not include Fed-
23 eral land;

24 “(ii) funding assistance solely in the
25 form of general revenue sharing funds

1 which do not provide Federal agency com-
2 pliance or enforcement responsibility over
3 the subsequent use of such funds;

4 “(iii) loans, loan guarantees, or other
5 forms of financial assistance where a Fed-
6 eral agency does not exercise sufficient
7 control and responsibility over the effect of
8 the action;

9 “(iv) farm ownership and operating
10 loan guarantees by the Farm Service
11 Agency pursuant to sections 305 and 311
12 through 319 of the Consolidated Farmers
13 Home Administration Act of 1961 (7
14 U.S.C. 1925 and 1941 through 1949);

15 “(v) business loan guarantees pro-
16 vided by the Small Business Administra-
17 tion pursuant to section 7(a) or (b) and of
18 the Small Business Act (15 U.S.C.
19 636(a)), or title V of the Small Business
20 Investment Act of 1958 (15 U.S.C. 695 et
21 seq.);

22 “(vi) bringing judicial or administra-
23 tive civil or criminal enforcement actions;
24 or

1 “(vii) extraterritorial activities or deci-
2 sions, which means agency activities or de-
3 cisions with effects located entirely outside
4 of the jurisdiction of the United States.

5 “(C) ADDITIONAL EXCLUSIONS.—An agen-
6 cy action may not be determined to be a major
7 Federal action on the basis of—

8 “(i) an interstate effect of the action
9 or related project; or

10 “(ii) the provision of Federal funds
11 for the action or related project.

12 “(11) MINERAL EXPLORATION OR MINE PER-
13 MIT.—The term ‘mineral exploration or mine permit’
14 has the meaning given such term in section
15 40206(a) of the Infrastructure Investment and Jobs
16 Act.

17 “(12) PROPOSAL.—The term ‘proposal’ means
18 a proposed action at a stage when an agency has a
19 goal, is actively preparing to make a decision on one
20 or more alternative means of accomplishing that
21 goal, and can meaningfully evaluate its effects.

22 “(13) REASONABLY FORESEEABLE.—The term
23 ‘reasonably foreseeable’ means likely to occur—

1 “(A) not later than 10 years after the lead
2 agency begins preparing the environmental doc-
3 ument; and

4 “(B) in an area directly affected by the
5 proposed agency action such that an individual
6 of ordinary prudence would take such occur-
7 rence into account in reaching a decision.

8 “(14) SPECIAL EXPERTISE.—The term ‘special
9 expertise’ means statutory responsibility, agency
10 mission, or related program experience.”.

11 **SEC. 203. CODIFICATION OF NATIONAL ENVIRONMENTAL**
12 **POLICY ACT REGULATIONS.**

13 The revisions to the Code of Federal Regulations
14 made pursuant to the final rule of the Council on Environ-
15 mental Quality titled “Update to the Regulations Imple-
16 menting the Procedural Provisions of the National Envi-
17 ronmental Policy Act” and published on July 16, 2020
18 (85 Fed. Reg. 43304), shall have the same force and effect
19 of law as if enacted by an Act of Congress.

20 **SEC. 204. NON-MAJOR FEDERAL ACTIONS.**

21 (a) EXEMPTION.—An action by the Secretary con-
22 cerned with respect to a covered activity shall be not con-
23 sidered a major Federal action under section 102(2)(C)
24 of the National Environmental Policy Act of 1969 (42
25 U.S.C. 4332(2)(C)).

1 (b) COVERED ACTIVITY.—In this section, the term
2 “covered activity” includes—

3 (1) geotechnical investigations;

4 (2) off-road travel in an existing right-of-way;

5 (3) construction of meteorological towers where
6 the total surface disturbance at the location is less
7 than 5 acres;

8 (4) adding a battery or other energy storage de-
9 vice to an existing or planned energy facility, if that
10 storage resource is located within the physical foot-
11 print of the existing or planned energy facility;

12 (5) drilling temperature gradient wells and
13 other geothermal exploratory wells, including con-
14 struction or making improvements for such activi-
15 ties, where—

16 (A) the last cemented casing string is less
17 than 12 inches in diameter; and

18 (B) the total unreclaimed surface disturb-
19 ance at any one time within the project area is
20 less than 5 acres;

21 (6) any repair, maintenance, upgrade, optimiza-
22 tion, or minor addition to existing transmission and
23 distribution infrastructure, including—

24 (A) operation, maintenance, or repair of
25 power equipment and structures within existing

1 substations, switching stations, transmission,
2 and distribution lines;

3 (B) the addition, modification, retirement,
4 or replacement of breakers, transmission tow-
5 ers, transformers, bushings, or relays;

6 (C) the voltage uprating, modification,
7 reconductoring with conventional or advanced
8 conductors, and clearance resolution of trans-
9 mission lines;

10 (D) activities to minimize fire risk, includ-
11 ing vegetation management, routine fire mitiga-
12 tion, inspection, and maintenance activities, and
13 removal of hazard trees and other hazard vege-
14 tation within or adjacent to an existing right-of-
15 way;

16 (E) improvements to or construction of
17 structure pads for such infrastructure; and

18 (F) access and access route maintenance
19 and repairs associated with any activity de-
20 scribed in subparagraph (A) through (E);

21 (7) approval of and activities conducted in ac-
22 cordance with operating plans or agreements for
23 transmission and distribution facilities or under a
24 special use authorization for an electric transmission
25 and distribution facility right-of-way; and

1 (8) construction, maintenance, realignment, or
2 repair of an existing permanent or temporary access
3 road—

4 (A) within an existing right-of-way or with-
5 in a transmission or utility corridor established
6 by Congress or in a land use plan;

7 (B) that serves an existing transmission
8 line, distribution line, or

9 (C) energy facility or activities conducted
10 in accordance with existing onshore oil and gas
11 leases.

12 **SEC. 205. NO NET LOSS DETERMINATION FOR EXISTING**
13 **RIGHTS-OF-WAY.**

14 (a) IN GENERAL.—Upon a determination by the Sec-
15 retary concerned that there will be no overall long-term
16 net loss of vegetation, soil, or habitat, as defined by acre-
17 age and function, resulting from a proposed action, deci-
18 sion, or activity within an existing right-of-way, within a
19 right-of-way corridor established in a land use plan, or in
20 an otherwise designated right-of-way, that action, deci-
21 sion, or activity shall not be considered a major Federal
22 action under section 102(2)(C) of the National Environ-
23 mental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

24 (b) INCLUSION OF REMEDIATION.—In making a de-
25 termination under subsection (a), the Secretary concerned

1 shall consider the effect of any remediation work to be
2 conducted during the lifetime of the action, decision, or
3 activity when determining whether there will be any over-
4 all long-term net loss of vegetation, soil, or habitat.

5 **SEC. 206. DETERMINATION OF NATIONAL ENVIRONMENTAL**
6 **POLICY ACT ADEQUACY.**

7 The Secretary concerned shall use previously com-
8 pleted environmental assessments and environmental im-
9 pact statements to satisfy the requirements of section 102
10 of the National Environmental Policy Act of 1969 (42
11 U.S.C. 4332) with respect to any major Federal action,
12 if such Secretary determines that—

13 (1) the new proposed action is substantially the
14 same as a previously analyzed proposed action or al-
15 ternative analyzed in a previous environmental as-
16 sessment or environmental impact statement; and

17 (2) the effects of the proposed action are sub-
18 stantially the same as the effects analyzed in such
19 existing environmental assessments or environmental
20 impact statements.

21 **SEC. 207. DETERMINATION REGARDING RIGHTS-OF-WAY.**

22 Not later than 60 days after the Secretary concerned
23 receives an application to grant a right-of-way, the Sec-
24 retary concerned shall notify the applicant as to whether
25 the application is complete or deficient. If the Secretary

1 concerned determines the application is complete, the Sec-
2 retary concerned may not consider any other application
3 to grant a right-of-way on the same or any overlapping
4 parcels of land while such application is pending.

5 **SEC. 208. TERMS OF RIGHTS-OF-WAY.**

6 (a) FIFTY-YEAR TERMS FOR RIGHTS-OF-WAY.—

7 (1) IN GENERAL.—Any right-of-way for pipe-
8 lines for the transportation or distribution of oil or
9 gas granted, issued, amended, or renewed under
10 Federal law may be limited to a term of not more
11 than 50 years before such right-of-way is subject to
12 renewal or amendment.

13 (2) FEDERAL LAND POLICY AND MANAGEMENT
14 ACT OF 1976.—Section 501 of the Federal Land Pol-
15 icy and Management Act of 1976 (43 U.S.C. 1761)
16 is amended by adding at the end the following:

17 “(e) Any right-of-way granted, issued, amended, or
18 renewed under subsection (a)(4) may be limited to a term
19 of not more than 50 years before such right-of-way is sub-
20 ject to renewal or amendment.”.

21 (b) MINERAL LEASING ACT.—Section 28(n) of the
22 Mineral Leasing Act (30 U.S.C. 185(n)) is amended by
23 striking “thirty” and inserting “50”.

1 **SEC. 209. FUNDING TO PROCESS PERMITS AND DEVELOP**
2 **INFORMATION TECHNOLOGY.**

3 (a) IN GENERAL.—In fiscal years 2023 through
4 2025, the Secretary of Agriculture (acting through the
5 Forest Service) and the Secretary of the Interior, after
6 public notice, may accept and expend funds contributed
7 by non-Federal entities for dedicated staff, information re-
8 source management, and information technology system
9 development to expedite the evaluation of permits, biologi-
10 cal opinions, concurrence letters, environmental surveys
11 and studies, processing of applications, consultations, and
12 other activities for the leasing, development, or expansion
13 of an energy facility under the jurisdiction of the respec-
14 tive Secretaries.

15 (b) EFFECT ON PERMITTING.—In carrying out this
16 section, the Secretary of the Interior shall ensure that the
17 use of funds accepted under subsection (a) will not impact
18 impartial decision making with respect to permits, either
19 substantively or procedurally.

20 (c) STATEMENT FOR FAILURE TO ACCEPT OR EX-
21 PEND FUNDS.—Not later than 60 days after the end of
22 the applicable fiscal year, if the Secretary of Agriculture
23 (acting through the Forest Service) or the Secretary of
24 the Interior does not accept funds contributed under sub-
25 section (a) or accepts but does not expend such funds, that
26 Secretary shall submit to the Committee on Natural Re-

1 sources of the House of Representatives and the Com-
2 mittee on Energy and Natural Resources of the Senate
3 a statement explaining why such funds were not accepted,
4 were not expended, or both, as the case may be.

5 **SEC. 210. OFFSHORE GEOLOGICAL AND GEOPHYSICAL SUR-**
6 **VEY LICENSING.**

7 The Secretary of the Interior shall authorize geologi-
8 cal and geophysical surveys related to oil and gas activities
9 on the Gulf of Mexico Outer Continental Shelf, except
10 within areas subject to existing oil and gas leasing mora-
11 toria. Such authorizations shall be issued within 30 days
12 of receipt of a completed application and shall, as applica-
13 ble to survey type, comply with the mitigation and moni-
14 toring measures in subsections (a), (b), (c), (d), (f), and
15 (g) of section 217.184 of title 50, Code of Federal Regula-
16 tions (as in effect on January 1, 2022), and section
17 217.185 of title 50, Code of Federal Regulations (as in
18 effect on January 1, 2022). Geological and geophysical
19 surveys authorized pursuant to this section are deemed to
20 be in full compliance with the Marine Mammal Protection
21 Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered
22 Species Act of 1973 (16 U.S.C. 1531 et seq.), and their
23 implementing regulations.

1 **SEC. 211. DEFERRAL OF APPLICATIONS FOR PERMITS TO**
2 **DRILL.**

3 Section 17(p)(3) of the Mineral Leasing Act (30
4 U.S.C. 226(p)(3)) is amended by adding at the end the
5 following:

6 “(D) DEFERRAL BASED ON FORMATTING
7 ISSUES.—A decision on an application for a
8 permit to drill may not be deferred under para-
9 graph (2)(B) as a result of a formatting issue
10 with the permit, unless such formatting issue
11 results in missing information.”.

12 **SEC. 212. PROCESSING AND TERMS OF APPLICATIONS FOR**
13 **PERMITS TO DRILL.**

14 (a) EFFECT OF PENDING CIVIL ACTIONS.—Section
15 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is
16 amended by adding at the end the following:

17 “(4) EFFECT OF PENDING CIVIL ACTION ON
18 PROCESSING APPLICATIONS FOR PERMITS TO
19 DRILL.—Pursuant to the requirements of paragraph
20 (2), notwithstanding the existence of any pending
21 civil actions affecting the application or related
22 lease, the Secretary shall process an application for
23 a permit to drill or other authorizations or approvals
24 under a valid existing lease, unless a United States
25 Federal court vacated such lease. Nothing in this

1 paragraph shall be construed as providing authority
2 to a Federal court to vacate a lease.”.

3 (b) TERM OF PERMIT TO DRILL.—Section 17 of the
4 Mineral Leasing Act (30 U.S.C. 226) is further amended
5 by adding at the end the following:

6 “(u) TERM OF PERMIT TO DRILL.—A permit to drill
7 issued under this section after the date of the enactment
8 of this subsection shall be valid for one four-year term
9 from the date that the permit is approved, or until the
10 lease regarding which the permit is issued expires, which-
11 ever occurs first.”.

12 **SEC. 213. AMENDMENTS TO THE ENERGY POLICY ACT OF**
13 **2005.**

14 Section 390 of the Energy Policy Act of 2005 (42
15 U.S.C. 15942) is amended to read as follows:

16 **“SEC. 390. NATIONAL ENVIRONMENTAL POLICY ACT RE-**
17 **VIEW.**

18 “(a) NATIONAL ENVIRONMENTAL POLICY ACT RE-
19 VIEW.—Action by the Secretary of the Interior, in man-
20 aging the public lands, or the Secretary of Agriculture,
21 in managing National Forest System lands, with respect
22 to any of the activities described in subsection (c), shall
23 not be considered a major Federal action for the purposes
24 of section 102(2)(C) of the National Environmental Policy
25 Act of 1969, if the activity is conducted pursuant to the

1 Mineral Leasing Act (30 U.S.C. 181 et seq.) for the pur-
2 pose of exploration or development of oil or gas.

3 “(b) APPLICATION.—This section shall not apply to
4 an action of the Secretary of the Interior or the Secretary
5 of Agriculture on Indian lands or resources managed in
6 trust for the benefit of Indian Tribes.

7 “(c) ACTIVITIES DESCRIBED.—The activities re-
8 ferred to in subsection (a) are as follows:

9 “(1) Reinstating a lease pursuant to section 31
10 of the Mineral Leasing Act (30 U.S.C. 188).

11 “(2) The following activities, provided that any
12 new surface disturbance is contiguous with the foot-
13 print of the original authorization and does not ex-
14 ceed 20 acres or the acreage has previously been
15 evaluated in a document previously prepared under
16 section 102(2)(C) of the National Environmental
17 Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with re-
18 spect to such activity:

19 “(A) Drilling an oil or gas well at a well
20 pad site at which drilling has occurred pre-
21 viously.

22 “(B) Expansion of an existing oil or gas
23 well pad site to accommodate an additional well.

1 “(C) Expansion or modification of an ex-
2 isting oil or gas well pad site, road, pipeline, fa-
3 cility, or utility submitted in a sundry notice.

4 “(3) Drilling of an oil or gas well at a new well
5 pad site, provided that the new surface disturbance
6 does not exceed 20 acres and the acreage evaluated
7 in a document previously prepared under section
8 102(2)(C) of the National Environmental Policy Act
9 of 1969 (42 U.S.C. 4332(2)(C)) with respect to such
10 activity, whichever is greater.

11 “(4) Construction or realignment of a road,
12 pipeline, or utility within an existing right-of-way or
13 within a right-of-way corridor established in a land
14 use plan.

15 “(5) The following activities when conducted
16 from non-Federal surface into federally owned min-
17 erals, provided that the operator submits to the Sec-
18 retary concerned certification of a surface use agree-
19 ment with the non-Federal landowner:

20 “(A) Drilling an oil or gas well at a well
21 pad site at which drilling has occurred pre-
22 viously.

23 “(B) Expansion of an existing oil or gas
24 well pad site to accommodate an additional well.

1 “(C) Expansion or modification of an ex-
2 isting oil or gas well pad site, road, pipeline, fa-
3 cility, or utility submitted in a sundry notice.

4 “(6) Drilling of an oil or gas well from non-
5 Federal surface and non-Federal subsurface into
6 Federal mineral estate.

7 “(7) Construction of up to 1 mile of new road
8 on Federal or non-Federal surface, not to exceed 2
9 miles in total.

10 “(8) Construction of up to 3 miles of individual
11 pipelines or utilities, regardless of surface owner-
12 ship.”.

13 **SEC. 214. ACCESS TO FEDERAL ENERGY RESOURCES FROM**
14 **NON-FEDERAL SURFACE ESTATE.**

15 (a) OIL AND GAS PERMITS.—Section 17 of the Min-
16 eral Leasing Act (30 U.S.C. 226) is further amended by
17 adding at the end the following:

18 “(v) NO FEDERAL PERMIT REQUIRED FOR OIL AND
19 GAS ACTIVITIES ON CERTAIN LAND.—

20 “(1) IN GENERAL.—The Secretary shall not re-
21 quire an operator to obtain a Federal drilling permit
22 for oil and gas exploration and production activities
23 conducted on non-Federal surface estate, provided
24 that—

1 “(A) the United States holds an ownership
2 interest of less than 50 percent of the sub-
3 surface mineral estate to be accessed by the
4 proposed action; and

5 “(B) the operator submits to the Secretary
6 a State permit to conduct oil and gas explo-
7 ration and production activities on the non-Fed-
8 eral surface estate.

9 “(2) NO FEDERAL ACTION.—An oil and gas ex-
10 ploration and production activity carried out under
11 paragraph (1)—

12 “(A) shall not be considered a major Fed-
13 eral action for the purposes of section
14 102(2)(C) of the National Environmental Policy
15 Act of 1969;

16 “(B) shall require no additional Federal
17 action;

18 “(C) may commence 30 days after submis-
19 sion of the State permit to the Secretary; and

20 “(D) shall not be subject to—

21 “(i) section 306108 of title 54, United
22 States Code (commonly known as the Na-
23 tional Historic Preservation Act of 1966);
24 and

1 “(ii) section 7 of the Endangered Spe-
2 cies Act of 1973 (16 U.S.C. 1536).

3 “(3) ROYALTIES AND PRODUCTION ACCOUNT-
4 ABILITY.—(A) Nothing in this subsection shall affect
5 the amount of royalties due to the United States
6 under this Act from the production of oil and gas,
7 or alter the Secretary’s authority to conduct audits
8 and collect civil penalties pursuant to the Federal
9 Oil and Gas Royalty Management Act of 1982 (30
10 U.S.C. 1701 et seq.).

11 “(B) The Secretary may conduct onsite reviews
12 and inspections to ensure proper accountability,
13 measurement, and reporting of production of Fed-
14 eral oil and gas, and payment of royalties.

15 “(4) EXCEPTIONS.—This subsection shall not
16 apply to actions on Indian lands or resources man-
17 aged in trust for the benefit of Indian Tribes.

18 “(5) INDIAN LAND.—In this subsection, the
19 term ‘Indian land’ means—

20 “(A) any land located within the bound-
21 aries of an Indian reservation, pueblo, or
22 rancheria; and

23 “(B) any land not located within the
24 boundaries of an Indian reservation, pueblo, or
25 rancheria, the title to which is held—

1 “(i) in trust by the United States for
2 the benefit of an Indian tribe or an indi-
3 vidual Indian;

4 “(ii) by an Indian tribe or an indi-
5 vidual Indian, subject to restriction against
6 alienation under laws of the United States;

7 or

8 “(iii) by a dependent Indian commu-
9 nity.”.

10 (b) GEOTHERMAL PERMITS.—The Geothermal
11 Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended
12 by adding at the end the following:

13 **“SEC. 30. NO FEDERAL PERMIT REQUIRED FOR GEO-**
14 **THERMAL ACTIVITIES ON CERTAIN LAND.**

15 “(a) IN GENERAL.—The Secretary shall not require
16 an operator to obtain a Federal drilling permit for geo-
17 thermal exploration and production activities conducted on
18 a non-Federal surface estate, provided that—

19 “(1) the United States holds an ownership in-
20 terest of less than 50 percent of the subsurface geo-
21 thermal estate to be accessed by the proposed action;
22 and

23 “(2) the operator submits to the Secretary a
24 State permit to conduct geothermal exploration and

1 production activities on the non-Federal surface es-
2 tate.

3 “(b) NO FEDERAL ACTION.—A geothermal explo-
4 ration and production activity carried out under para-
5 graph (1)—

6 “(1) shall not be considered a major Federal
7 action for the purposes of section 102(2)(C) of the
8 National Environmental Policy Act of 1969;

9 “(2) shall require no additional Federal action;

10 “(3) may commence 30 days after submission
11 of the State permit to the Secretary; and

12 “(4) shall not be subject to—

13 “(A) section 306108 of title 54, United
14 States Code (commonly known as the National
15 Historic Preservation Act of 1966); and

16 “(B) section 7 of the Endangered Species
17 Act of 1973 (16 U.S.C. 1536).

18 “(c) ROYALTIES AND PRODUCTION ACCOUNT-
19 ABILITY.—(1) Nothing in this section shall affect the
20 amount of royalties due to the United States under this
21 Act from the production of electricity using geothermal re-
22 sources (other than direct use of geothermal resources) or
23 the production of any byproducts.

24 “(2) The Secretary may conduct onsite reviews and
25 inspections to ensure proper accountability, measurement,

1 and reporting of the production described in paragraph
2 (1), and payment of royalties.

3 “(d) EXCEPTIONS.—This section shall not apply to
4 actions on Indian lands or resources managed in trust for
5 the benefit of Indian Tribes.

6 “(e) INDIAN LAND.—In this section, the term ‘Indian
7 land’ means—

8 “(1) any land located within the boundaries of
9 an Indian reservation, pueblo, or rancharia; and

10 “(2) any land not located within the boundaries
11 of an Indian reservation, pueblo, or rancharia, the
12 title to which is held—

13 “(A) in trust by the United States for the
14 benefit of an Indian tribe or an individual In-
15 dian;

16 “(B) by an Indian tribe or an individual
17 Indian, subject to restriction against alienation
18 under laws of the United States; or

19 “(C) by a dependent Indian community.”.

20 **SEC. 215. SCOPE OF ENVIRONMENTAL REVIEWS FOR OIL**
21 **AND GAS LEASES.**

22 An environmental review for an oil and gas lease or
23 permit prepared pursuant to the requirements of the Na-
24 tional Environmental Policy Act of 1969 (42 U.S.C. 4321
25 et seq.) and its implementing regulations—

1 (1) shall apply only to areas that are within or
2 immediately adjacent to the lease plot or plots and
3 that are directly affected by the proposed action;
4 and

5 (2) shall not require consideration of down-
6 stream, indirect effects of oil and gas consumption.

7 **SEC. 216. EXPEDITING APPROVAL OF GATHERING LINES.**

8 Section 11318(b)(1) of the Infrastructure Investment
9 and Jobs Act (42 U.S.C. 15943(b)(1)) is amended by
10 striking “to be an action that is categorically excluded (as
11 defined in section 1508.1 of title 40, Code of Federal Reg-
12 ulations (as in effect on the date of enactment of this
13 Act))” and inserting “to not be a major Federal action”.

14 **SEC. 217. LEASE SALE LITIGATION.**

15 Notwithstanding any other provision of law, any oil
16 and gas lease sale held under section 17 of the Mineral
17 Leasing Act (26 U.S.C. 226) or the Outer Continental
18 Shelf Lands Act (43 U.S.C. 1331 et seq.) shall not be
19 vacated and activities on leases awarded in the sale shall
20 not be otherwise limited, delayed, or enjoined unless the
21 court concludes allowing development of the challenged
22 lease will pose a risk of an imminent and substantial envi-
23 ronmental harm and there is no other equitable remedy
24 available as a matter of law. No court, in response to an
25 action brought pursuant to the National Environmental

1 Policy Act of 1969 (42 U.S.C. et seq.), may enjoin or issue
2 any order preventing the award of leases to a bidder in
3 a lease sale conducted pursuant to section 17 of the Min-
4 eral Leasing Act (26 U.S.C. 226) or the Outer Continental
5 Shelf Lands Act (43 U.S.C. 1331 et seq.) if the Depart-
6 ment of the Interior has previously opened bids for such
7 leases or disclosed the high bidder for any tract that was
8 included in such lease sale.

9 **SEC. 218. LIMITATION ON CLAIMS.**

10 (a) IN GENERAL.—Notwithstanding any other provi-
11 sion of law, a claim arising under Federal law seeking ju-
12 dicial review of a permit, license, or approval issued by
13 a Federal agency for a mineral project, energy facility, or
14 energy storage device shall be barred unless—

15 (1) the claim is filed within 120 days after pub-
16 lication of a notice in the Federal Register announc-
17 ing that the permit, license, or approval is final pur-
18 suant to the law under which the agency action is
19 taken, unless a shorter time is specified in the Fed-
20 eral law pursuant to which judicial review is allowed;
21 and

22 (2) the claim is filed by a party that submitted
23 a comment during the public comment period for
24 such permit, license, or approval and such comment
25 was sufficiently detailed to put the agency on notice

1 of the issue upon which the party seeks judicial re-
2 view.

3 (b) SAVINGS CLAUSE.—Nothing in this section shall
4 create a right to judicial review or place any limit on filing
5 a claim that a person has violated the terms of a permit,
6 license, or approval.

7 (c) TRANSPORTATION PROJECTS.—Subsection (a)
8 shall not apply to or supersede a claim subject to section
9 139(l)(1) of title 23, United States Code.

10 (d) MINERAL PROJECT.—In this section, the term
11 “mineral project” means a project—

12 (1) located on—

13 (A) a mining claim, millsite claim, or tun-
14 nel site claim for any mineral;

15 (B) lands open to mineral entry; or

16 (C) a Federal mineral lease; and

17 (2) for the purposes of exploring for or pro-
18 ducing minerals.

19 **SEC. 219. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**
20 **ON PERMITS TO DRILL.**

21 (a) REPORT.—Not later than 1 year after the date
22 of enactment of this Act, the Comptroller General of the
23 United States shall issue a report detailing—

1 (1) the approval timelines for applications for
2 permits to drill issued by the Bureau of Land Man-
3 agement from 2018 through 2023;

4 (2) the number of applications for permits to
5 drill that were not issued within 30 days of receipt
6 of a completed application; and

7 (3) the causes of delays resulting in applica-
8 tions for permits to drill pending beyond the 30-day
9 deadline required under section 17(p)(2) of the Min-
10 eral Leasing Act (30 U.S.C. 226(p)(2)).

11 (b) RECOMMENDATIONS.—The report issued under
12 subsection (a) shall include recommendations with respect
13 to—

14 (1) actions the Bureau of Land Management
15 can take to streamline the approval process for ap-
16 plications for permits to drill to approve applications
17 for permits to drill within 30 days of receipt of a
18 completed application;

19 (2) aspects of the Federal permitting process
20 carried out by the Bureau of Land Management to
21 issue applications for permits to drill that can be
22 turned over to States to expedite approval of appli-
23 cations for permits to drill; and

24 (3) legislative actions that Congress must take
25 to allow States to administer certain aspects of the

1 Federal permitting process described in paragraph
2 (2).

3 **Subtitle C—Permitting for Mining**
4 **Needs**

5 **SEC. 301. DEFINITIONS.**

6 In this subtitle:

7 (1) BYPRODUCT.—The term “byproduct” has
8 the meaning given such term in section 7002(a) of
9 the Energy Act of 2020 (30 U.S.C. 1606(a)).

10 (2) INDIAN TRIBE.—The term “Indian Tribe”
11 has the meaning given such term in section 4 of the
12 Indian Self-Determination and Education Assistance
13 Act (25 U.S.C. 5304).

14 (3) MINERAL.—The term “mineral” means any
15 mineral of a kind that is locatable (including, but
16 not limited to, such minerals located on “lands ac-
17 quired by the United States”, as such term is de-
18 fined in section 2 of the Mineral Leasing Act for Ac-
19 quired Lands) under the Act of May 10, 1872
20 (Chapter 152; 17 Stat. 91).

21 (4) SECRETARY.—Except as otherwise provided,
22 the term “Secretary” means the Secretary of the In-
23 terior.

24 (5) STATE.—The term “State” means—

25 (A) a State;

- 1 (B) the District of Columbia;
2 (C) the Commonwealth of Puerto Rico;
3 (D) Guam;
4 (E) American Samoa;
5 (F) the Commonwealth of the Northern
6 Mariana Islands; and
7 (G) the United States Virgin Islands.

8 **SEC. 302. MINERALS SUPPLY CHAIN AND RELIABILITY.**

9 Section 40206 of the Infrastructure Investment and
10 Jobs Act (30 U.S.C. 1607) is amended—

11 (1) in the section heading, by striking “**CRIT-**
12 **ICAL MINERALS**” and inserting “**MINERALS**”;

13 (2) by amending subsection (a) to read as fol-
14 lows:

15 “(a) **DEFINITIONS.**—In this section:

16 “(1) **LEAD AGENCY.**—The term ‘lead agency’
17 means the Federal agency with primary responsi-
18 bility for issuing a mineral exploration or mine per-
19 mit or lease for a mineral project.

20 “(2) **MINERAL.**—The term ‘mineral’ has the
21 meaning given such term in section 301 of the
22 TAPP American Resources Act.

23 “(3) **MINERAL EXPLORATION OR MINE PER-**
24 **MIT.**—The term ‘mineral exploration or mine permit’
25 means—

1 “(A) an authorization of the Bureau of
2 Land Management or the Forest Service, as ap-
3 plicable, for exploration for minerals that re-
4 quires analysis under the National Environ-
5 mental Policy Act of 1969;

6 “(B) a plan of operations for a mineral
7 project approved by the Bureau of Land Man-
8 agement or the Forest Service; or

9 “(C) Any other federal permit or author-
10 ization for a mineral project.

11 “(4) MINERAL PROJECT.—The term ‘mineral
12 project’ means a project—

13 “(A) located on—

14 “(i) a mining claim, millsite claim, or
15 tunnel site claim for any mineral;

16 “(ii) lands open to mineral entry; or

17 “(iii) a Federal mineral lease; and

18 “(B) for the purposes of exploring for or
19 producing minerals.”;

20 (3) in subsection (b), by striking “critical” each
21 place such term appears;

22 (4) in subsection (c)—

23 (A) by striking “critical mineral production
24 on Federal land” and inserting “mineral
25 projects”;

1 (B) by inserting “, and in accordance with
2 subsection (h)” after “to the maximum extent
3 practicable”;

4 (C) by striking “shall complete the” and
5 inserting “shall complete such”;

6 (D) in paragraph (1), by striking “critical
7 mineral-related activities on Federal land” and
8 inserting “mineral projects”;

9 (E) in paragraph (8), by striking the
10 “and” at the end;

11 (F) in paragraph (9), by striking “proce-
12 dures.” and inserting “procedures; and”;

13 (G) by adding at the end the following:

14 “(10) deferring to and relying on baseline data,
15 analyses, and reviews performed by State agencies
16 with jurisdiction over the environmental or reclama-
17 tion permits for the proposed mineral project.”;

18 (5) in subsection (d)—

19 (A) by striking “critical” each place such
20 term appears; and

21 (B) in paragraph (3), by striking “mineral-
22 related activities on Federal land” and inserting
23 “mineral projects”;

24 (6) in subsection (e), by striking “critical”;

1 (7) in subsection (f), by striking “critical” each
2 place such term appears;

3 (8) in subsection (g), by striking “critical” each
4 place such term appears; and

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

6 “(h) OTHER REQUIREMENTS.—

7 “(1) MEMORANDUM OF AGREEMENT.—For pur-
8 poses of maximizing efficiency and effectiveness of
9 the Federal permitting and review processes de-
10 scribed under subsection (c), the lead agency in the
11 Federal permitting and review processes of a min-
12 eral project shall (in consultation with any other
13 Federal agency involved in such Federal permitting
14 and review processes, and upon request of the
15 project applicant, an affected State government,
16 local government, or an Indian Tribe, or other entity
17 such lead agency determines appropriate) enter into
18 a memorandum of agreement with a project appli-
19 cant where requested by the applicant to carry out
20 the activities described in subsection (c).

21 “(2) TIMELINES AND SCHEDULES FOR NEPA
22 REVIEWS.—

23 “(A) EXTENSION.—A project applicant
24 may enter into 1 or more agreements with a
25 lead agency to extend the deadlines described in

1 subparagraphs (A) and (B) of subsection (h)(1)
2 of section 107 of title I of the National Envi-
3 ronmental Policy Act of 1969 by, with respect
4 to each such agreement, not more than 6
5 months.

6 “(B) ADJUSTMENT OF TIMELINES.—At
7 the request of a project applicant, the lead
8 agency and any other entity which is a signa-
9 tory to a memorandum of agreement under
10 paragraph (1) may, by unanimous agreement,
11 adjust—

12 “(i) any deadlines described in sub-
13 paragraph (A); and

14 “(ii) any deadlines extended under
15 subparagraph (B).

16 “(3) EFFECT ON PENDING APPLICATIONS.—
17 Upon a written request by a project applicant, the
18 requirements of this subsection shall apply to any
19 application for a mineral exploration or mine permit
20 or mineral lease that was submitted before the date
21 of the enactment of the TAPP American Resources
22 Act”.

23 **SEC. 303. FEDERAL REGISTER PROCESS IMPROVEMENT.**

24 Section 7002(f) of the Energy Act of 2020 (30
25 U.S.C. 1606(f)) is amended—

1 (1) in paragraph (2), by striking “critical” both
2 places such term appears; and

3 (2) by striking paragraph (4).

4 **SEC. 304. DESIGNATION OF MINING AS A COVERED SECTOR**
5 **FOR FEDERAL PERMITTING IMPROVEMENT**
6 **PURPOSES.**

7 Section 41001(6)(A) of the FAST Act (42 U.S.C.
8 4370m(6)(A)) is amended by inserting “mineral produc-
9 tion,” before “or any other sector”.

10 **SEC. 305. TREATMENT OF ACTIONS UNDER PRESIDENTIAL**
11 **DETERMINATION 2022–11 FOR FEDERAL PER-**
12 **MITTING IMPROVEMENT PURPOSES.**

13 (a) IN GENERAL.—Except as provided by subsection
14 (c), an action described in subsection (b) shall be—

15 (1) treated as a covered project, as defined in
16 section 41001(6) of the FAST Act (42 U.S.C.
17 4370m(6)), without regard to the requirements of
18 that section; and

19 (2) included in the Permitting Dashboard main-
20 tained pursuant to section 41003(b) of that Act (42
21 13 U.S.C. 4370m–2(b)).

22 (b) ACTIONS DESCRIBED.—An action described in
23 this subsection is an action taken by the Secretary of De-
24 fense pursuant to Presidential Determination 2022–11
25 (87 Fed. Reg. 19775; relating to certain actions under

1 section 303 of the Defense Production Act of 1950) or
2 the Presidential Memorandum of February 27, 2023, ti-
3 tled “Presidential Waiver of Statutory Requirements Pur-
4 suant to Section 303 of the Defense Production Act of
5 1950, as amended, on Department of Defense Supply
6 Chains Resilience” (88 Fed. Reg. 13015) to create, main-
7 tain, protect, expand, or restore sustainable and respon-
8 sible domestic production capabilities through—

9 (1) supporting feasibility studies for mature
10 mining, beneficiation, and value-added processing
11 projects;

12 (2) byproduct and co-product production at ex-
13 isting mining, mine waste reclamation, and other in-
14 dustrial facilities;

15 (3) modernization of mining, beneficiation, and
16 value-added processing to increase productivity, envi-
17 ronmental sustainability, and workforce safety; or

18 (4) any other activity authorized under section
19 303(a)(1) of the Defense Production Act of 1950
20 (50 U.S.C. 4533(a)(1)).

21 (c) EXCEPTION.—An action described in subsection
22 (b) may not be treated as a covered project or be included
23 in the Permitting Dashboard under subsection (a) if the
24 project sponsor (as defined in section 41001(18) of the

1 FAST Act (42 U.S.C. 21 4370m(18))) requests that the
2 action not be treated as a covered project.

3 **SEC. 306. NOTICE FOR MINERAL EXPLORATION ACTIVITIES**
4 **WITH LIMITED SURFACE DISTURBANCE.**

5 (a) IN GENERAL.—Not later than 15 days before
6 commencing an exploration activity with a surface disturb-
7 ance of not more than 5 acres of public lands, the operator
8 of such exploration activity shall submit to the Secretary
9 concerned a complete notice of such exploration activity.

10 (b) INCLUSIONS.—Notice submitted under subsection
11 (a) shall include such information the Secretary concerned
12 may require, including the information described in sec-
13 tion 3809.301 of title 43, Code of Federal Regulations (or
14 any successor regulation).

15 (c) REVIEW.—Not later than 15 days after the Sec-
16 retary concerned receives notice submitted under sub-
17 section (a), the Secretary concerned shall—

18 (1) review and determine completeness of the
19 notice; and

20 (2) allow exploration activities to proceed if—

21 (A) the surface disturbance of such explo-
22 ration activities on such public lands will not
23 exceed 5 acres;

24 (B) the Secretary concerned determines
25 that the notice is complete; and

1 (C) the operator provides financial assur-
2 ance that the Secretary concerned determines is
3 adequate.

4 (d) DEFINITIONS.—In this section:

5 (1) EXPLORATION ACTIVITY.—The term “explo-
6 ration activity”—

7 (A) means creating surface disturbance
8 greater than casual use that includes sampling,
9 drilling, or developing surface or underground
10 workings to evaluate the type, extent, quantity,
11 or quality of mineral values present;

12 (B) includes constructing drill roads and
13 drill pads, drilling, trenching, excavating test
14 pits, and conducting geotechnical tests and geo-
15 physical surveys; and

16 (C) does not include activities where mate-
17 rial is extracted for commercial use or sale.

18 (2) SECRETARY CONCERNED.—The term “Sec-
19 retary concerned” means—

20 (A) with respect to lands administered by
21 the Secretary of the Interior, the Secretary of
22 the Interior; and

23 (B) with respect to National Forest Sys-
24 tem lands, the Secretary of Agriculture.

1 **SEC. 307. USE OF MINING CLAIMS FOR ANCILLARY ACTIVITIES.**
2 **TIES.**

3 Section 10101 of the Omnibus Budget Reconciliation
4 Act of 1993 (30 U.S.C. 28f) is amended by adding at the
5 end the following:

6 “(e) SECURITY OF TENURE.—

7 “(1) CLAIMANT RIGHTS.—

8 “(A) DEFINITION OF OPERATIONS.—In
9 this paragraph, the term ‘operations’ means—

10 “(i) with respect to a locatable min-
11 eral, any activity or work carried out in
12 connection with—

13 “(I) prospecting;

14 “(II) exploration;

15 “(III) discovery and assessment;

16 “(IV) development;

17 “(V) extraction; or

18 “(VI) processing;

19 “(ii) the reclamation of an area dis-
20 turbed by an activity described in clause
21 (i); and

22 “(iii) any activity reasonably incident
23 to an activity described in clause (i) or (ii),
24 regardless of whether that incidental activ-
25 ity is carried out on a mining claim, in-
26 cluding the construction and maintenance

1 of any road, transmission line, pipeline, or
2 any other necessary infrastructure or
3 means of access on public land for a sup-
4 port facility.

5 “(B) RIGHTS TO USE, OCCUPATION, AND
6 OPERATIONS.—A claimant shall have the right
7 to use and occupy to conduct operations on
8 public land, with or without the discovery of a
9 valuable mineral deposit, if—

10 “(i) the claimant makes a timely pay-
11 ment of—

12 “(I) the location fee required by
13 section 10102; and

14 “(II) the claim maintenance fee
15 required by subsection (a); or

16 “(ii) in the case of a claimant who
17 qualifies for a waiver of the claim mainte-
18 nance fee under subsection (d)—

19 “(I) the claimant makes a timely
20 payment of the location fee required
21 by section 10102; and

22 “(II) the claimant complies with
23 the required assessment work under
24 the general mining laws.

1 “(2) FULFILLMENT OF FEDERAL LAND POLICY
2 AND MANAGEMENT ACT OF 1976.—A claimant that
3 fulfills the requirements of this section and section
4 10102 shall be deemed to satisfy any requirements
5 under the Federal Land Policy and Management Act
6 of 1976 (43 U.S.C. 1701 et seq.) for the payment
7 of fair market value to the United States for the use
8 of public land and resources pursuant to the general
9 mining laws.

10 “(3) SAVINGS CLAUSE.—Nothing in this sub-
11 section—

12 “(A) diminishes any right (including a
13 right of entry, use, or occupancy) of a claimant;

14 “(B) creates or increases any right (includ-
15 ing a right of exploration, entry, use, or occu-
16 pancy) of a claimant on lands that are not open
17 to location under the general mining laws;

18 “(C) modifies any provision of law or any
19 prior administrative action withdrawing lands
20 from location or entry;

21 “(D) limits the right of the Federal Gov-
22 ernment to regulate mining and mining-related
23 activities (including requiring claim validity ex-
24 aminations to establish the discovery of a valu-

1 able mineral deposit) in areas withdrawn from
2 mining (including under—
3 “(i) the general mining laws;
4 “(ii) the Federal Land Policy and
5 Management Act of 1976 (43 U.S.C. 1701
6 et seq.);
7 “(iii) the Wilderness Act (16 U.S.C.
8 1131 et seq.);
9 “(iv) sections 100731 through 100737
10 of title 54, United States Code (commonly
11 referred to as the ‘Mining in the Parks
12 Act’);
13 “(v) the Endangered Species Act of
14 1973 (16 U.S.C. 1531 et seq.); or
15 “(vi) division A of subtitle III of title
16 54, United States Code (commonly re-
17 ferred to as the ‘National Historic Preser-
18 vation Act’); or
19 “(E) restores any right (including a right
20 of entry, use, or occupancy, or right to conduct
21 operations) of a claimant that existed prior to
22 the date that the lands were closed to or with-
23 drawn from location under the general mining
24 laws and that has been extinguished by such
25 closure or withdrawal.”.

1 **SEC. 308. ENSURING CONSIDERATION OF URANIUM AS A**
2 **CRITICAL MINERAL.**

3 (a) IN GENERAL.—Section 7002(a)(3)(B)(i) of the
4 Energy Act of 2020 (30 U.S.C. 1606(a)(3)(B)(i)) is
5 amended to read as follows:

6 “(i) oil, oil shale, coal, or natural
7 gas;”.

8 (b) UPDATE.—Not later than 60 days after the date
9 of the enactment of this section, the Secretary, acting
10 through the Director of the United States Geological Sur-
11 vey, shall publish in the Federal Register an update to
12 the final list established in section 7002(c)(3) of the En-
13 ergy Act of 2020 (30 U.S.C. 1606(c)(3)) in accordance
14 with subsection (a) of this section.

15 **Subtitle D—Federal Land Use**
16 **Planning**

17 **SEC. 401. FEDERAL LAND USE PLANNING AND WITH-**
18 **DRAWALS.**

19 (a) RESOURCE ASSESSMENTS REQUIRED.—Federal
20 lands and waters may not be withdrawn from entry under
21 the mining laws or operation of the mineral leasing and
22 mineral materials laws unless—

23 (1) a quantitative and qualitative geophysical
24 and geological mineral resource assessment of the
25 impacted area has been completed during the 10-
26 year period ending on the date of such withdrawal;

1 (2) the Secretary, in consultation with the Sec-
2 retary of Commerce, the Secretary of Energy, and
3 the Secretary of Defense, conducts an assessment of
4 the economic, energy, strategic, and national secu-
5 rity value of mineral deposits identified in such min-
6 eral resource assessment;

7 (3) the Secretary conducts an assessment of the
8 reduction in future Federal revenues to the Treas-
9 ury, States, the Land and Water Conservation
10 Fund, the Historic Preservation Fund, and the Na-
11 tional Parks and Public Land Legacy Restoration
12 Fund resulting from the proposed mineral with-
13 drawal;

14 (4) the Secretary, in consultation with the Sec-
15 retary of Defense, conducts an assessment of mili-
16 tary readiness and training activities in the proposed
17 withdrawal area; and

18 (5) the Secretary submits a report to the Com-
19 mittees on Natural Resources, Agriculture, Energy
20 and Commerce, and Foreign Affairs of the House of
21 Representatives and the Committees on Energy and
22 Natural Resources, Agriculture, and Foreign Affairs
23 of the Senate, that includes the results of the assess-
24 ments completed pursuant to this subsection.

1 (b) LAND USE PLANS.—Before a resource manage-
2 ment plan under the Federal Land Policy and Manage-
3 ment Act of 1976 (43 U.S.C. 1701 et seq.) or a forest
4 management plan under the National Forest Management
5 Act is updated or completed, the Secretary or Secretary
6 of Agriculture, as applicable, in consultation with the Di-
7 rector of the United States Geological Survey, shall—

8 (1) review any quantitative and qualitative min-
9 eral resource assessment that was completed or up-
10 dated during the 10-year period ending on the date
11 that the applicable land management agency pub-
12 lishes a notice to prepare, revise, or amend a land
13 use plan by the Director of the United States Geo-
14 logical Survey for the geographic area affected by
15 the applicable management plan;

16 (2) the Secretary, in consultation with the Sec-
17 retary of Commerce, the Secretary of Energy, and
18 the Secretary of Defense, conducts an assessment of
19 the economic, energy, strategic, and national secu-
20 rity value of mineral deposits identified in such min-
21 eral resource assessment; and

22 (3) submit a report to the Committees on Nat-
23 ural Resources, Agriculture, Energy and Commerce,
24 and Foreign Affairs of the House of Representatives
25 and the Committees on Energy and Natural Re-

1 sources, Agriculture, and Foreign Affairs of the Sen-
2 ate, that includes the results of the assessment com-
3 pleted pursuant to this subsection.

4 (c) NEW INFORMATION.—The Secretary shall provide
5 recommendations to the President on appropriate meas-
6 ures to reduce unnecessary impacts that a withdrawal of
7 Federal lands or waters from entry under the mining laws
8 or operation of the mineral leasing and mineral materials
9 laws may have on mineral exploration, development, and
10 other mineral activities (including authorizing exploration
11 and development of such mineral deposits) not later than
12 180 days after the Secretary has notice that a resource
13 assessment completed by the Director of the United States
14 Geological Survey, in coordination with the State geologi-
15 cal surveys, determines that a previously undiscovered
16 mineral deposit may be present in an area that has been
17 withdrawn from entry under the mining laws or operation
18 of the mineral leasing and mineral materials laws pursu-
19 ant to—

20 (1) section 204 of the Federal Land Policy and
21 Management Act of 1976 (43 U.S.C. 1714); or

22 (2) chapter 3203 of title 54, United States
23 Code.

1 **SEC. 402. PROHIBITIONS ON DELAY OF MINERAL DEVELOP-**
2 **MENT OF CERTAIN FEDERAL LAND.**

3 (a) PROHIBITIONS.—Notwithstanding any other pro-
4 vision of law, the President shall not carry out any action
5 that would pause, restrict, or delay the process for or
6 issuance of any of the following on Federal land, unless
7 such lands are withdrawn from disposition under the min-
8 eral leasing laws, including by administrative withdrawal:

9 (1) New oil and gas lease sales, oil and gas
10 leases, drill permits, or associated approvals or au-
11 thorizations of any kind associated with oil and gas
12 leases.

13 (2) New coal leases (including leases by applica-
14 tion in process, renewals, modifications, or expan-
15 sions of existing leases), permits, approvals, or au-
16 thorizations.

17 (3) New leases, claims, permits, approvals, or
18 authorizations for development or exploration of
19 minerals.

20 (b) PROHIBITION ON RESCISSION OF LEASES, PER-
21 MITS, OR CLAIMS.—The President, the Secretary, or Sec-
22 retary of Agriculture as applicable, may not rescind any
23 existing lease, permit, or claim for the extraction and pro-
24 duction of any mineral under the mining laws or mineral
25 leasing and mineral materials laws on National Forest
26 System land or land under the jurisdiction of the Bureau

1 of Land Management, unless specifically authorized by
2 Federal statute, or upon the lessee, permittee, or claim-
3 ant's failure to comply with any of the provisions of the
4 applicable lease, permit, or claim.

5 (c) MINERAL DEFINED.—In subsection (a)(3), the
6 term “mineral” means any mineral of a kind that is
7 locatable (including such minerals located on “lands ac-
8 quired by the United States”, as such term is defined in
9 section 2 of the Mineral Leasing Act for Acquired Lands)
10 under the Act of May 10, 1872 (Chapter 152; 17 Stat.
11 91).

12 **SEC. 403. DEFINITIONS.**

13 In this subtitle:

14 (1) FEDERAL LAND.—The term “Federal land”
15 means—

16 (A) National Forest System land;

17 (B) public lands (as defined in section 103
18 of the Federal Land Policy and Management
19 Act of 1976 (43 U.S.C. 1702));

20 (C) the outer Continental Shelf (as defined
21 in section 2 of the Outer Continental Shelf
22 Lands Act (43 U.S.C. 1331)); and

23 (D) land managed by the Secretary of En-
24 ergy.

1 (2) PRESIDENT.—The term “President”
2 means—

3 (A) the President; and

4 (B) any designee of the President, includ-
5 ing—

6 (i) the Secretary of Agriculture;

7 (ii) the Secretary of Commerce;

8 (iii) the Secretary of Energy; and

9 (iv) the Secretary of the Interior.

10 (3) PREVIOUSLY UNDISCOVERED DEPOSIT.—

11 The term “previously undiscovered mineral deposit”
12 means—

13 (A) a mineral deposit that has been pre-
14 viously evaluated by the United States Geologi-
15 cal Survey and found to be of low mineral po-
16 tential, but upon subsequent evaluation is de-
17 termined by the United States Geological Sur-
18 vey to have significant mineral potential; or

19 (B) a mineral deposit that has not pre-
20 viously been evaluated by the United States Ge-
21 ological Survey.

22 (4) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

1 **Subtitle E—Ensuring**
2 **Competitiveness on Federal Lands**

3 **SEC. 501. INCENTIVIZING DOMESTIC PRODUCTION.**

4 (a) OFFSHORE OIL AND GAS ROYALTY RATE.—Sec-
5 tion 8(a)(1) of the Outer Continental Shelf Lands Act (43
6 U.S.C. 1337(a)(1)) is amended—

7 (1) in subparagraph (A), by striking “not less
8 than $16\frac{2}{3}$ percent, but not more than $18\frac{3}{4}$ percent,
9 during the 10-year period beginning on the date of
10 enactment of the Act titled ‘An Act to provide for
11 reconciliation pursuant to title II of S. Con. Res.
12 14’, and not less than $16\frac{2}{3}$ percent thereafter,”
13 each place it appears and inserting “not less than
14 12.5 percent”;

15 (2) in subparagraph (C), by striking “not less
16 than $16\frac{2}{3}$ percent, but not more than $18\frac{3}{4}$ percent,
17 during the 10-year period beginning on the date of
18 enactment of the Act titled ‘An Act to provide for
19 reconciliation pursuant to title II of S. Con. Res.
20 14’, and not less than $16\frac{2}{3}$ percent thereafter,”
21 each place it appears and inserting “not less than
22 12.5 percent”;

23 (3) in subparagraph (F), by striking “not less
24 than $16\frac{2}{3}$ percent, but not more than $18\frac{3}{4}$ percent,
25 during the 10-year period beginning on the date of

1 enactment of the Act titled ‘An Act to provide for
2 reconciliation pursuant to title II of S. Con. Res.
3 14’, and not less than $16\frac{2}{3}$ percent thereafter,” and
4 inserting “not less than 12.5 percent”; and

5 (4) in subparagraph (H), by striking “not less
6 than $16\frac{2}{3}$ percent, but not more than $18\frac{3}{4}$ percent,
7 during the 10-year period beginning on the date of
8 enactment of the Act titled ‘An Act to provide for
9 reconciliation pursuant to title II of S. Con. Res.
10 14’, and not less than $16\frac{2}{3}$ percent thereafter,” and
11 inserting “not less than 12.5 percent”.

12 (b) MINERAL LEASING ACT.—

13 (1) ONSHORE OIL AND GAS ROYALTY RATES.—

14 (A) LEASE OF OIL AND GAS LAND.—Sec-
15 tion 17 of the Mineral Leasing Act (30 U.S.C.
16 226) is amended—

17 (i) in subsection (b)(1)(A)—

18 (I) by striking “not less than
19 $16\frac{2}{3}$ ” and inserting “not less than
20 12.5”; and

21 (II) by striking “or, in the case
22 of a lease issued during the 10-year
23 period beginning on the date of enact-
24 ment of the Act titled ‘An Act to pro-
25 vide for reconciliation pursuant to

1 title II of S. Con. Res. 14', 16²/₃ per-
2 cent in amount or value of the pro-
3 duction removed or sold from the
4 lease"; and

5 (ii) by striking "16²/₃ percent" each
6 place it appears and inserting "12.5 per-
7 cent".

8 (B) CONDITIONS FOR REINSTATEMENT.—
9 Section 31(e)(3) of the Mineral Leasing Act (30
10 U.S.C. 188(e)(3)) is amended by striking "20"
11 inserting "16²/₃".

12 (2) OIL AND GAS MINIMUM BID.—Section 17(b)
13 of the Mineral Leasing Act (30 U.S.C. 226(b)) is
14 amended—

15 (A) in paragraph (1)(B), by striking "\$10
16 per acre during the 10-year period beginning on
17 the date of enactment of the Act titled 'An Act
18 to provide for reconciliation pursuant to title II
19 of S. Con. Res. 14'." and inserting "\$2 per
20 acre for a period of 2 years from the date of
21 the enactment of the Federal Onshore Oil and
22 Gas Leasing Reform Act of 1987."; and

23 (B) in paragraph (2)(C), by striking "\$10
24 per acre" and inserting "\$2 per acre".

1 (3) FOSSIL FUEL RENTAL RATES.—Section
2 17(d) of the Mineral Leasing Act (30 U.S.C.
3 226(d)) is amended to read as follows:

4 “(d) All leases issued under this section, as amended
5 by the Federal Onshore Oil and Gas Leasing Reform Act
6 of 1987, shall be conditioned upon payment by the lessee
7 of a rental of not less than \$1.50 per acre per year for
8 the first through fifth years of the lease and not less than
9 \$2 per acre per year for each year thereafter. A minimum
10 royalty in lieu of rental of not less than the rental which
11 otherwise would be required for that lease year shall be
12 payable at the expiration of each lease year beginning on
13 or after a discovery of oil or gas in paying quantities on
14 the lands leased.”.

15 (4) EXPRESSION OF INTEREST FEE.—Section
16 17 of the Mineral Leasing Act (30 U.S.C. 226) is
17 further amended by repealing subsection (q).

18 (5) ELIMINATION OF NONCOMPETITIVE LEAS-
19 ING.—Section 17 of the Mineral Leasing Act (30
20 U.S.C. 226) is further amended—

21 (A) in subsection (b)—

22 (i) in paragraph (1)(A)—

23 (I) in the first sentence, by strik-
24 ing “paragraph (2)” and inserting
25 “paragraphs (2) and (3)”; and

1 (II) by adding at the end “Lands
2 for which no bids are received or for
3 which the highest bid is less than the
4 national minimum acceptable bid shall
5 be offered promptly within 30 days
6 for leasing under subsection (c) of this
7 section and shall remain available for
8 leasing for a period of 2 years after
9 the competitive lease sale.”; and
10 (ii) by adding at the end the fol-
11 lowing:

12 “(3)(A) If the United States held a vested fu-
13 ture interest in a mineral estate that, immediately
14 prior to becoming a vested present interest, was sub-
15 ject to a lease under which oil or gas was being pro-
16 duced, or had a well capable of producing, in paying
17 quantities at an annual average production volume
18 per well per day of either not more than 15 barrels
19 per day of oil or condensate, or not more than
20 60,000 cubic feet of gas, the holder of the lease may
21 elect to continue the lease as a noncompetitive lease
22 under subsection (c)(1).

23 “(B) An election under this paragraph is effec-
24 tive—

1 “(i) in the case of an interest which vested
2 after January 1, 1990, and on or before Octo-
3 ber 24, 1992, if the election is made before the
4 date that is 1 year after October 24, 1992;

5 “(ii) in the case of an interest which vests
6 within 1 year after October 24, 1992, if the
7 election is made before the date that is 2 years
8 after October 24, 1992; and

9 “(iii) in any case other than those de-
10 scribed in clause (i) or (ii), if the election is
11 made prior to the interest becoming a vested
12 present interest.”; and

13 (B) by striking subsection (c) and insert-
14 ing the following:

15 “(c) LANDS SUBJECT TO LEASING UNDER SUB-
16 SECTION (b); FIRST QUALIFIED APPLICANT.—

17 “(1) If the lands to be leased are not leased
18 under subsection (b)(1) of this section or are not
19 subject to competitive leasing under subsection
20 (b)(2) of this section, the person first making appli-
21 cation for the lease who is qualified to hold a lease
22 under this chapter shall be entitled to a lease of
23 such lands without competitive bidding, upon pay-
24 ment of a non-refundable application fee of at least
25 \$75. A lease under this subsection shall be condi-

1 tioned upon the payment of a royalty at a rate of
2 12.5 percent in amount or value of the production
3 removed or sold from the lease. Leases shall be
4 issued within 60 days of the date on which the Sec-
5 retary identifies the first responsible qualified appli-
6 cant.

7 “(2)(A) Lands—

8 “(i) which were posted for sale under sub-
9 section (b)(1) of this section but for which no
10 bids were received or for which the highest bid
11 was less than the national minimum acceptable
12 bid; and

13 “(ii) for which, at the end of the period re-
14 ferred to in subsection (b)(1) of this section no
15 lease has been issued and no lease application
16 is pending under paragraph (1) of this sub-
17 section, shall again be available for leasing only
18 in accordance with subsection (b)(1) of this sec-
19 tion.

20 “(B) The land in any lease which is issued
21 under paragraph (1) of this subsection or under sub-
22 section (b)(1) of this section which lease terminates,
23 expires, is cancelled or is relinquished shall again be
24 available for leasing only in accordance with sub-
25 section (b)(1) of this section.”; and

1 (C) by striking subsection (e) and inserting
2 the following:

3 “(e) PRIMARY TERM.—Competitive and noncompeti-
4 tive leases issued under this section shall be for a primary
5 term of 10 years: Provided, however, That competitive
6 leases issued in special tar sand areas shall also be for
7 a primary term of 10 years. Each such lease shall continue
8 so long after its primary term as oil or gas is produced
9 in paying quantities. Any lease issued under this section
10 for land on which, or for which under an approved cooper-
11 ative or unit plan of development or operation, actual drill-
12 ing operations were commenced prior to the end of its pri-
13 mary term and are being diligently prosecuted at that time
14 shall be extended for two years and so long thereafter as
15 oil or gas is produced in paying quantities.”.

16 (6) CONFORMING AMENDMENTS.—Section 31 of
17 the Mineral Leasing Act (30 U.S.C. 188) is amend-
18 ed—

19 (A) in subsection (d)(1), by striking “sec-
20 tion 17(b)” and inserting “subsection (b) or (c)
21 of section 17 of this Act”;

22 (B) in subsection (e)—

23 (i) in paragraph (2)—

24 (I) insert “either” after “rentals
25 and”; and

1 (II) insert “or the inclusion in a
2 reinstated lease issued pursuant to the
3 provisions of section 17(c) of this Act
4 of a requirement that future rentals
5 shall be at a rate not less than \$5 per
6 acre per year, all” before “as deter-
7 mined by the Secretary”; and

8 (ii) by amending paragraph (3) to
9 read as follows:

10 “(3)(A) payment of back royalties and the in-
11 clusion in a reinstated lease issued pursuant to the
12 provisions of section 17(b) of this Act of a require-
13 ment for future royalties at a rate of not less than
14 $16\frac{2}{3}$ percent computed on a sliding scale based
15 upon the average production per well per day, at a
16 rate which shall be not less than 4 percentage points
17 greater than the competitive royalty schedule then in
18 force and used for royalty determination for com-
19 petitive leases issued pursuant to such section as de-
20 termined by the Secretary: Provided, That royalty
21 on such reinstated lease shall be paid on all produc-
22 tion removed or sold from such lease subsequent to
23 the termination of the original lease; and

24 “(B) payment of back royalties and inclusion in
25 a reinstated lease issued pursuant to the provisions

1 of section 17(c) of this Act of a requirement for fu-
2 ture royalties at a rate not less than $16\frac{2}{3}$ percent:
3 Provided, That royalty on such reinstated lease shall
4 be paid on all production removed or sold from such
5 lease subsequent to the cancellation or termination
6 of the original lease; and”;

7 (C) in subsection (f)—

8 (i) in paragraph (1), strike “in the
9 same manner as the original lease issued
10 pursuant to section 17” and insert “as a
11 competitive or a noncompetitive oil and gas
12 lease in the same manner as the original
13 lease issued pursuant to subsection (b) or
14 (c) of section 17 of this Act”;

15 (ii) by redesignating paragraphs (2)
16 and (3) as paragraph (3) and (4), respec-
17 tively; and

18 (iii) by inserting after paragraph (1)
19 the following:

20 “(2) Except as otherwise provided in this sec-
21 tion, the issuance of a lease in lieu of an abandoned
22 patented oil placer mining claim shall be treated as
23 a noncompetitive oil and gas lease issued pursuant
24 to section 17(c) of this Act.”;

1 (D) in subsection (g), by striking “sub-
2 section (d)” and inserting “subsections (d) and
3 (f)”;

4 (E) by amending subsection (h) to read as
5 follows:

6 “(h) ROYALTY REDUCTIONS.—

7 “(1) In acting on a petition to issue a non-
8 competitive oil and gas lease, under subsection (f) of
9 this section or in response to a request filed after
10 issuance of such a lease, or both, the Secretary is
11 authorized to reduce the royalty on such lease if in
12 his judgment it is equitable to do so or the cir-
13 cumstances warrant such relief due to uneconomic
14 or other circumstances which could cause undue
15 hardship or premature termination of production.

16 “(2) In acting on a petition for reinstatement
17 pursuant to subsection (d) of this section or in re-
18 sponse to a request filed after reinstatement, or
19 both, the Secretary is authorized to reduce the roy-
20 alty in that reinstated lease on the entire leasehold
21 or any tract or portion thereof segregated for royalty
22 purposes if, in his judgment, there are uneconomic
23 or other circumstances which could cause undue
24 hardship or premature termination of production; or
25 because of any written action of the United States,

1 its agents or employees, which preceded, and was a
2 major consideration in, the lessee's expenditure of
3 funds to develop the property under the lease after
4 the rent had become due and had not been paid; or
5 if in the judgment of the Secretary it is equitable to
6 do so for any reason.”;

7 (F) by redesignating subsections (f)
8 through (i) as subsections (g) through (j), re-
9 spectively; and

10 (G) by inserting after subsection (e) the
11 following:

12 “(f) ISSUANCE OF NONCOMPETITIVE OIL AND GAS
13 LEASE; CONDITIONS.—Where an unpatented oil placer
14 mining claim validly located prior to February 24, 1920,
15 which has been or is currently producing or is capable of
16 producing oil or gas, has been or is hereafter deemed con-
17 clusively abandoned for failure to file timely the required
18 instruments or copies of instruments required by section
19 1744 of title 43, and it is shown to the satisfaction of
20 the Secretary that such failure was inadvertent, justifi-
21 able, or not due to lack of reasonable diligence on the part
22 of the owner, the Secretary may issue, for the lands cov-
23 ered by the abandoned unpatented oil placer mining claim,
24 a noncompetitive oil and gas lease, consistent with the pro-
25 visions of section 17(e) of this Act, to be effective from

1 the statutory date the claim was deemed conclusively
2 abandoned. Issuance of such a lease shall be conditioned
3 upon:

4 “(1) a petition for issuance of a noncompetitive
5 oil and gas lease, together with the required rental
6 and royalty, including back rental and royalty accru-
7 ing from the statutory date of abandonment of the
8 oil placer mining claim, being filed with the Sec-
9 retary—

10 “(A) with respect to any claim deemed
11 conclusively abandoned on or before January
12 12, 1983, on or before the one hundred and
13 twentieth day after January 12, 1983; or

14 “(B) with respect to any claim deemed
15 conclusively abandoned after January 12, 1983,
16 on or before the one hundred and twentieth day
17 after final notification by the Secretary or a
18 court of competent jurisdiction of the deter-
19 mination of the abandonment of the oil placer
20 mining claim;

21 “(2) a valid lease not having been issued affect-
22 ing any of the lands covered by the abandoned oil
23 placer mining claim prior to the filing of such peti-
24 tion: Provided, however, That after the filing of a
25 petition for issuance of a lease under this subsection,

1 the Secretary shall not issue any new lease affecting
2 any of the lands covered by such abandoned oil plac-
3 er mining claim for a reasonable period, as deter-
4 mined in accordance with regulations issued by him;

5 “(3) a requirement in the lease for payment of
6 rental, including back rentals accruing from the
7 statutory date of abandonment of the oil placer min-
8 ing claim, of not less than \$5 per acre per year;

9 “(4) a requirement in the lease for payment of
10 royalty on production removed or sold from the oil
11 placer mining claim, including all royalty on produc-
12 tion made subsequent to the statutory date the claim
13 was deemed conclusively abandoned, of not less than
14 12½ percent; and

15 “(5) compliance with the notice and reimburse-
16 ment of costs provisions of paragraph (4) of sub-
17 section (e) but addressed to the petition covering the
18 conversion of an abandoned unpatented oil placer
19 mining claim to a noncompetitive oil and gas lease.”.

20 **Subtitle F—Energy Revenue**

21 **Sharing**

22 **SEC. 601. GULF OF MEXICO OUTER CONTINENTAL SHELF**
23 **REVENUE.**

24 (a) DISTRIBUTION OF OUTER CONTINENTAL SHELF
25 REVENUE TO GULF PRODUCING STATES.—Section 105 of

1 the Gulf of Mexico Energy Security Act of 2006 (43
2 U.S.C. 1331 note) is amended—

3 (1) in subsection (a)—

4 (A) in paragraph (1), by striking “50” and
5 inserting “37.5”; and

6 (B) in paragraph (2)—

7 (i) by striking “50” and inserting
8 “62.5”;

9 (ii) in subparagraph (A), by striking
10 “75” and inserting “80”; and

11 (iii) in subparagraph (B), by striking
12 “25” and inserting “20”; and

13 (2) by striking subsection (f) and inserting the
14 following:

15 “(f) TREATMENT OF AMOUNTS.—Amounts disbursed
16 to a Gulf producing State under this section shall be treat-
17 ed as revenue sharing and not as a Federal award or grant
18 for the purposes of part 200 of title 2, Code of Federal
19 Regulations.”.

20 (b) EXEMPTION OF CERTAIN PAYMENTS FROM SE-
21 QUESTRATION.—

22 (1) IN GENERAL.—Section 255(g)(1)(A) of the
23 Balanced Budget and Emergency Deficit Control
24 Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by

1 inserting after “Payments to Social Security Trust
2 Funds (28–0404–0–1–651).” the following:

3 “Payments to States pursuant to section
4 105(a)(2)(A) of the Gulf of Mexico Energy Security Act
5 of 2006 (Public Law 109–432; 43 U.S.C. 1331 note)
6 (014–5535–0–2–302).”.

7 (2) APPLICABILITY.—The amendment made by
8 this subsection shall apply to any sequestration
9 order issued under the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985 (2 U.S.C. 900 et
11 seq.) on or after the date of enactment of this Act.

12 **SEC. 602. PARITY IN OFFSHORE WIND REVENUE SHARING.**

13 (a) PAYMENTS AND REVENUES.—Section 8(p)(2) of
14 the Outer Continental Shelf Lands Act (43 U.S.C.
15 1337(p)(2)) is amended—

16 (1) in subparagraph (A), by striking “(A) The
17 Secretary” and inserting the following:

18 “(A) IN GENERAL.—Subject to subpara-
19 graphs (B) and (C), the Secretary”;

20 (2) in subparagraph (B), by striking “(B) The
21 Secretary” and inserting the following:

22 “(B) DISPOSITION OF REVENUES FOR
23 PROJECTS LOCATED WITHIN 3 NAUTICAL MILES
24 SEAWARD OF STATE SUBMERGED LAND.—The
25 Secretary”; and

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

2 “(C) DISPOSITION OF REVENUES FOR OFF-
3 SHORE WIND PROJECTS IN CERTAIN AREAS.—

4 “(i) DEFINITIONS.—In this subpara-
5 graph:

6 “(I) COVERED OFFSHORE WIND
7 PROJECT.—The term ‘covered off-
8 shore wind project’ means a wind
9 powered electric generation project in
10 a wind energy area on the outer Con-
11 tinental Shelf that is not wholly or
12 partially located within an area sub-
13 ject to subparagraph (B).

14 “(II) ELIGIBLE STATE.—The
15 term ‘eligible State’ means a State a
16 point on the coastline of which is lo-
17 cated within 75 miles of the geo-
18 graphic center of a covered offshore
19 wind project.

20 “(III) QUALIFIED OUTER CONTI-
21 NENTAL SHELF REVENUES.—The
22 term ‘qualified outer Continental
23 Shelf revenues’ means all royalties,
24 fees, rentals, bonuses, or other pay-
25 ments from covered offshore wind

1 projects carried out pursuant to this
2 subsection on or after the date of en-
3 actment of this subparagraph.

4 “(ii) REQUIREMENT.—

5 “(I) IN GENERAL.—The Sec-
6 retary of the Treasury shall deposit—

7 “(aa) 12.5 percent of quali-
8 fied outer Continental Shelf reve-
9 nues in the general fund of the
10 Treasury;

11 “(bb) 37.5 percent of quali-
12 fied outer Continental Shelf reve-
13 nues in the North American Wet-
14 lands Conservation Fund; and

15 “(cc) 50 percent of qualified
16 outer Continental Shelf revenues
17 in a special account in the Treas-
18 ury from which the Secretary
19 shall disburse to each eligible
20 State an amount determined pur-
21 suant to subclause (II).

22 “(II) ALLOCATION.—

23 “(aa) IN GENERAL.—Sub-
24 ject to item (bb), for each fiscal
25 year beginning after the date of

1 enactment of this subparagraph,
2 the amount made available under
3 subclause (I)(cc) shall be allo-
4 cated to each eligible State in
5 amounts (based on a formula es-
6 tablished by the Secretary by
7 regulation) that are inversely
8 proportional to the respective dis-
9 tances between the point on the
10 coastline of each eligible State
11 that is closest to the geographic
12 center of the applicable leased
13 tract and the geographic center
14 of the leased tract.

15 “(bb) MINIMUM ALLOCA-
16 TION.—The amount allocated to
17 an eligible State each fiscal year
18 under item (aa) shall be at least
19 10 percent of the amounts made
20 available under subclause (I)(cc).

21 “(cc) PAYMENTS TO COAST-
22 AL POLITICAL SUBDIVISIONS.—

23 “(AA) IN GENERAL.—
24 The Secretary shall pay 20
25 percent of the allocable

1 share of each eligible State,
2 as determined pursuant to
3 item (aa), to the coastal po-
4 litical subdivisions of the eli-
5 gible State.

6 “(BB) ALLOCATION.—
7 The amount paid by the
8 Secretary to coastal political
9 subdivisions under subitem
10 (AA) shall be allocated to
11 each coastal political sub-
12 division in accordance with
13 subparagraphs (B) and (C)
14 of section 31(b)(4) of this
15 Act.

16 “(iii) TIMING.—The amounts required
17 to be deposited under subclause (I) of
18 clause (ii) for the applicable fiscal year
19 shall be made available in accordance with
20 such subclause during the fiscal year im-
21 mediately following the applicable fiscal
22 year.

23 “(iv) AUTHORIZED USES.—

24 “(I) IN GENERAL.—Subject to
25 subclause (II), each eligible State

1 shall use all amounts received under
2 clause (ii)(II) in accordance with all
3 applicable Federal and State laws,
4 only for 1 or more of the following
5 purposes:

6 “(aa) Projects and activities
7 for the purposes of coastal pro-
8 tection and resiliency, including
9 conservation, coastal restoration,
10 estuary management, beach
11 nourishment, hurricane and flood
12 protection, and infrastructure di-
13 rectly affected by coastal wetland
14 losses.

15 “(bb) Mitigation of damage
16 to fish, wildlife, or natural re-
17 sources, including through fish-
18 eries science and research.

19 “(cc) Implementation of a
20 federally approved marine, coast-
21 al, or comprehensive conservation
22 management plan.

23 “(dd) Mitigation of the im-
24 pact of outer Continental Shelf

1 activities through the funding of
2 onshore infrastructure projects.

3 “(ee) Planning assistance
4 and the administrative costs of
5 complying with this section.

6 “(II) LIMITATION.—Of the
7 amounts received by an eligible State
8 under clause (ii)(II), not more than 3
9 percent shall be used for the purposes
10 described in subclause (I)(ee).

11 “(v) ADMINISTRATION.—Subject to
12 clause (vi)(III), amounts made available
13 under items (aa) and (cc) of clause (ii)(I)
14 shall—

15 “(I) be made available, without
16 further appropriation, in accordance
17 with this subparagraph;

18 “(II) remain available until ex-
19 pended; and

20 “(III) be in addition to any
21 amount appropriated under any other
22 Act.

23 “(vi) REPORTING REQUIREMENT.—

24 “(I) IN GENERAL.—Not later
25 than 180 days after the end of each

1 fiscal year, the Governor of each eligi-
2 ble State that receives amounts under
3 clause (ii)(II) for the applicable fiscal
4 year shall submit to the Secretary a
5 report that describes the use of the
6 amounts by the eligible State during
7 the period covered by the report.

8 “(II) PUBLIC AVAILABILITY.—On
9 receipt of a report submitted under
10 subclause (I), the Secretary shall
11 make the report available to the pub-
12 lic on the website of the Department
13 of the Interior.

14 “(III) LIMITATION.—If the Gov-
15 ernor of an eligible State that receives
16 amounts under clause (ii)(II) fails to
17 submit the report required under sub-
18 clause (I) by the deadline specified in
19 that subclause, any amounts that
20 would otherwise be provided to the eli-
21 gible State under clause (ii)(II) for
22 the succeeding fiscal year shall be de-
23 posited in the Treasury.

24 “(vii) TREATMENT OF AMOUNTS.—
25 Amounts disbursed to an eligible State

1 under this subsection shall be treated as
2 revenue sharing and not as a Federal
3 award or grant for the purposes of part
4 200 of title 2, Code of Federal Regula-
5 tions.”.

6 (b) WIND LEASE SALES FOR AREAS OF THE OUTER
7 CONTINENTAL SHELF OFFSHORE OF TERRITORIES OF
8 THE UNITED STATES.—Section 33 of the Outer Conti-
9 nental Shelf Lands Act (43 U.S.C. 1356c) is amended by
10 adding at the end the following:

11 “(b) WIND LEASE SALE PROCEDURE.—Any wind
12 lease granted pursuant to this section shall be considered
13 a wind lease granted under section 8(p), including for pur-
14 poses of the disposition of revenues pursuant to subpara-
15 graphs (B) and (C) of section 8(p)(2).”.

16 (c) EXEMPTION OF CERTAIN PAYMENTS FROM SE-
17 QUESTRATION.—

18 (1) IN GENERAL.—Section 255(g)(1)(A) of the
19 Balanced Budget and Emergency Deficit Control
20 Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by
21 inserting after “Payments to Social Security Trust
22 Funds (28–0404–0–1– 651).” the following:

23 “Payments to States pursuant to subparagraph
24 (C)(ii)(I)(cc) of section 8(p)(2) of the Outer Continental
25 Shelf Lands Act (43 U.S.C. 1337(p)(2)).”.

1 (2) APPLICABILITY.—The amendment made by
2 this subsection shall apply to any sequestration
3 order issued under the Balanced Budget and Emer-
4 gency Deficit Control Act of 1985 (2 U.S.C. 900 et
5 seq.) on or after the date of enactment of this Act.

6 **SEC. 603. ELIMINATION OF ADMINISTRATIVE FEE UNDER**
7 **THE MINERAL LEASING ACT.**

8 (a) IN GENERAL.—Section 35 of the Mineral Leasing
9 Act (30 U.S.C. 191) is amended—

10 (1) in subsection (a), in the first sentence, by
11 striking “and, subject to the provisions of subsection
12 (b),”;

13 (2) by striking subsection (b);

14 (3) by redesignating subsections (c) and (d) as
15 subsections (b) and (c), respectively;

16 (4) in paragraph (3)(B)(ii) of subsection (b) (as
17 so redesignated), by striking “subsection (d)” and
18 inserting “subsection (c)”; and

19 (5) in paragraph (3)(A)(ii) of subsection (c) (as
20 so redesignated), by striking “subsection (c)(2)(B)”
21 and inserting “subsection (b)(2)(B)”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) Section 6(a) of the Mineral Leasing Act for
24 Acquired Lands (30 U.S.C. 355(a)) is amended—

1 (A) in the first sentence, by striking “Sub-
2 ject to the provisions of section 35(b) of the
3 Mineral Leasing Act (30 U.S.C. 191(b)), all”
4 and inserting “All”; and

5 (B) in the second sentence, by striking “of
6 the Act of February 25, 1920 (41 Stat. 450; 30
7 U.S.C. 191),” and inserting “of the Mineral
8 Leasing Act (30 U.S.C. 191)”.

9 (2) Section 20(a) of the Geothermal Steam Act
10 of 1970 (30 U.S.C. 1019(a)) is amended, in the sec-
11 ond sentence of the matter preceding paragraph (1),
12 by striking “the provisions of subsection (b) of sec-
13 tion 35 of the Mineral Leasing Act (30 U.S.C.
14 191(b)) and section 5(a)(2) of this Act” and insert-
15 ing “section 5(a)(2)”.

16 (3) Section 205(f) of the Federal Oil and Gas
17 Royalty Management Act of 1982 (30 U.S.C.
18 1735(f)) is amended—

19 (A) in the first sentence, by striking “this
20 Section” and inserting “this section”; and

21 (B) by striking the fourth, fifth, and sixth
22 sentences.

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