

.....  
(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

# H. R.

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

Mr. BANKS introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

---

# A BILL

To counter the malign influence and theft perpetuated by  
the People’s Republic of China and the Chinese Com-  
munist 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.**

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:

Sec. 1. Short title.

Sec. 2. Findings.

Sec. 3. Severability.

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

- Sec. 101. Imposition of sanctions with respect to foreign persons that knowingly spread malign disinformation as part of or on behalf of a foreign government or political party for purposes of political warfare.
- Sec. 102. Determination with respect to the imposition of sanctions on the United Front Work Department of the Chinese Communist Party.
- Sec. 103. Authorities to regulate or prohibit mobile applications and software programs that engage in theft or unauthorized transmission of user data on behalf of a communist country, foreign adversary, or state sponsor of terrorism.
- Sec. 104. Imposition of sanctions with respect to mobile applications or software programs that engage in theft or unauthorized transmission of user data.
- Sec. 105. Determination with respect to the imposition of sanctions on WeChat.
- Sec. 106. Prohibiting lobbying contacts by former Members of Congress on behalf of communist countries.
- Sec. 107. Annual disclosure of contributions from foreign governments and political parties by certain tax-exempt organizations.
- Sec. 108. Position of sanctions with respect to senior officials of the Chinese Communist party.
- Sec. 109. Determination with respect to the imposition of sanctions on members of the CCP politburo.
- Sec. 110. Mandatory application of sanctions.
- Sec. 111. Continuation in effect of certain export controls.
- Sec. 112. Exclusion of Government of the People’s Republic of China from certain cultural exchanges.
- Sec. 113. Prohibition on any TSP fund investing in entities based in the People’s Republic of China.
- Sec. 114. Enactment of executive order.
- Sec. 115. Review by Committee on Foreign Investment in the United States of Greenfield investments by People’s Republic of China.
- Sec. 116. Modification of authorities to regulate or prohibit the importation or exportation of information or informational materials containing sensitive personal data under the International Emergency Economic Powers Act.
- Sec. 117. Prohibiting the purchase of agricultural land located in the United States.

TITLE II—MATTERS RELATING TO CHINA’S ROLE IN COVID–19

- Sec. 201. Declassification of information related to the origin of COVID–19.
- Sec. 202. Amendment to Department of State rewards program.
- Sec. 203. Executive strategy to seek reimbursement from China of funds made available by the United States Government to address COVID–19.
- Sec. 204. Prohibition on use of funds to seek membership in the world health organization or to provide assessed or voluntary contributions to the world health organization.
- Sec. 205. Establishment of a joint select committee on the events and activities surrounding China’s handling of the 2019 novel coronavirus.

- Sec. 206. Membership.
- Sec. 207. Investigation and report on the events surrounding China's handling of the 2019 novel coronavirus.
- Sec. 208. Powers.
- Sec. 209. Staff; funding.
- Sec. 210. Termination.
- Sec. 211. Statement of policy.
- Sec. 212. Amendments to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.
- Sec. 213. Determination regarding the People's Republic of China.
- Sec. 214. Regulatory authority.
- Sec. 215. Appropriate congressional committees defined.
- Sec. 216. Limitation on research by the National Science Foundation And National Institutes Of Health.
- Sec. 216. Prohibition on certain human-animal chimeras.
- Sec. 218. Technical amendment.

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

- Sec. 301. Report and recommendation on barriers to domestic manufacturing of medical products.
- Sec. 302. Tax incentives for relocating manufacturing of pharmaceuticals and medical supplies and devices to the United States.
- Sec. 303. Principal negotiating objectives of the United States relating to trade in covered pharmaceutical products.
- Sec. 304. Reauthorization of trade agreements authority.
- Sec. 305. Securing essential medical materials.
- Sec. 306. Investment in supply chain security.
- Sec. 307. Permit process for projects relating to extraction, recovery, or processing of critical materials.

#### TITLE IV—MATTERS RELATING TO RESEARCH AND DEVELOPMENT

- Sec. 401. Permanent full expensing for qualified property.
- Sec. 402. Research and experimental expenditures.
- Sec. 403. Repeal and codification of certain executive orders.
- Sec. 404. Educational assistance exclusion from gross income increased.
- Sec. 405. Research and experimental expenditures.

#### TITLE V—MATTERS RELATED TO EDUCATION

##### Subtitle A—Restrictions Relating to Foreign Funding of Educational Institutions

- Sec. 501. Restrictions on institutions partnering with the People's Republic of China.
- Sec. 502. Limiting exemption from foreign agent registration requirement for persons engaging in activities in furtherance of certain pursuits to activities not promoting political agenda of foreign governments.
- Sec. 503. Reporting exchange visitor change in field of study.
- Sec. 504. Reporting certain research program participation.
- Sec. 505. Review and revocation of certain nonimmigrant visas.
- Sec. 506. Annual report.

## Subtitle B—Protecting Our Universities Act

- Sec. 511. Sensitive research project list.
- Sec. 512. Foreign student participation in sensitive research projects.
- Sec. 513. Foreign entities.
- Sec. 514. Enforcement.
- Sec. 515. Definitions.

## Subtitle C—Other Matters

- Sec. 521. Report on China benefitting from United States taxpayer-funded research.
- Sec. 522. Conditions on Federal research grants.
- Sec. 523. Protecting institutions, laboratories, and research institutes.
- Sec. 524. Registration of participants in foreign talent recruitment programs of the People's Republic of China as agents of the Government of the People's Republic of China.
- Sec. 525. Economic espionage.
- Sec. 526. Department of state list of foreign talent recruitment programs of the People's Republic of China.
- Sec. 527. Definitions.
- Sec. 528. Disclosure on certain visa applications.
- Sec. 529. Review by Committee on Foreign Investment in the United States of certain foreign gifts to and contracts with institutions of higher education.
- Sec. 530. Disclosures of foreign gifts and contracts at institutions of higher education.

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

- Sec. 601. Supporting a free and democratic China.
- Sec. 602. American institute in Taiwan.
- Sec. 603. Prohibitions against undermining United States policy regarding Taiwan.
- Sec. 604. Negotiation of a free trade agreement with Taiwan.
- Sec. 605. Introduction and fast track consideration of implementing bill.
- Sec. 606. Strategy to address genocide in the Xinjiang Uyghur autonomous region.
- Sec. 607. Sanctions with respect to individuals committing responsible for or complicit in forced sterilizations, forced abortions, or other sexual violence.
- Sec. 608. Sense of Congress on the 2022 Winter Olympics.
- Sec. 609. Limitations on funds made available for the United Nations Population Fund.
- Sec. 610. Prohibition on use of funds for abortions and involuntary sterilizations.
- Sec. 611. Prohibition on certain funding relating to provision of an open platform for China.
- Sec. 612. Establishment of new Mandarin Chinese language platforms of the United States Agency for Global Media.
- Sec. 613. Annual meetings of interparliamentary group between Congress and Legislature of Taiwan.
- Sec. 614. Prohibition on importation of goods made in the Xinjiang Uyghur Autonomous Region.

## TITLE VII—MATTERS RELATED TO DEFENSE

- Sec. 701. Modification to use of emergency sanctions authorities regarding Chinese communist military companies.
- Sec. 702. Prohibition on use of funds to purchase goods or services from communist Chinese military companies.
- Sec. 703. Enactment of Executive Order 13959.
- Sec. 704. Inclusion of certain Chinese entities on the Annex to Executive Order 13959.
- Sec. 705. Arms exports to India.

## TITLE VIII—MATTERS RELATED TO THE PROTECTION OF INTELLECTUAL PROPERTY

- Sec. 801. Imposition of sanctions related to the theft of intellectual property.
- Sec. 802. Prohibition on use of funds.
- Sec. 803. Prohibition on individuals with security clearances from being employed by certain entities.
- Sec. 804. Restriction on issuance of visas.
- Sec. 805. Inter partes review.
- Sec. 806. Post-grant review.
- Sec. 807. Composition of post-grant review and inter partes review panels.
- Sec. 808. Reexamination of patents.
- Sec. 809. Restoration of patents as property rights.
- Sec. 810. Inventor protections.
- Sec. 811. Registration of agent.
- Sec. 812. Exception to sovereign immunity.
- Sec. 813. Redress of theft of trade secrets extraterritorially.
- Sec. 814. Restriction on Federal grants and other forms of assistance.
- Sec. 815. Restriction on National Science Foundation grants and other forms of assistance to Chinese communist military companies and their affiliates.
- Sec. 816. Expanding inadmissibility on security and related grounds.

## TITLE IX—MATTERS RELATED TO FINANCIAL SERVICES

- Sec. 901. Opposition of the united states to an increase in the weight of the Chinese renminbi in the special drawing rights basket of the International Monetary Fund.
- Sec. 902. Sunset.
- Sec. 903. Strengthening congressional oversight of special drawing rights at the IMF.
- Sec. 904. Prohibition on allocations for perpetrators of genocide and state sponsors of terrorism without congressional authorization.
- Sec. 905. Opposition to quota increase for countries that undermine IMF principles.
- Sec. 906. Opposition of the United States to International Monetary Fund loan to a country whose public debt is not likely to be sustainable in the medium term.
- Sec. 907. Congressional notification with respect to exceptional access lending.
- Sec. 908. Condition on IMF quota increase for the People's Republic of China.
- Sec. 909. Ensuring non-discrimination with respect to travel policies at the international financial institutions.
- Sec. 910. Testimony requirement.
- Sec. 911. Statement of United States policy regarding the dollar.
- Sec. 912. Report on dollar strategy.

Sec. 913. Sunset.

#### TITLE X—OFFSETS

Sec. 1001. Rescission of certain Federal funds appropriated for State, city, local, and tribal governments.

#### TITLE XI—NATIONAL SECURITY AUTHORIZATIONS

Sec. 1101. Authorization to hire additional staff for the office of foreign asset control of the Department of the Treasury.

Sec. 1102. Authorization of appropriations for INDOPACOM unfunded priorities.

Sec. 1103. Authorization to hire additional staff for the Office of Customs and Border Protection force labor activities.

Sec. 1104. Authorization for the Department of Justice's China initiative.

### 1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The People's Republic of China and the  
4 Chinese Communist Party represent the foremost  
5 national security threat faced by the United States.

6 (2) The People's Republic of China and the  
7 Chinese Communist Party are founded on the prin-  
8 ciples antithetical to human freedom and dignity in-  
9 cluding Communism and authoritarianism.

10 (3) The People's Republic of China and the  
11 Chinese Communist Party seek to undermine free  
12 societies around the world and establish an alter-  
13 native world order rooted in authoritarianism.

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

1           (5) The People’s Republic of China currently  
2           has the world’s second-largest economy in terms of  
3           nominal GDP (\$14.14 trillion) and the largest in  
4           terms of purchasing power parity (PPP) GDP  
5           (\$27.31 trillion). In 2000, the People’s Republic of  
6           China controlled only 4 percent of the global econ-  
7           omy, and the United States controlled 31 percent.  
8           Today, the People’s Republic of China stands at 15  
9           percent and the United States’ share has dropped to  
10          24 percent.

11          (6) The growth of the People’s Republic of Chi-  
12          na’s centrally controlled economy has been fueled  
13          largely by tools of economic coercion, including intel-  
14          lectual property theft and economic espionage of  
15          U.S. companies. In 2019 alone, one in five North  
16          American-based companies said that Chinese firms  
17          had stolen their intellectual property (IP) within the  
18          last year.

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

23          (8) In addition to its economic aggression and  
24          military modernization, the People’s Republic of  
25          China conducts political warfare and disinformation

1 campaigns against the United States and other de-  
2 mocracies. It frequently targets academia, the  
3 media, business, and cultural institutions to sup-  
4 press criticism and promote positive views of the  
5 CCP.

6 (9) The foremost victims of the People's Repub-  
7 lic of China and the Chinese Communist Party are  
8 the Chinese people who continue to suffer under  
9 Communist authoritarian rule.

10 (10) The People's Republic of China continues  
11 to perpetuate a genocide against the Uyghur Mus-  
12 lims in Xinjiang province, in addition to brutal  
13 crackdowns against the people of Tibet and Hong  
14 Kong.

15 (11) The CCP continues to obfuscate the ori-  
16 gins of the COVID-19 pandemic which started in  
17 Wuhan, China and has refused to allow an impartial  
18 international investigation into the origins of the  
19 pandemic.

20 (12) Manifestations of expressions of racism,  
21 bigotry, discrimination, anti-Asian rhetoric, and xen-  
22 ophobia against people of Asian descent are contrary  
23 to the values we hold dearest as Americans, counter-  
24 productive to countering the CCP's malign influence,



1 and denounced by the Congress of the United  
2 States.

3 **SEC. 3. SEVERABILITY.**

4 If any provision of this Act, or an amendment made  
5 by this Act, or the application of such provision or amend-  
6 ment to any person or circumstance, is held to be invalid,  
7 the remainder of this Act, the amendments made by this  
8 Act, and the application of such provision and amend-  
9 ments to other persons or circumstances, shall not be af-  
10 fected.

11 **TITLE I—MATTERS RELATING**  
12 **TO COUNTERING CHINA’S MA-**  
13 **LIGN INFLUENCE**

14 **SEC. 101. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
15 **FOREIGN PERSONS THAT KNOWINGLY**  
16 **SPREAD MALIGN DISINFORMATION AS PART**  
17 **OF OR ON BEHALF OF A FOREIGN GOVERN-**  
18 **MENT OR POLITICAL PARTY FOR PURPOSES**  
19 **OF POLITICAL WARFARE.**

20 (a) IMPOSITION OF SANCTIONS.—The President shall  
21 impose the sanctions described in subsection (b) with re-  
22 spect to any foreign person that the President determines  
23 knowingly commits a significant act of malign  
24 disinformation on behalf of the government of a foreign  
25 country or foreign political party that has the direct pur-

1 pose or effect of influencing political, diplomatic, or edu-  
2 cational activities in the United States for the purpose of  
3 harming—

4 (1) the national security or defense of the  
5 United States; or

6 (2) the safety and security of any United States  
7 citizen or alien lawfully admitted for permanent resi-  
8 dence.

9 (b) SANCTIONS DESCRIBED.—

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

14 (A) ASSET BLOCKING.—The President  
15 shall exercise of all powers granted to the Presi-  
16 dent by the International Emergency Economic  
17 Powers Act (50 U.S.C. 1701 et seq.) to the ex-  
18 tent necessary to block and prohibit all trans-  
19 actions in property and interests in property of  
20 the foreign person if such property and inter-  
21 ests in property are in the United States, come  
22 within the United States, or are or come within  
23 the possession or control of a United States  
24 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.—A person that violates, at-  
11 tempts to violate, conspires to violate, or causes a  
12 violation of any regulation, license, or order issued  
13 to carry out paragraph (1)(A) shall be subject to the  
14 penalties set forth in subsections (b) and (c) of sec-  
15 tion 206 of the International Emergency Economic  
16 Powers Act (50 U.S.C. 1705) to the same extent as  
17 a person that commits an unlawful act described in  
18 subsection (a) of that section.

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

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

5 (c) WAIVER.—The President may, for one period not  
6 to exceed one year, waive the application of sanctions im-  
7 posed with respect to a foreign person under this section  
8 if the President certifies to the appropriate congressional  
9 committees not later than 15 days before such waiver is  
10 to take effect that the waiver is vital to the national secu-  
11 rity interests of the United States.

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

17 (e) REGULATORY AUTHORITY.—

18 (1) IN GENERAL.—Not later than 90 days after  
19 the date of the enactment of this Act, the President  
20 shall promulgate such regulations as are necessary  
21 for the implementation of this section.

22 (2) NOTIFICATION TO CONGRESS.—Not less  
23 than 10 days before the promulgation of regulations  
24 under paragraph (1), the President shall notify and  
25 provide to the appropriate congressional committees

1 the proposed regulations and an identification of the  
2 provisions of this section that the regulations are im-  
3 plementing.

4 (f) DEFINITIONS.—In this section:

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

9 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
10 TEES.—The term “appropriate congressional com-  
11 mittees” means—

12 (A) the Committee on Foreign Affairs, the  
13 Committee on the Judiciary, the Committee on  
14 Ways and Means, and the Committee on Finan-  
15 cial Services of the House of Representatives;  
16 and

17 (B) the Committee on Foreign Relations,  
18 the Committee on the Judiciary, the Committee  
19 on Finance, and the Committee on Banking,  
20 Housing, and Urban Affairs of the Senate.

21 (3) FOREIGN PERSON.—The term “foreign per-  
22 son” means a person that is not a United States  
23 person.

24 (4) KNOWINGLY.—The term “knowingly”, with  
25 respect to conduct, a circumstance, or a result,

1 means that a person has actual knowledge, or should  
2 have known, of the conduct, the circumstance, or the  
3 result.

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

6 (6) PROPERTY; INTEREST IN PROPERTY.—The  
7 terms “property” and “interest in property” have  
8 the meanings given the terms “property” and “prop-  
9 erty interest”, respectively, in section 576.312 of  
10 title 31, Code of Federal Regulations, as in effect on  
11 the day before the date of the enactment of this Act.

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

14 (A) an individual who is a United States  
15 citizen or an alien lawfully admitted for perma-  
16 nent residence to the United States;

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

21 (C) any person in the United States.

22 (g) SUNSET.—

23 (1) IN GENERAL.—This section shall cease to  
24 be effective beginning on January 1, 2025.

1           (2) INAPPLICABILITY.—Paragraph (1) shall not  
2           apply with respect to sanctions imposed with respect  
3           to a foreign person under this section before Janu-  
4           ary 1, 2025.

5 **SEC. 102. DETERMINATION WITH RESPECT TO THE IMPOSI-**  
6                                   **TION OF SANCTIONS ON THE UNITED FRONT**  
7                                   **WORK DEPARTMENT OF THE CHINESE COM-**  
8                                   **MUNIST PARTY.**

9           (a) IN GENERAL.—Not later than 90 days after the  
10          date of the enactment of this Act, the Secretary of State  
11          shall submit to the appropriate congressional committees  
12          a determination, including a detailed justification, on  
13          whether the United Front Work Department of the Chi-  
14          nese Communist Party, or any component or official there-  
15          of, meets the criteria for the application of sanctions pur-  
16          suant to—

17                   (1) section 101 of this Act;

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

21                   (3) section 6 of the Uyghur Human Rights Pol-  
22          icy Act of 2020 (Public Law 116–145; 22 U.S.C.  
23          6901 note); or

24                   (4) Executive Order 13694 (50 U.S.C. 1701  
25          note; relating to blocking property of certain persons



1 engaged in significant malicious cyber-enabled activi-  
2 ties).

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

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

9 (1) the Committee on Armed Services, the  
10 Committee on Foreign Affairs, the Permanent Select  
11 Committee on Intelligence, the Committee on Finan-  
12 cial Services, and the Committee on the Judiciary of  
13 the House of Representatives; and

14 (2) the Committee on Armed Services, the  
15 Committee on Foreign Relations, the Select Com-  
16 mittee on Intelligence, the Committee on Banking,  
17 Housing, and Urban Affairs, and the Committee on  
18 the Judiciary of the Senate.

1 **SEC. 103. AUTHORITIES TO REGULATE OR PROHIBIT MO-**  
2 **BILE APPLICATIONS AND SOFTWARE PRO-**  
3 **GRAMS THAT ENGAGE IN THEFT OR UNAU-**  
4 **THORIZED TRANSMISSION OF USER DATA ON**  
5 **BEHALF OF A COMMUNIST COUNTRY, FOR-**  
6 **EIGN ADVERSARY, OR STATE SPONSOR OF**  
7 **TERRORISM.**

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

10 (1) by redesignating subsection (c) as sub-  
11 section (d); and

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

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

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

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

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

24 “(A) A Communist country.

25 “(B) A foreign adversary.

26 “(C) A state sponsor of terrorism.

1 “(3) In this subsection:

2 “(A) The term ‘communist country’ has the  
3 meaning given such term in section 620(f)(1) of the  
4 Foreign Assistance Act of 1961 (22 U.S.C.  
5 2370(f)(1)).

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

8 “(C) The term ‘foreign adversary’ has the  
9 meaning given such term in Executive Order 13920,  
10 issued on May 1, 2020, entitled ‘Securing the  
11 United States BulkPower System’, and including the  
12 list of foreign adversaries identified by the Depart-  
13 ment of Energy’s Office of Electricity pursuant to  
14 such Executive Order on July 7, 2020, as in effect  
15 on January 19, 2021.

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

20 “(i) section 1754(c)(1)(A) of the Export  
21 Control Reform Act of 2018 (50 U.S.C.  
22 4813(c)(1)(A));

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

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

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

4 **SEC. 104. IMPOSITION OF SANCTIONS WITH RESPECT TO**  
5 **MOBILE APPLICATIONS OR SOFTWARE PRO-**  
6 **GRAMS THAT ENGAGE IN THEFT OR UNAU-**  
7 **THORIZED TRANSMISSION OF USER DATA.**

8           (a) IMPOSITION OF SANCTIONS.—Notwithstanding  
9 any other provision of law, the President is authorized to  
10 impose the sanctions described in subsection (b) with re-  
11 spect to any foreign person that the President determines  
12 has developed, maintains, provides, owns, or controls a  
13 mobile application or software program that—

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

17           (2) provides to the Government of the People’s  
18 Republic of China (PRC), the Chinese Communist  
19 Party (CCP), or any person owned by or controlled  
20 by the PRC or CCP access to such data.

21           (b) SANCTIONS DESCRIBED.—

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

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

12           (B) INADMISSIBILITY OF CERTAIN INDI-  
13 VIDUALS.—

14           (i) INELIGIBILITY FOR VISAS, ADMIS-  
15 SION, OR PAROLE.—In the case of a for-  
16 eign person who is an individual, the for-  
17 eign person is—

18                   (I) inadmissible to the United  
19 States;

20                   (II) ineligible to receive a visa or  
21 other documentation to enter the  
22 United States; and

23                   (III) otherwise ineligible to be  
24 admitted or paroled into the United  
25 States or to receive any other benefit

1 under the Immigration and Nation-  
2 ality Act (8 U.S.C. 1101 et seq.).

3 (ii) CURRENT VISAS REVOKED.—

4 (I) IN GENERAL.—In the case of  
5 a foreign person who is an individual,  
6 the visa or other documentation  
7 issued to the person shall be revoked,  
8 regardless of when such visa or other  
9 documentation is or was issued.

10 (II) EFFECT OF REVOCATION.—

11 A revocation under subclause (I)  
12 shall—

13 (aa) take effect immediately;

14 and

15 (bb) automatically cancel  
16 any other valid visa or entry doc-  
17 umentation that is in the per-  
18 son's possession.

19 (2) PENALTIES.—The penalties provided for in  
20 subsections (b) and (c) of section 206 of the Inter-  
21 national Emergency Economic Powers Act (50  
22 U.S.C. 1705) shall apply to a person that violates,  
23 attempts to violate, conspires to violate, or causes a  
24 violation of regulations promulgated under sub-  
25 section (e) to implement this section to the same ex-

1       tent that such penalties apply to a person that com-  
2       mits an unlawful act described in section 206(a) of  
3       such Act.

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

15      (c) WAIVER.—The President may, on a case-by-case  
16      basis and for periods not to exceed 180 days, waive the  
17      application of sanctions imposed with respect to a foreign  
18      person under this section if the President certifies to the  
19      appropriate congressional committees not later than 15  
20      days before such waiver is to take effect that the waiver  
21      is vital to the national security interests of the United  
22      States.

23      (d) IMPLEMENTATION AUTHORITY.—The President  
24      may exercise all authorities provided to the President  
25      under sections 203 and 205 of the International Emer-

1 gency Economic Powers Act (50 U.S.C. 1702 and 1704)  
2 for purposes of carrying out this section. The exceptions  
3 to the President’s authority described in section 203(b)  
4 of the International Emergency Economic Powers Act, as  
5 amended by section 1, shall not apply to the President’s  
6 authority to exercise authorities under this section.

7 (e) REGULATORY AUTHORITY.—

8 (1) IN GENERAL.—The President shall, not  
9 later than 180 days after the date of the enactment  
10 of this Act, prescribe regulations as necessary for  
11 the implementation of this Act and the amendments  
12 made by this Act.

13 (2) NOTIFICATION TO CONGRESS.—No later  
14 than 10 days before the prescription of regulations  
15 under subsection (1), the President shall notify the  
16 appropriate congressional committees regarding the  
17 proposed regulations and the provisions this Act and  
18 the amendments made by this Act that the regula-  
19 tions are implementing.

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(3) of the Immigration and Nationality  
24 Act (8 U.S.C. 1101(3)).



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           and the Committee on Banking, Housing, and  
11           Urban Affairs of the Senate.

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

15   **SEC. 105. DETERMINATION WITH RESPECT TO THE IMPOSI-**  
16                   **TION OF SANCTIONS ON WECHAT.**

17           (a) DETERMINATION.—Not later than 90 days after  
18           the date of the enactment of this Act, the Secretary of  
19           State shall submit to the appropriate congressional com-  
20           mittees a determination, including a detailed justification,  
21           regarding whether WeChat, or any component thereof, or  
22           any entity owned or controlled by WeChat, satisfies the  
23           criteria for the application of sanctions pursuant to—

24                   (1) section 105 of this Act; or

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

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

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

11           (1) the Committee on Armed Services, the  
12          Committee on Foreign Affairs, the Permanent Select  
13          Committee on Intelligence, the Committee on Finan-  
14          cial Services, and the Committee on the Judiciary of  
15          the House of Representatives; and

16           (2) the Committee on Armed Services, the  
17          Committee on Foreign Relations, the Select Com-  
18          mittee on Intelligence, the Committee on Banking,  
19          Housing, and Urban Affairs, and the Committee on  
20          the Judiciary of the Senate.

1 **SEC. 106. PROHIBITING LOBBYING CONTACTS BY FORMER**  
2 **MEMBERS OF CONGRESS ON BEHALF OF**  
3 **COMMUNIST COUNTRIES.**

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

7 **“SEC. 5A. PROHIBITING LOBBYING CONTACTS BY FORMER**  
8 **MEMBERS OF CONGRESS ON BEHALF OF**  
9 **COMMUNIST COUNTRIES.**

10 “(a) PROHIBITION.—Notwithstanding any other pro-  
11 vision of this section, a former Member of Congress may  
12 not make a lobbying contact under this Act, or any com-  
13 munication which would be a lobbying contact under this  
14 Act if it were not disclosed under the Foreign Agents Reg-  
15 istration Act of 1938, as amended (22 U.S.C. 611 et seq.),  
16 on behalf of a client which, at the time of the lobbying  
17 contact or communication, is a Communist country or an  
18 entity owned or controlled by a Communist country.

19 “(b) PENALTY.—In addition to any other penalty 20  
20 under this Act, any person who violates subsection (a)  
21 shall be subject to a fine of not more than \$25,000 for  
22 22 each such violation.

23 “(c) DEFINITION.—In this section, a ‘Communist  
24 country’ means a country which is treated as a Communist  
25 country under section 620(f) of the Foreign Assistance 26  
26 Act of 1961 (22 U.S.C. 2370(f)).”.

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

5 **SEC. 107. ANNUAL DISCLOSURE OF CONTRIBUTIONS FROM**  
6 **FOREIGN GOVERNMENTS AND POLITICAL**  
7 **PARTIES BY CERTAIN TAX-EXEMPT ORGANI-**  
8 **ZATIONS.**

9 (a) REPORTING REQUIREMENT.—Section 6033(b) of  
10 the Internal Revenue Code of 1986 is amended by striking  
11 “and” at the end of paragraph (15), by redesignating  
12 paragraph (16) as paragraph (17) and by inserting after  
13 paragraph (15) the following new paragraph:

14 “(16) with respect to each government of a for-  
15 eign country (within the meaning of section 1(e) of  
16 the Foreign Agents Registration Act of 1938 (22  
17 U.S.C. 611(e))) and each foreign political party  
18 (within the meaning of section 1(f) of such Act (22  
19 U.S.C. 611(f)) which made aggregate contributions  
20 and gifts to the organization during the year in ex-  
21 cess of \$50,000, the name of such government or  
22 political party and such aggregate amount, and”.

23 (b) PUBLIC DISCLOSURE.—Section 6104 of such  
24 Code is amended by adding at the end the following new  
25 subsection:

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

4           “(1) The information furnished under section  
5 6033(b)(16) of the Internal Revenue Code of 1986,  
6 as amended by this section.

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

9           “(3) The aggregate amount reported under  
10 such section as having been received as contributions  
11 or gifts in each year from the People’s Republic of  
12 China and (stated separately) from the Chinese  
13 Communist Party.”.

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

17 **SEC. 108. POSITION OF SANCTIONS WITH RESPECT TO SEN-**  
18 **IOR OFFICIALS OF THE CHINESE COMMUNIST**  
19 **PARTY.**

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

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

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

3           (A) a malign disinformation campaign or  
4       political warfare operation against the United  
5       States;

6           (B) the theft of intellectual property of a  
7       United States person;

8           (C) threats or actions undermining the  
9       sovereignty of Taiwan; and

10          (D) the forced closure or destruction of  
11       churches, mosques, Buddhist temples or any  
12       other place of worship in China, or religious  
13       practice of Christians, Muslims, Buddhists or  
14       any other religious group in China.

15       (b) SANCTIONS DESCRIBED.—

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

20           (A) ASSET BLOCKING.—The President  
21       shall exercise of all powers granted to the Presi-  
22       dent by the International Emergency Economic  
23       Powers Act (50 U.S.C. 1701 et seq.) to the ex-  
24       tent necessary to block and prohibit all trans-  
25       actions in property and interests in property of

1           the foreign person if such property and inter-  
2           ests in property are in the United States, come  
3           within the United States, or are or come within  
4           the possession or control of a United States  
5           person.

6                   (B) INADMISSIBILITY OF CERTAIN INDI-  
7           VIDUALS.—

8                           (i) INELIGIBILITY FOR VISAS, ADMIS-  
9                           SION, OR PAROLE.—Such a foreign person  
10                          is—

11                                   (I) inadmissible to the United  
12                                   States;

13                                   (II) ineligible to receive a visa or  
14                                   other documentation to enter the  
15                                   United States; and

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

21                           (ii) CURRENT VISAS REVOKED.—

22                                   (I) IN GENERAL.—The visa or  
23                                   other documentation issued to such a  
24                                   foreign person shall be revoked, re-

1                    regardless of when such visa or other  
2                    documentation is or was issued.

3                    (II) EFFECT OF REVOCATION.—

4                    A revocation under subclause (I)  
5                    shall—

6                               (aa) take effect immediately;

7                               and

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

12                    (2) PENALTIES.—The penalties provided for in  
13                    subsections (b) and (c) of section 206 of the Inter-  
14                    national Emergency Economic Powers Act (50 24  
15                    U.S.C. 1705) shall apply to a person that violates,  
16                    attempts to violate, conspires to violate, or causes a  
17                    violation of regulations promulgated under sub-  
18                    section (f) to implement this section to the same ex-  
19                    tent that such penalties apply to a person that com-  
20                    mits an unlawful act described in section 206(a) of  
21                    that Act.

22                    (3) EXCEPTION TO COMPLY WITH UNITED NA-  
23                    TIONS HEADQUARTERS AGREEMENT.—Sanctions  
24                    under paragraph (1)(B) shall not apply to a foreign  
25                    person who is an individual if admitting the person



1 into the United States is necessary to permit the  
2 United States to comply with the Agreement regard-  
3 ing the Headquarters of the United Nations, signed  
4 at Lake Success June 26, 1947, and entered into  
5 force November 21, 1947, between the United Na-  
6 tions and the United States, or other applicable  
7 international obligations.

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

16 (d) TERMINATION OF SANCTIONS.—The President  
17 may terminate the application of sanctions under this sec-  
18 tion if the President determines and reports to the appro-  
19 priate congressional committees not later than 15 days be-  
20 fore the termination takes effect that the President has  
21 determined that the foreign person no longer is involved  
22 in any of the activities described in subsection (a).

23 (e) IMPLEMENTATION AUTHORITY.—The President  
24 may exercise all authorities provided to the President  
25 under sections 203 and 205 of the International Emer-

1 gency Economic Powers Act (50 U.S.C. 1702 and 1704)  
2 for purposes of carrying out this section.

3 (f) REGULATORY AUTHORITY.—

4 (1) IN GENERAL.—Not later than 90 days after  
5 the date of the enactment of this Act, the President  
6 shall promulgate regulations as necessary for the im-  
7 plementation of this section.

8 (2) NOTIFICATION TO CONGRESS.—Not later  
9 than 10 days before the promulgation of regulations  
10 under paragraph (1), the President shall notify and  
11 provide to the appropriate congressional committees  
12 the proposed regulations and the provisions of this  
13 section that such regulations are implementing.

14 (g) SUNSET.—

15 (1) IN GENERAL.—This section shall terminate  
16 on January 1, 2025.

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, 2025.

21 (h) DEFINITIONS.—In this section:

22 (1) ADMITTED.—The term “admitted” has the  
23 meaning given such term in section 101(3) of the  
24 Immigration and Nationality Act (8 U.S.C.  
25 1101(3)).

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           and the Committee on Banking, Housing, and  
11           Urban Affairs of the Senate.

12           (3) FOREIGN PERSON.—The term “foreign per-  
13           son” means a person that is not a national or citizen  
14           of the United States or lawfully admitted for perma-  
15           nent residence in the United States.

16 **SEC. 109. DETERMINATION WITH RESPECT TO THE IMPOSI-**  
17 **TION OF SANCTIONS ON MEMBERS OF THE**  
18 **CCP POLITBURO.**

19           (a) DETERMINATION.—Not later than 180 days after  
20           the date of the enactment of this Act, the Secretary of  
21           State, in consultation with the Secretary of the Treasury,  
22           shall submit to the appropriate congressional committees  
23           a determination, including a detailed justification, regard-  
24           ing whether any member of the Chinese Communist Party

1 (CCP) Politburo satisfies the criteria for the application  
2 of sanctions pursuant to any of the following:

3 (1) Section 108 of this Act.

4 (2) Executive Order 13694 (50 U.S.C. 1701  
5 note; relating to blocking property of certain persons  
6 engaged in significant malicious cyber-enabled activi-  
7 ties).

8 (3) The Global Magnitsky Human Rights Ac-  
9 countability Act (22 U.S.C. 2656 note).

10 (4) The Uyghur Human Rights and Policy Act  
11 of 2020 (Public Law 116–145).

12 (5) The Hong Kong Human Rights and De-  
13 mocracy Act of 2019 (Public Law 116–76).

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

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

20 (1) the Committee on Armed Services, the  
21 Committee on Foreign Affairs, the Committee on Fi-  
22 nancial Services, and the Committee on the Judici-  
23 ary of the House of Representatives; and

24 (2) the Committee on Armed Services, the  
25 Committee on Foreign Relations, the Committee on

1 Banking, Housing, and Urban Affairs, and the Com-  
2 mittee on the Judiciary of the Senate.

3 **SEC. 110. MANDATORY APPLICATION OF SANCTIONS.**

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

8 (b) INDIVIDUALS AND ORGANIZATIONS DE-  
9 SCRIBED.—The individuals specified in this subsection are  
10 the following:

- 11 (1) Wu Yingjie.
- 12 (2) Wang Yang.
- 13 (3) Han Zheng.
- 14 (4) Xia Baolong.

15 **SEC. 111. CONTINUATION IN EFFECT OF CERTAIN EXPORT**  
16 **CONTROLS.**

17 (a) HUAWEI TECHNOLOGIES CO. LTD.—The Sec-  
18 retary of Commerce may not remove Huawei Technologies  
19 Co. Ltd., or its subsidiaries and affiliates, from the entity  
20 list or modify any of the licensing policies pursuant to its  
21 designation on the entity list, including the foreign direct  
22 product rule, unless the Secretary, with the concurrence  
23 of the End-User Review Committee by a unanimous vote  
24 of such Committee, certifies to the appropriate congres-

1 sional committees that Huawei Technologies Co. Ltd., and  
2 its subsidiaries and affiliates—

3 (1) have not engaged in activities that are con-  
4 trary to United States national security or foreign  
5 policy interests and are unlikely to engage in such  
6 activities in the future; and

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

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

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

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

16 (c) REPORT.—

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

22 (A) identifies and describes all license ap-  
23 plications received by the Department of Com-  
24 merce to export, reexport, or transfer (in-coun-

1 try) items subject to the Export Administration  
2 Regulations to—

3 (i) Huawei Technologies Co. Ltd., or  
4 its subsidiaries and affiliates; or

5 (ii) Honor Device Co. Ltd; and

6 (B) identifies whether such license applica-  
7 tions were approved or denied.

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

11 (d) DEFINITIONS.—In this section:

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

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

21 (3) ENTITY LIST.—The term “entity list”  
22 means the list maintained by the Bureau of Industry  
23 and Security and set forth in Supplement No. 4 to  
24 part 744 of the Export Administration Regulations.

1           (4) EXPORT ADMINISTRATION REGULATIONS.—  
2           The term “Export Administration Regulations”  
3           means subchapter C of chapter VII of title 15, Code  
4           of Federal Regulations.

5 **SEC. 112. EXCLUSION OF GOVERNMENT OF THE PEOPLE’S**  
6                               **REPUBLIC OF CHINA FROM CERTAIN CUL-**  
7                               **TURAL EXCHANGES.**

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

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

15 **SEC. 113. PROHIBITION ON ANY TSP FUND INVESTING IN**  
16                               **ENTITIES BASED IN THE PEOPLE’S REPUBLIC**  
17                               **OF CHINA.**

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

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

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



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

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

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

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

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

20          (c) PROHIBITION ON INVESTMENT OF TSP FUNDS  
21          IN ENTITIES BASED IN THE PEOPLE’S REPUBLIC OF  
22          CHINA THROUGH THE TSP MUTUAL FUND WINDOW.—  
23          Section 8438(b)(5) of title 5, United States Code, is  
24          amended by adding at the end the following:

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

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

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

10 **SEC. 114. ENACTMENT OF EXECUTIVE ORDER.**

11           (a) IN GENERAL.—The provisions of Executive Order  
12 13920 (85 Fed. Reg. 26595; relating to securing the  
13 United States bulk-power system (May 1, 2020)) (as in  
14 effect on May 1, 2020) are enacted into law.

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

1 **SEC. 115 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  
2 INVESTMENTS BY PEOPLE’S  
3 REPUBLIC OF CHINA.—The  
4 parties to a covered trans-  
5 action described in sub-  
6 section (a)(4)(B)(vi) shall  
7 submit a declaration de-  
8 scribed in subclause (I) with  
9 respect to the transaction.”.

10 **SEC. 116. MODIFICATION OF AUTHORITIES TO REGULATE**  
11 **OR PROHIBIT THE IMPORTATION OR EXPOR-**  
12 **TATION OF INFORMATION OR INFORMA-**  
13 **TIONAL MATERIALS CONTAINING SENSITIVE**  
14 **PERSONAL DATA UNDER THE INTER-**  
15 **NATIONAL EMERGENCY ECONOMIC POWERS**  
16 **ACT.**

17 (a) IN GENERAL.—Section 203 of the International  
18 Emergency Economic Powers Act (50 U.S.C. 1702) is  
19 amended—

20 (1) in subsection (b)—

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

1 (B) in the first sentence of paragraph

2 (3)—

3 (i) by striking “but not limited to,”;

4 and

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

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

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

11 “(1) Personally-identifiable information, includ-  
12 ing the following:

13 “(A) Financial data that could be used to  
14 analyze or determine an individual’s financial  
15 distress or hardship.

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

22 “(C) The set of data in an application for  
23 health insurance, long-term care insurance, pro-  
24 fessional liability insurance, mortgage insur-  
25 ance, or life insurance.



1           “(D) Data relating to the physical, mental,  
2           or psychological health condition of an indi-  
3           vidual.

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

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

15          “(G) Biometric enrollment data including  
16          facial, voice, retina/iris, and palm/fingerprint  
17          templates.

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

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

23          “(J) The set of data in an application for  
24          a United States Government personnel security

1 clearance or an application for employment in a  
2 position of public trust.

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

15 (b) EFFECTIVE DATE.—The amendments made by  
16 this section—

17 (1) take effect on the date of the enactment of  
18 this Act; and

19 (2) apply with respect to any exercise of the au-  
20 thority granted to the President under section 203  
21 of the International Emergency Economic Powers  
22 Act on or after such date of enactment.

1 **SEC. 117. PROHIBITING THE PURCHASE OF AGRICULTURAL**  
2 **LAND LOCATED IN THE UNITED STATES.**

3 The Secretary of Agriculture shall take such actions  
4 as may be necessary to prohibit the purchase of agricul-  
5 tural land located in the United States by companies  
6 owned, in full or in part, by the People's Republic of  
7 China. Beginning on the date of the enactment of this Act,  
8 agricultural land owned by the People's Republic of China  
9 or companies owned, in full or in part, by the People's  
10 Republic of China shall not be eligible for participation  
11 in programs administered by the Secretary of Agriculture.

12 **TITLE II—MATTERS RELATING**  
13 **TO CHINA'S ROLE IN COVID-19**

14 **SEC. 201. DECLASSIFICATION OF INFORMATION RELATED**  
15 **TO THE ORIGIN OF COVID-19.**

16 Not later than 90 days after the date of the enact-  
17 ment of this Act, the Director of National Intelligence  
18 shall—

19 (1) declassify any and all information relating  
20 to potential links between the Wuhan Institute of Vi-  
21 rology and the origin of the Coronavirus Disease  
22 2019 (COVID-19), including—

23 (A) activities performed by the Wuhan In-  
24 stitute of Virology with or on behalf of the Peo-  
25 ple's Liberation Army;

1 (B) coronavirus research or other related  
2 activities performed at the Wuhan Institute of  
3 Virology prior to the outbreak of COVID–19;  
4 and

5 (C) researchers at the Wuhan Institute of  
6 Virology who fell ill in autumn 2019, including  
7 for any such researcher—

8 (i) the researcher’s name;

9 (ii) the researcher’s symptoms;

10 (iii) the date of the onset of the re-  
11 searcher’s symptoms;

12 (iv) the researcher’s role at the  
13 Wuhan Institute of Virology;

14 (v) whether the researcher was in-  
15 volved with or exposed to coronavirus re-  
16 search at the Wuhan Institute of Virology;

17 (vi) whether the researcher visited a  
18 hospital while they were ill; and

19 (vii) a description of any other actions  
20 taken by the researcher that may suggest  
21 they were experiencing a serious illness at  
22 the time; and

23 (2) submit to Congress an unclassified report  
24 that contains—

1 (A) all of the information described under  
2 paragraph (1); and

3 (B) only such redactions as the Director  
4 determines necessary to protect sources and  
5 methods.

6 **SEC. 202. AMENDMENT TO DEPARTMENT OF STATE RE-**  
7 **WARDS PROGRAM.**

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

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

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

15 (3) by adding at the end the following new  
16 paragraph.

17 “(14) the identification of credible information  
18 regarding the origins of COVID–19, or any person  
19 or entity involved in the coverup of the origins of  
20 COVID–19, or the identification of any person or  
21 entity that provides nonpublic information related to  
22 gain of function research connected to Chinese lab-  
23 oratories, including the Wuhan Institute of Virology,  
24 with relation to coronaviruses that has been covered

1 up by the Government of China and the Chinese  
2 Communist Party.”.

3 **SEC. 203. EXECUTIVE STRATEGY TO SEEK REIMBURSE-**  
4 **MENT FROM CHINA OF FUNDS MADE AVAIL-**  
5 **ABLE BY THE UNITED STATES GOVERNMENT**  
6 **TO ADDRESS COVID-19.**

7 (a) EXECUTIVE STRATEGY.—The President, in con-  
8 sultation with the Secretary of the Treasury, and the Sec-  
9 retary of State, shall develop and carry out a strategy to  
10 seek reimbursement from the People’s Republic of China  
11 of funds made available by the United States Government  
12 to address COVID-19.

13 (b) REPORT.—Not later than 1 year after the date  
14 of enactment of this Act, and annually thereafter, the  
15 President shall submit to the appropriate congressional  
16 committees a report on the strategy required under sub-  
17 section (a) and its implementation.

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

21 (1) the Committee on Appropriations, the Com-  
22 mittee on the Budget, and the Committee on Ways  
23 and Means of the House of Representatives;

1           (2) the Committee on Appropriations, the Com-  
2           mittee on the Budget, and the Committee on Fi-  
3           nance of the Senate; and

4           (3) the Joint Economic Committee.

5 **SEC. 204. PROHIBITION ON USE OF FUNDS TO SEEK MEM-**  
6 **BERSHIP IN THE WORLD HEALTH ORGANIZA-**  
7 **TION OR TO PROVIDE ASSESSED OR VOL-**  
8 **UNTARY CONTRIBUTIONS TO THE WORLD**  
9 **HEALTH ORGANIZATION.**

10       (a) **IN GENERAL.**—Notwithstanding any other provi-  
11 sion of law, no funds available to any Federal department  
12 or agency may be used to seek membership by the United  
13 States in the World Health Organization or to provide as-  
14 sessed or voluntary contributions to the World Health Or-  
15 ganization until such time as the President certifies to  
16 Congress that the World Health Organization meets the  
17 conditions described in subsection (b).

18       (b) **CONDITIONS DESCRIBED.**—The conditions de-  
19 scribed in this subsection are the following:

20           (1) The World Health Organization has adopt-  
21 ed meaningful reforms to ensure that humanitarian  
22 assistance is not politicized and is to be provided to  
23 those with the most need.

1           (2) The World Health Organization is not  
2           under the control or significant malign influence of  
3           the Chinese Communist Party.

4           (3) The World Health Organization is not in-  
5           volved in a coverup of the Chinese Communist Par-  
6           ty's response to the COVID-19 pandemic.

7           (4) The World Health Organization grants ob-  
8           server status to Taiwan.

9           (5) The World Health Organization does not di-  
10          vert humanitarian or medical supplies to Iran, North  
11          Korea, or Syria.

12          (6) The World Health Organization has put in  
13          place mechanisms to increase transparency and ac-  
14          countability in its operations and eliminate waste,  
15          fraud, and abuse.

16 **SEC. 205. ESTABLISHMENT OF A JOINT SELECT COM-**  
17 **MITTEE ON THE EVENTS AND ACTIVITIES**  
18 **SURROUNDING CHINA'S HANDLING OF THE**  
19 **2019 NOVEL CORONAVIRUS.**

20          There is hereby established in the Senate and the  
21          House of Representatives a joint select committee to be  
22          known as the "Joint Select Committee on the Events and  
23          Activities Surrounding China's Handling of the 2019  
24          Novel Coronavirus" (hereafter referred to as the "Joint  
25          Select Committee").



1 **SEC. 206. MEMBERSHIP.**

2 (a) SELECTION AND APPOINTMENT.—

3 (1) IN GENERAL.—The Joint Select Committee  
4 shall be composed of 20 Members of the House of  
5 Representatives and Senate, of whom—

6 (A) 10 shall be Members of the House of  
7 Representatives, of whom 5 shall be appointed  
8 by the Speaker of the House of Representatives  
9 and 5 shall be appointed by the minority leader  
10 of the House of Representatives; and

11 (B) 10 shall be Senators, of whom 5 shall  
12 be appointed by the majority leader of the Sen-  
13 ate and 5 shall be appointed by the minority  
14 leader of the Senate.

15 (2) TREATMENT OF DELEGATE AND RESIDENT  
16 COMMISSIONER.—For purposes of this section, a  
17 “Member” of the House of Representatives includes  
18 a Delegate or Resident Commissioner to the Con-  
19 gress.

20 (b) CO-CHAIRS.—Two of the members of the Joint  
21 Select Committee shall serve as co-chairs of the Joint Se-  
22 lect Committee, and shall be appointed as follows:

23 (1) One shall be a Member of the House of  
24 Representatives, who shall be appointed as co-chair  
25 by the Speaker of the House of Representatives in  
26 consultation with the majority leader of the Senate.

1           (2) One shall be a Senator, who shall be ap-  
2           pointed as co-chair by the minority leader of the  
3           Senate in consultation with the minority leader of  
4           the House of Representatives.

5           (c) VACANCIES.—A vacancy in the membership of the  
6           Joint Select Committee (including a vacancy resulting be-  
7           cause a member ceases to be a Member of the House of  
8           Representatives or a Senator) shall not affect its powers,  
9           and shall be filled not later than 14 calendar days after  
10          the date on which the vacancy occurs in the same manner  
11          as the original appointment was made.

12          (d) DEADLINES.—Members of the Joint Select Com-  
13          mittee and the co-chairs of the Joint Select Committee  
14          shall be appointed not later than 14 calendar days after  
15          the date of the adoption of this concurrent resolution.

16          **SEC. 207. INVESTIGATION AND REPORT ON THE EVENTS**  
17   **SURROUNDING CHINA'S HANDLING OF THE**  
18   **2019 NOVEL CORONAVIRUS.**

19          (a) INVESTIGATION AND REPORT.—The Joint Select  
20          Committee is authorized and directed to conduct a full and  
21          complete investigation of, and to issue a final report to  
22          the House of Representatives and Senate regarding, the  
23          following:

24                 (1) The origins and causes of the 2019 novel  
25                 coronavirus.

1           (2) All policies, decisions, and activities by  
2           China regarding the origins and causes of such  
3           coronavirus.

4           (3) All policies, decisions, and activities by  
5           China in response to the initial outbreak and spread  
6           of such coronavirus.

7           (4) All policies, decisions, and activities by  
8           China to suppress facts and information regarding  
9           the spread, origins, causes, and transmission of such  
10          coronavirus, including efforts to silence those mak-  
11          ing early warnings, punish whistleblowers, and re-  
12          strict freedom of information about such  
13          coronavirus.

14          (5) All policies, decisions, and activities by  
15          China to spread misinformation regarding the ori-  
16          gins and causes of such coronavirus, including accu-  
17          sations and misinformation that the coronavirus was  
18          brought to the city of Wuhan by the United States  
19          military.

20          (6) All policies, decisions, and activities by  
21          China to sideline, deny, and suppress charitable  
22          service organizations, institutions of civil society,  
23          secular and faith-based non-governmental organiza-  
24          tions, international humanitarian organizations, and  
25          foreign governments offering to provide information,

1 expertise, resources, and assistance to China and the  
2 Chinese people to combat such coronavirus.

3 (7) Accountability for policies, decisions and ac-  
4 tivities related to influencing the World Health Or-  
5 ganization's response to the outbreak of such  
6 coronavirus, including individuals and entities re-  
7 sponsible for those policies, decisions, and activities.

8 (8) All policies, decisions, and activities by  
9 China to manufacture, produce, procure, possess, or  
10 hoard personal protective equipment and critical  
11 pharmaceutical components to manipulate or  
12 weaponize the supply chain against the international  
13 community, including the United States.

14 (9) Vulnerabilities in the United States domes-  
15 tic and global supply chain to combat a global pan-  
16 demic due to reliance on Chinese manufacturing and  
17 recommendations for decreasing dependence on Chi-  
18 nese manufacturing by improving and securing a do-  
19 mestic supply chain for antibiotics, viral drugs, crit-  
20 ical pharmaceutical components, masks, and other  
21 personal protective equipment.

22 (10) Information related to lessons learned  
23 from China's handling of such coronavirus.

24 (11) Any other relevant issues relating to Chi-  
25 na's actions that led to further spread of such

1 coronavirus, China's response to such coronavirus,  
2 or the investigation by the Joint Select Committee  
3 into China regarding such coronavirus.

4 (12) Any recommendations to Congress and the  
5 executive branch regarding actions the United States  
6 government should take in response to China's han-  
7 dling of such coronavirus.

8 (b) TRANSFER OF RECORDS.—At the request of the  
9 co-chairs of the Joint Select Committee, any standing  
10 committee of the Senate or House of Representatives hav-  
11 ing custody of records in any form relating to the matters  
12 described in subsection (a) shall transfer such records to  
13 the Joint Select Committee.

14 (c) INTERIM REPORTS.—In addition to the final re-  
15 port issued under subsection (a), the Joint Select Com-  
16 mittee may issue such interim reports as it considers nec-  
17 essary.

18 (d) CLASSIFIED ANNEX.—The Joint Select Com-  
19 mittee may include a classified annex in any report issued  
20 under this section.

21 (e) DEFINITIONS.—

22 (1) CHINA.—In this section, the term “China”  
23 means the Government of the People's Republic of  
24 China and any of the following:

1 (A) An official of the Chinese Communist  
2 Party.

3 (B) An official of the Government of the  
4 People's Republic of China.

5 (C) An agent or instrumentality of the  
6 Government of the People's Republic of China.

7 (D) Any other person owned or controlled  
8 by or acting on behalf of any person described  
9 in subparagraphs (A) through (C).

10 (2) 2019 NOVEL CORONAVIRUS.—In this sub-  
11 section, the term “2019 novel coronavirus” means  
12 the coronavirus disease (COVID–19) and severe  
13 acute respiratory syndrome coronavirus 2 (SARS–  
14 CoV–2).

15 **SEC. 208. POWERS.**

16 (a) HEARINGS AND OTHER ACTIVITIES.—For the  
17 purpose of carrying out its duties, the Joint Select Com-  
18 mittee may hold such hearings and undertake such other  
19 activities as the Joint Select Committee determines to be  
20 necessary to carry out its duties, whether the Congress  
21 is in session, has recessed, or has adjourned.

22 (b) AUTHORITY TO USE SUBPOENAS.—The Joint Se-  
23 lect Committee may require by subpoena the attendance  
24 of such witnesses and the production of such books, pa-  
25 pers, and documents, as it considers appropriate.

1 (c) ACCESS TO LEGISLATIVE BRANCH SERVICES.—

2 The Joint Select Committee shall have access to the serv-  
3 ices of the Government Accountability Office, the Congres-  
4 sional Budget Office, and the Congressional Research  
5 Service in the same manner and under the same terms  
6 and conditions as any standing committee of the House  
7 of Representatives or Senate.

8 (d) ADOPTION OF RULES.—Not later than 7 days  
9 after all of its members have been appointed, the Joint  
10 Select Committee shall adopt rules governing its oper-  
11 ations, including rules governing the issuance of sub-  
12 poenas and rules governing the use of official funds for  
13 travel by members and staff, and shall submit such rules  
14 to the Clerk of the House of Representatives and Sec-  
15 retary of the Senate for publication in the Congressional  
16 Record.

17 **SEC. 209. STAFF; FUNDING.**

18 (a) STAFF.—

19 (1) USE OF EXISTING STAFF.—To the greatest  
20 extent practicable, the Joint Select Committee shall  
21 utilize the services of staff of employing offices of  
22 the Senate and House of Representatives.

23 (2) AUTHORITY TO APPOINT STAFF.—

24 (A) IN GENERAL.—Each of the co-chairs  
25 of the Joint Select Committee may appoint,

1           prescribe the duties and responsibilities of, and  
2           fix the pay of such staff as the co-chair con-  
3           siders appropriate to assist the Joint Select  
4           Committee in carrying out its duties, so long as  
5           the number of staff appointed by one of the co-  
6           chairs does not exceed the number of staff ap-  
7           pointed by the other co-chair.

8                   (B) DETAIL OF CONGRESSIONAL EMPLOY-  
9           EES.—Upon the joint request of the co-chairs,  
10          the head of an employing office of the House of  
11          Representatives or Senate (including a joint  
12          committee of the Congress) is authorized to de-  
13          tail, without reimbursement, any of the staff of  
14          the office to the Joint Select Committee to as-  
15          sist the Joint Select Committee in carrying out  
16          its duties.

17                   (3) EXPERTS AND CONSULTANTS.—Section  
18          202(i) of the Legislative Reorganization Act of 1946  
19          (2 U.S.C. 4301(i)) shall apply with respect to the  
20          Joint Select Committee in the same manner as such  
21          section applies with respect to a standing committee  
22          of the Senate, except that any consultant whose  
23          services are procured by the Joint Select Committee  
24          shall be selected jointly by the co-chairs of the Joint  
25          Select Committee.



1 (b) FUNDING.—

2 (1) VOUCHERS.—Payments for expenses of the  
3 Joint Select Committee shall be made using vouch-  
4 ers authorized by the Joint Select Committee, signed  
5 by co-chairs of the Joint Select Committee, and ap-  
6 proved in a manner directed by the Committee on  
7 Rules and Administration of the Senate and the  
8 Committee on House Administration of the House of  
9 Representatives.

10 (2) SOURCE OF FUNDS.—There are authorized  
11 to be appropriated such sums as may be necessary  
12 for the operation of the Joint Select Committee, of  
13 which—

14 (A) 50 percent shall be derived from the  
15 applicable accounts of the House of Representa-  
16 tives; and

17 (B) 50 percent shall be derived from the  
18 contingent fund of the Senate.

19 **SEC. 210. TERMINATION.**

20 (a) TERMINATION DATE.—The Joint Select Com-  
21 mittee shall terminate 30 days after filing the final report  
22 required under section 207.

23 (b) TRANSFER OF RECORDS.—Upon termination of  
24 the Joint Select Committee, the records of the Joint Select  
25 Committee shall be transferred to—

1           (1) such committee or committees of the House  
2           of Representatives as may be designated by the  
3           Speaker of the House of Representatives; and

4           (2) such committee or committees of the Senate  
5           as my be designated by the President pro tempore  
6           of the Senate.

7   **SEC. 211. STATEMENT OF POLICY.**

8           It shall be the policy of the United States to impose  
9           sanctions against governments of foreign states, and take  
10          other measures if the governments of such foreign states  
11          engage in an act or acts of gross negligence with respect  
12          to state owned, operated, or directed chemical or biological  
13          programs.

14   **SEC. 212. AMENDMENTS TO THE CHEMICAL AND BIOLOGI-**  
15                           **CAL WEAPONS CONTROL AND WARFARE**  
16                           **ELIMINATION ACT OF 1991.**

17          (a) **PURPOSES AND DEFINITIONS.**—Section 502 of  
18          the Chemical and Biological Weapons Control and War-  
19          fare Elimination Act of 1991 (22 U.S.C. 5601) is amend-  
20          ed—

21               (1) in the section heading, by adding at the end  
22               before the period the following: “**AND DEFINI-**  
23               **TIONS**”;

24               (2) by striking “The purposes” and inserting  
25               “(a) **PURPOSES.**—The purposes”;

1 (3) in paragraph (1)—

2 (A) by striking “or use” and insert “use”;

3 and

4 (B) by inserting “, or engage in an act or  
5 acts of gross negligence with respect to a chem-  
6 ical or biological program owned, controlled, or  
7 directed by, or subject to the jurisdiction of the  
8 government of a foreign state” after “nation-  
9 als”; and

10 (4) by adding at the end the following:

11 “(b) DEFINITIONS.—In this Act:

12 “(1) GROSS NEGLIGENCE.—The term ‘gross  
13 negligence’, with respect to an act or acts of a gov-  
14 ernment of a foreign state, includes the government  
15 knew, or should have known, the act or acts would  
16 result in injury or damages to another foreign state  
17 or other such foreign states.

18 “(2) FOREIGN STATE.—The term ‘foreign  
19 state’—

20 “(A)(i) has the meaning given that term in  
21 subsection (a) of section 1603 of title 28,  
22 United States Code; and

23 “(ii) includes an ‘agency or instrumentality  
24 of a foreign state’ as that term is defined in  
25 subsection (b) of such section; and

1 “(B) includes an entity that is—

2 “(i)(I) directly or indirectly owned,  
3 controlled, or beneficially owned by, or in  
4 an official or unofficial capacity acting as  
5 an agent of or on behalf of, the govern-  
6 ment of a foreign state; or

7 “(II) received significant material  
8 support from the government of a foreign  
9 state; and

10 “(ii) engaged in providing commercial  
11 services, shipping, manufacturing, pro-  
12 ducing, or exporting.”.

13 (b) DETERMINATIONS REGARDING USE OF CHEM-  
14 ICAL OR BIOLOGICAL WEAPONS.—Section 506 of the  
15 Chemical and Biological Weapons Control and Warfare  
16 Elimination Act of 1991 (22 U.S.C. 5604) is amended—

17 (1) in subsection (a)—

18 (A) by redesignating paragraph (3) as  
19 paragraph (4);

20 (B) by inserting after paragraph (2) the  
21 following:

22 “(3) ADDITIONAL DETERMINATION BY THE  
23 PRESIDENT.—

24 “(A) WHEN DETERMINATION REQUIRED;  
25 NATURE OF DETERMINATION.—Whenever cred-

1           ible information becomes available to the execu-  
2           tive branch indicating a substantial possibility  
3           that, on or after January 1, 2020, the govern-  
4           ment of a foreign country has engaged in an  
5           act or acts of gross negligence with respect to  
6           a chemical or biological program owned, con-  
7           trolled, or directed by, or subject to the jurisdic-  
8           tion of the government of a foreign state, the  
9           President shall, within 60 days after the receipt  
10          of such information by the executive branch, de-  
11          termine whether that government, on or after  
12          such date, has engaged in an act or acts of  
13          gross negligence with respect to a chemical or  
14          biological program owned, controlled, or di-  
15          rected by, or subject to the jurisdiction of the  
16          government of a foreign state. Section 507 ap-  
17          plies if the President determines that that gov-  
18          ernment has so engaged in such act or acts of  
19          gross negligence.

20               “(B) MATTERS TO BE CONSIDERED.—In  
21               making the determination under subparagraph  
22               (A), the President shall consider the following:

23                       “(i) All physical and circumstantial  
24                       evidence available bearing on the possibility  
25                       that the government in question engaged

1 in an act or acts of gross negligence with  
2 respect to a chemical or biological program  
3 owned, controlled, or directed by, or sub-  
4 ject to the jurisdiction of the government  
5 of a foreign state.

6 “(ii) Whether evidence exists that  
7 such program or programs have civilian  
8 and military purposes or applications.

9 “(iii) Whether the government in  
10 question attempted to conceal or otherwise  
11 withhold information from other govern-  
12 ments or international organizations re-  
13 garding an act or acts of gross negligence.

14 “(iv) Whether, and to what extent,  
15 the government in question is compliant  
16 with its obligations under the Biological  
17 and Toxin Weapons Convention or Conven-  
18 tion on the Prohibition of the Develop-  
19 ment, Production, Stockpiling and Use of  
20 Chemical Weapons and on their Destruc-  
21 tion, as applicable.

22 “(v) Whether, and to what extent, the  
23 government in question is providing or oth-  
24 erwise voluntarily disclosing substantive in-

1 formation to relevant international organi-  
2 zations.”; and

3 (C) in paragraph (4) (as redesignated)—

4 (i) in the first sentence, by inserting  
5 “or (3)” after “paragraph (1)”;

6 (ii) in the second sentence, by insert-  
7 ing “under paragraph (1)” after “deter-  
8 mination”; and

9 (iii) by adding at the end the fol-  
10 lowing: “If the determination under para-  
11 graph (3) is that a foreign government had  
12 engaged in an act or acts of gross neg-  
13 ligence with respect to a chemical or bio-  
14 logical program owned, controlled, or di-  
15 rected by, or subject to the jurisdiction of  
16 the government of a foreign state, the re-  
17 port shall specify the sanctions to be im-  
18 posed pursuant to section 507A.”; and

19 (2) in subsection (b)—

20 (A) in paragraph (1)—

21 (i) by striking “whether a particular  
22 foreign government” and inserting the fol-  
23 lowing: “whether—

24 “(A) a particular foreign government”;

1 (ii) by striking the period at the end  
2 and inserting “; or”; and

3 (iii) by adding at the end the fol-  
4 lowing:

5 “(B) a particular foreign government, on  
6 or after January 1, 2020, has engaged in an  
7 act of acts of gross negligence with respect to  
8 a chemical or biological program owned, con-  
9 trolled, or directed by, or subject to the jurisdic-  
10 tion of the government of a foreign state.”; and

11 (B) in paragraph (2)—

12 (i) in the first sentence—

13 (I) by striking “whether the spec-  
14 ified government” and inserting the  
15 following: “whether—

16 “(A) the specified government”;

17 (II) by striking the period at the  
18 end and inserting “; or”; and

19 (III) by adding at the end the  
20 following:

21 “(B) the specified government, on or after  
22 January 1, 2020, has engaged in an act or acts  
23 of gross negligence with respect to a chemical  
24 or biological program owned, controlled, or di-



1           rected by, or subject to the jurisdiction of the  
2           government of a foreign state.”; and

3                   (ii) in the second sentence—

4                           (I) by inserting “or (3)(B), as  
5                           applicable” after “subsection (a)(2)”;  
6                           and

7                           (II) by moving the margin of the  
8                           second sentence so it has the same  
9                           level of indentation as margin of the  
10                          matter preceding subparagraph (A) of  
11                          the first sentence.

12           (c) **SANCTIONS AGAINST FOREIGN STATES WITH RE-**  
13 **SPECT TO CHEMICAL OR BIOLOGICAL PROGRAMS.**—The  
14 Chemical and Biological Weapons Control and Warfare  
15 Elimination Act of 1991 (22 U.S.C. 5601 et seq.) is  
16 amended by inserting after section 507 the following:

17 **“SEC. 507A. SANCTIONS AGAINST FOREIGN STATES WITH**  
18 **RESPECT TO CHEMICAL OR BIOLOGICAL**  
19 **PROGRAMS.**

20           “(a) **INITIAL SANCTIONS.**—

21                   “(1) **IN GENERAL.**—If the President makes a  
22 determination pursuant to section 506(a)(3) with re-  
23 spect to the government of a foreign state, the Presi-  
24 dent shall, within 30 days of making such deter-

1       mination, impose the sanctions described in para-  
2       graph (2) with respect to the foreign state.

3               “(2) SANCTIONS DESCRIBED.—The sanctions  
4       described in this paragraph are the following:

5               “(A) The United States Government shall  
6       suspend all scientific cooperative programs and  
7       efforts with the government of the foreign state.

8               “(B) The President shall prohibit the ex-  
9       port to the foreign state of any goods, services  
10       or technology under Category 1 and Category 2  
11       of the Commerce Control List.

12              “(C) The United States Government may  
13       not procure, or enter into any contract for the  
14       procurement of, any goods or services from any  
15       person operating in the chemical or biological  
16       sectors of the foreign state.

17       “(b) INTERMEDIATE APPLICATION OF SANCTIONS.—

18              “(1) DETERMINATION.—Not later than 120  
19       days after making a determination pursuant to sec-  
20       tion 506(a)(3) with respect to a government of a for-  
21       eign state, the President shall submit to the appro-  
22       priate congressional committees a determination as  
23       to whether—

24              “(A) such government has adequately ad-  
25       dressed an act an act or acts of gross neg-

1           ligence with respect to a chemical or biological  
2           program owned, controlled, or directed by, or  
3           subject to the jurisdiction of the government of  
4           a foreign state;

5           “(B) such government has developed or is  
6           developing necessary measures to prevent any  
7           future act or acts of gross negligence;

8           “(C) such government is providing or oth-  
9           erwise voluntarily disclosing substantive infor-  
10          mation to the United States and relevant inter-  
11          national organizations; and

12          “(D) such government is compliant with  
13          its obligations under the Biological and Toxin  
14          Weapons Convention or the Convention on the  
15          Prohibition of the Development, Production,  
16          Stockpiling and Use of Chemical Weapons and  
17          on their Destruction, as applicable.

18          “(2) EFFECT OF DETERMINATION.—If the  
19          President is unable to certify that a government of  
20          a foreign state has taken the actions described in  
21          subparagraphs (A), (B), (C), and (D) of paragraph  
22          (1), the President shall impose 2 or more of the  
23          sanctions described in paragraph (3) with respect to  
24          the government of the foreign state.

1           “(3) SANCTIONS DESCRIBED.—The sanctions  
2 described in this paragraph are the following:

3           “(A) The United States Government shall  
4 terminate assistance to the government of the  
5 foreign state under the Foreign Assistance Act  
6 of 1961 (22 U.S.C. 2151 et seq.), except for ur-  
7 gent humanitarian assistance and food or other  
8 agricultural commodities or products.

9           “(B) No sales of any defense articles, de-  
10 fense services, or design and construction serv-  
11 ices under the Arms Export Control Act (22  
12 U.S.C. 2751 et seq.) may be made to the gov-  
13 ernment of the foreign state.

14           “(C) No licenses for export of any item on  
15 the United States Munitions List that include  
16 the government of the foreign state as a party  
17 to the license may be granted.

18           “(D) No exports of any goods or tech-  
19 nologies controlled for national security reasons  
20 under the Export Administration Regulations  
21 may be made to the government of the foreign  
22 state, except that such prohibition shall not  
23 apply to any transaction subject to the report-  
24 ing requirements of title V of the National Se-  
25 curity Act of 1947 (50 U.S.C. 413 et seq.; re-

1           lating to congressional oversight of intelligence  
2           activities).

3           “(E) The President may order the United  
4           States Government not to issue any specific li-  
5           cense and not to grant any other specific per-  
6           mission or authority to export any goods or  
7           technology to the government of the foreign  
8           state under—

9                   “(i) the Export Control Reform Act of  
10                   2018 (50 U.S.C. 4801 et seq.);

11                   “(ii) the Arms Export Control Act (22  
12                   U.S.C. 2751 et seq.);

13                   “(iii) the Atomic Energy Act of 1954  
14                   (42 U.S.C. 2011 et seq.); or

15                   “(iv) any other statute that requires  
16                   the prior review and approval of the  
17                   United States Government as a condition  
18                   for the export or reexport of goods or serv-  
19                   ices.

20           “(c) FINAL APPLICATION OF SANCTIONS.—

21                   “(1) DETERMINATION.—Not later than 210  
22                   days after making a determination pursuant to sec-  
23                   tion 506(a)(3) with respect to a government of a for-  
24                   eign state, the President shall submit to the appro-  
25                   priate congressional committees a determination as

1 to whether the government of the foreign state has  
2 taken the actions described in subparagraphs (A),  
3 (B), (C), and (D) of subsection (b)(1).

4 “(2) EFFECT OF DETERMINATION.—If the  
5 President is unable to certify that a government of  
6 a foreign state has taken the actions described in  
7 subparagraphs (A), (B), (C), and (D) of subsection  
8 (b)(1), the President shall impose the sanctions de-  
9 scribed in paragraph (3) with respect to the govern-  
10 ment of the foreign state.

11 “(3) SANCTIONS.—The sanctions described in  
12 this paragraph are the following:

13 “(A) The President shall, pursuant to such  
14 regulations as the President may prescribe, pro-  
15 hibit any transactions in foreign exchange that  
16 are subject to the jurisdiction of the United  
17 States and in which the government of the for-  
18 eign state has any interest.

19 “(B) The President shall, pursuant to such  
20 regulations as the President may prescribe, pro-  
21 hibit any transfers of credit or payments be-  
22 tween one or more financial institutions or by,  
23 through, or to any financial institution, to the  
24 extent that such transfers or payments are sub-  
25 ject to the jurisdiction of the United States and

1           involve any interest of the government of the  
2           foreign state.

3           “(d) REMOVAL OF SANCTIONS.—The President shall  
4 remove the sanctions imposed with respect to the govern-  
5 ment of a foreign state pursuant to this section if the  
6 President determines and so certifies to the Congress,  
7 after the end of the 12-month period beginning on the date  
8 on which sanctions were initially imposed on that govern-  
9 ment of a foreign state pursuant to subsection (a), that—

10           “(1) such government has adequately addressed  
11 an act an act or acts of gross negligence with re-  
12 spect to a chemical or biological program owned,  
13 controlled, or directed by, or subject to the jurisdic-  
14 tion of the government of a foreign state;

15           “(2) such government has developed or is devel-  
16 oping necessary measures to prevent any future act  
17 or acts of gross negligence;

18           “(3) such government is providing or otherwise  
19 voluntarily disclosing substantive information to the  
20 United States and relevant international organiza-  
21 tions; and

22           “(4) such government is compliant with its obli-  
23 gations under the Biological and Toxin Weapons  
24 Convention or Convention on the Prohibition of the  
25 Development, Production, Stockpiling and Use of

1 Chemical Weapons and on their Destruction, as ap-  
2 plicable; and

3 “(5) such government is making restitution to  
4 those affected by an act or acts of gross negligence  
5 with respect to a chemical or biological program  
6 owned, controlled, or directed by, or subject to the  
7 jurisdiction of the government of a foreign state, in-  
8 cluding United States persons.

9 “(e) WAIVER.—

10 “(1) IN GENERAL.—The President may, for pe-  
11 riods not to exceed 180 days, waive the imposition  
12 of sanctions under this section if the President cer-  
13 tifies to the appropriate congressional committees  
14 that such waiver is vital to the national security in-  
15 terests of the United States.

16 “(2) SUNSET.—The President may not exercise  
17 the authority described in paragraph (1) beginning  
18 on the date that is 4 years after the date of enact-  
19 ment of this section.

20 “(f) APPROPRIATE CONGRESSIONAL COMMITTEES  
21 DEFINED.—In this section, the term ‘appropriate congres-  
22 sional committees’ means—

23 “(1) the Committee on Foreign Affairs and the  
24 Committee on Financial Services of the House of  
25 Representatives; and



1           “(2) the Committee on Foreign Relations and  
2           the Committee on Banking, Housing, and Urban Af-  
3           fairs of the Senate.”.

4   **SEC. 213. DETERMINATION REGARDING THE PEOPLE’S RE-**  
5                           **PUBLIC OF CHINA.**

6           (a) IN GENERAL.—Not later than 180 days after the  
7           date of the enactment of this Act, the President shall de-  
8           termine whether reasonable grounds exist for concluding  
9           that the Government of the People’s Republic of China  
10          meets the criteria for engaging in an act or acts of gross  
11          negligence with respect to a chemical or biological program  
12          owned, controlled, or directed by, or subject to the juris-  
13          diction of that government under section 506(a)(3) of the  
14          Chemical and Biological Weapons Control and Warfare  
15          Elimination Act of 1991, as amended by section 3 of this  
16          Act.

17          (b) REPORT REQUIRED.—

18                 (1) IN GENERAL.—Not later than 30 days after  
19                 making a determination under subsection (a), the  
20                 President shall submit to the appropriate congres-  
21                 sional committees a report that includes the reasons  
22                 for the determination.

23                 (2) FORM.—A report required by paragraph (1)  
24                 shall be submitted in unclassified form but may in-  
25                 clude a classified annex.

1 **SEC. 214. REGULATORY AUTHORITY.**

2 (a) IN GENERAL.—The President shall, not later  
3 than 180 days after the date of the enactment of this Act,  
4 prescribe regulations as necessary for the implementation  
5 of sections 212 and 213 of this Act and the amendments  
6 made by this Act.

7 (b) NOTIFICATION TO CONGRESS.—Not later than 10  
8 days before the prescription of regulations under sub-  
9 section (a), the President shall notify the appropriate con-  
10 gressional committees regarding the proposed regulations  
11 and the provisions of this Act and the amendments made  
12 by this Act that the regulations are implementing.

13 **SEC. 215. APPROPRIATE CONGRESSIONAL COMMITTEES**  
14 **DEFINED.**

15 In this Act, the term “appropriate congressional com-  
16 mittees” means—

17 (1) the Committee on Foreign Affairs and the  
18 Committee on Financial Services of the House of  
19 Representatives; and

20 (2) the Committee on Foreign Relations and  
21 the Committee on Banking, Housing, and Urban Af-  
22 fairs of the Senate.

1 **SEC. 216. LIMITATION ON RESEARCH BY THE NATIONAL**  
2 **SCIENCE FOUNDATION AND NATIONAL INSTI-**  
3 **TUTES OF HEALTH.**

4 Notwithstanding any other provision of law, none of  
5 the activities authorized for the National Science Founda-  
6 tion and National Institutes of Health may include, con-  
7 duct, or support any research—

8 (1) using fetal tissue obtained from an induced  
9 abortion or any derivatives thereof,

10 (2) in which a human embryo is created or de-  
11 stroyed, discarded, or put at risk of injury

12 (3) in which an embryo-like entity is created  
13 wholly or in part from human cells or components,

14 (4) in which a human embryo is intentionally  
15 created or modified to include a heritable genetic  
16 modification, or

17 (5) using any stem cell the derivation of which  
18 would be inconsistent with the standards established  
19 herein.

20 **SEC. 216. PROHIBITION ON CERTAIN HUMAN-ANIMAL CHI-**  
21 **MERAS.**

22 Part I of title 18, United States Code, is amended  
23 by inserting after chapter 51 the following:

24 **“CHAPTER 52—CERTAIN TYPES OF**  
25 **HUMAN-ANIMAL CHIMERAS PROHIBITED**

“Sec.

“1131. Definitions.

“1132. Prohibition on certain human-animal chimeras.

1 **“§ 1131. Definitions**

2 “In this chapter the following definitions apply:

3 “(1) PROHIBITED HUMAN-ANIMAL CHIMERA.—

4 The term ‘prohibited human-animal chimera’  
5 means—

6 “(A) a human embryo into which a  
7 nonhuman cell or cells (or the component parts  
8 thereof) have been introduced to render the em-  
9 bryo’s membership in the species *Homo sapiens*  
10 uncertain;

11 “(B) a human-animal embryo produced by  
12 fertilizing a human egg with nonhuman sperm;

13 “(C) a human-animal embryo produced by  
14 fertilizing a nonhuman egg with human sperm;

15 “(D) an embryo produced by introducing a  
16 nonhuman nucleus into a human egg;

17 “(E) an embryo produced by introducing a  
18 human nucleus into a nonhuman egg;

19 “(F) an embryo containing at least haploid  
20 sets of chromosomes from both a human and a  
21 nonhuman life form;

22 “(G) a nonhuman life form engineered  
23 such that human gametes develop within the  
24 body of a nonhuman life form;

1           “(H) a nonhuman life form engineered  
2 such that it contains a human brain or a brain  
3 derived wholly or predominantly from human  
4 neural tissues;

5           “(I) a nonhuman life form engineered such  
6 that it exhibits human facial features or other  
7 bodily morphologies to resemble human fea-  
8 tures; or

9           “(J) an embryo produced by mixing  
10 human and nonhuman cells, such that—

11           “(i) human gametes develop within  
12 the body of the resultant organism;

13           “(ii) it contains a human brain or a  
14 brain derived wholly or predominantly from  
15 human neural tissues; or

16           “(iii) it exhibits human facial features  
17 or other bodily morphologies to resemble  
18 human features.

19           “(2) HUMAN EMBRYO.—The term ‘human em-  
20 bryo’ means an organism of the species *Homo sapi-*  
21 *ens* during the earliest stages of development, from  
22 1 cell up to 8 weeks.

1 **“§ 1132. Prohibition on certain human-animal chi-**  
2 **meras**

3 “(a) IN GENERAL.—It shall be unlawful for any per-  
4 son to knowingly, in or otherwise affecting interstate com-  
5 merce—

6 “(1) create or attempt to create a prohibited  
7 human-animal chimera;

8 “(2) transfer or attempt to transfer a human  
9 embryo into a nonhuman womb;

10 “(3) transfer or attempt to transfer a non-  
11 human embryo into a human womb; or

12 “(4) transport or receive for any purpose a pro-  
13 hibited human-animal chimera.

14 “(b) PENALTIES.—

15 “(1) IN GENERAL.—Whoever violates subsection  
16 (a) shall be fined under this title, imprisoned not  
17 more than 10 years, or both.

18 “(2) CIVIL PENALTY.—Whoever violates sub-  
19 section (a) and derives pecuniary gain from such vio-  
20 lation shall be subject to a civil fine of the greater  
21 of \$1,000,000 and an amount equal to the amount  
22 of the gross gain multiplied by 2.

23 “(c) RULE OF CONSTRUCTION.—This section does  
24 not prohibit research involving the use of transgenic ani-  
25 mal models containing human genes or transplantation of

1 human organs, tissues, or cells into recipient animals, if  
2 such activities are not prohibited under subsection (a).”.

3 **SEC. 218. TECHNICAL AMENDMENT.**

4 The table of chapters for part I of title 18, United  
5 States Code, is amended by inserting after the item relat-  
6 ing to chapter 51 the following:

“52. **Certain Types Of Human-animal Chimeras Prohib-**  
**ited** ..... 1131”.

7 **TITLE III—MATTERS RELATING**  
8 **TO MEDICAL AND NATIONAL**  
9 **SECURITY SUPPLY CHAINS**

10 **SEC. 301. REPORT AND RECOMMENDATION ON BARRIERS**  
11 **TO DOMESTIC MANUFACTURING OF MEDICAL**  
12 **PRODUCTS.**

13 (a) REPORT TO CONGRESS.—Not later than 180 days  
14 after the date of the enactment of this Act, the Secretary  
15 of Health and Human Services (in this section referred  
16 to as the “Secretary”), acting through the Commissioner  
17 of Food and Drugs, shall submit to Congress a report on  
18 barriers, including regulatory inefficiencies, to domestic  
19 manufacturing of active pharmaceutical ingredients, fin-  
20 ished drug products, and devices that are—

21 (1) imported from outside of the United States;  
22 and

23 (2) critical to the public health during a public  
24 health emergency declared by the Secretary under

1 section 319 of the Public Health Service Act (42  
2 U.S.C. 247d).

3 (b) CONTENT.—Such report shall—

4 (1) identify factors that limit the manufac-  
5 turing of active pharmaceutical ingredients, finished  
6 drug products, and devices described in subsection  
7 (a); and

8 (2) recommend specific strategies to overcome  
9 the challenges identified under paragraph (1).

10 (c) IMPLEMENTATION.—The Secretary may, to the  
11 extent appropriate, implement the strategies recommended  
12 under subsection (b)(2).

13 (d) DEFINITION.—In this section, the term “active  
14 pharmaceutical ingredient” has the meaning given to such  
15 term in section 744A of the Federal Food, Drug, and Cos-  
16 metic Act (21 U.S.C. 379j–41).

17 **SEC. 302. TAX INCENTIVES FOR RELOCATING MANUFAC-**  
18 **TURING OF PHARMACEUTICALS AND MED-**  
19 **ICAL SUPPLIES AND DEVICES TO THE**  
20 **UNITED STATES.**

21 (a) ACCELERATED DEPRECIATION FOR NONRESI-  
22 DENTIAL REAL PROPERTY.—Section 168 of the Internal  
23 Revenue Code of 1986 is amended by adding at the end  
24 the following new subsection:



1       “(n) ACCELERATED DEPRECIATION FOR NONRESI-  
2 DENTIAL REAL PROPERTY ACQUIRED IN CONNECTION  
3 WITH THE RELOCATION OF MANUFACTURING OF PHAR-  
4 MACEUTICALS AND MEDICAL SUPPLIES AND DEVICES TO  
5 THE UNITED STATES.—

6           “(1) TREATMENT AS 20-YEAR PROPERTY.—For  
7 purposes of this section, qualified nonresidential real  
8 property shall be treated as 20-year property.

9           “(2) APPLICATION OF BONUS DEPRECIATION.—  
10 For application of bonus depreciation to qualified  
11 nonresidential real property, see subsection (k).

12           “(3) QUALIFIED NONRESIDENTIAL REAL PROP-  
13 erty.—For purposes of this subsection, the term  
14 ‘qualified nonresidential real property’ means non-  
15 residential real property placed in service in the  
16 United States by a qualified manufacturer if such  
17 property is acquired by such qualified manufacturer  
18 in connection with a qualified relocation of manufac-  
19 turing.

20           “(4) QUALIFIED MANUFACTURER.—For pur-  
21 poses of this subsection, the term ‘qualified manu-  
22 facturer’ means any person engaged in the trade or  
23 business of manufacturing a qualified medical prod-  
24 uct.

1           “(5) QUALIFIED MEDICAL PRODUCT.—For pur-  
2           poses of this subsection, the term ‘qualified medical  
3           product’ means any pharmaceutical, medical device,  
4           or medical supply.

5           “(6) QUALIFIED RELOCATION OF MANUFAC-  
6           TURING.—For purposes of this subsection—

7                   “(A) IN GENERAL.—The term ‘qualified  
8                   relocation of manufacturing’ means, with re-  
9                   spect to any qualified manufacturer, the reloca-  
10                  tion of the manufacturing of a qualified medical  
11                  product from a foreign country to the United  
12                  States.

13                   “(B) RELOCATION OF PROPERTY NOT RE-  
14                   QUIRED.—For purposes of subparagraph (A),  
15                   manufacturing shall not fail to be treated as re-  
16                   located merely because property used in such  
17                   manufacturing was not relocated.

18                   “(C) RELOCATION OF NOT LESS THAN  
19                   EQUIVALENT PRODUCTIVE CAPACITY RE-  
20                   QUIRED.—For purposes of subparagraph (A),  
21                   manufacturing shall not be treated as relocated  
22                   unless the property manufactured in the United  
23                   States is substantially identical to the property  
24                   previously manufactured in a foreign country  
25                   and the increase in the units of production of

1           such property in the United States by the quali-  
2           fied manufacturer is not less than the reduction  
3           in the units of production of such property in  
4           such foreign country by such qualified manufac-  
5           turer.

6           “(7) APPLICATION TO POSSESSIONS OF THE  
7           UNITED STATES.—For purposes of this subsection,  
8           the term ‘United States’ includes any possession of  
9           the United States.”.

10          (b) EXCLUSION OF GAIN ON DISPOSITION OF PROP-  
11          PERTY IN CONNECTION WITH QUALIFIED RELOCATION OF  
12          MANUFACTURING.—

13               (1) IN GENERAL.—Part III of subchapter B of  
14          chapter 1 of such Code is amended by inserting  
15          after section 139H the following new section:

16          **“SEC. 139I. EXCLUSION OF GAIN ON DISPOSITION OF PROP-**  
17                               **ERTY IN CONNECTION WITH QUALIFIED RE-**  
18                               **LOCATION OF MANUFACTURING.**

19               “(a) IN GENERAL.—In the case of a qualified manu-  
20          facturer, gross income shall not include gain from the sale  
21          or exchange of qualified relocation disposition property.

22               “(b) QUALIFIED RELOCATION DISPOSITION PROP-  
23          PERTY.—For purposes of this section, the term ‘qualified  
24          relocation disposition property’ means any property  
25          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 a qualified  
6           medical product in the foreign country from which  
7           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 139H the following new item:

          “Sec. 139I. 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. PRINCIPAL NEGOTIATING OBJECTIVES OF THE**  
2 **UNITED STATES RELATING TO TRADE IN**  
3 **COVERED PHARMACEUTICAL PRODUCTS.**

4 Section 102(b) of the Bipartisan Congressional Trade  
5 Priorities and Accountability Act of 2015 (19 U.S.C. 6  
6 4201(b)) is amended by adding at the end the following:

7 “(23) TRADE IN COVERED PHARMACEUTICAL  
8 PRODUCTS.—

9 “(A) IN GENERAL.—It is the objective of  
10 the United States to negotiate a plurilateral  
11 agreement among trusted allies relating to  
12 trade in covered pharmaceutical products to  
13 which section 103(b) will apply, for which the  
14 principal negotiating objectives of the United  
15 States are the following:

16 “(i) To ensure that a party to the  
17 agreement adopts and maintains measures  
18 to eliminate the imposition or reimposition  
19 of tariffs on imports of such products, par-  
20 ticularly in the event of a declared emer-  
21 gency.

22 “(ii) To ensure that a party to the  
23 agreement—

24 “(I) will reduce or eliminate reg-  
25 ulatory and other technical barriers in  
26 the pharmaceutical sector;

1                   “(II) will promote expedited ap-  
2                   proval of facilities for the production  
3                   of such products being built by busi-  
4                   ness enterprises that operate one or  
5                   more such facilities in the territory of  
6                   the party;

7                   “(III) will promote the use of  
8                   good regulatory practices and stream-  
9                   lined regulatory review and approval  
10                  processes for the production of such  
11                  products in the territory of the party;

12                  “(IV) will eliminate duplicated  
13                  actions and other barriers to reduce  
14                  the time for approvals of both facili-  
15                  ties and such products; and

16                  “(V) will expand transparency  
17                  and cooperation with other parties  
18                  and their manufacturers, working col-  
19                  laboratively, to ensure regulatory  
20                  processes are streamlined and har-  
21                  monized among other parties to the  
22                  maximum extent possible.

23                  “(iii) To prohibit export restraints  
24                  against parties to the agreement, particu-  
25                  larly in the event of a declared emergency.

1                   “(iv) With respect to use of sub-  
2                   sidies—

3                   “(I) to encourage the coordinated  
4                   provision of those types of subsidies  
5                   that are classified under World Trade  
6                   Organization rules as ‘non-prohibited’,  
7                   such as subsidies that are not contin-  
8                   gent on exports or import-substi-  
9                   tution, to incentivize manufacturing of  
10                  such products, including the provision  
11                  of grants, loans, tax incentives, and  
12                  guaranteed price and volume con-  
13                  tracts;

14                  “(II) to explicitly permit, among  
15                  parties to the agreement, the use of  
16                  production subsidies to build pharma-  
17                  ceutical manufacturing capacity;

18                  “(III) to affirm that subsidies  
19                  provided by parties are not intended  
20                  to be used primarily for export or to  
21                  distort trade;

22                  “(IV) to affirm parties’ commit-  
23                  ments under the Antidumping Agree-  
24                  ment and the Agreement on Subsidies  
25                  and Countervailing Measures, includ-

1                   ing the recognition that ‘dumping, by  
2                   which products of one country are in-  
3                   troduced into the commerce of an-  
4                   other country at less than the normal  
5                   value of the products, is to be con-  
6                   demned if it causes or threatens mate-  
7                   rial injury to an established industry  
8                   in the territory of a contracting party  
9                   or materially retards the establish-  
10                  ment of a domestic industry’; and

11                   “(V) to encourage notification  
12                  and consultation among parties as  
13                  they are considering pharmaceutical  
14                  14 manufacturing subsidies to in-  
15                  crease coordination and avoid creating  
16                  conditions such as oversupply or mar-  
17                  ket inefficiencies among the parties.

18                   “(v) With respect to government pro-  
19                  curement—

20                   “(I) to provide reciprocal access  
21                  to government procurements for such  
22                  products in parties to the agreement;

23                   “(II) to increase coordination be-  
24                  tween participant countries and facili-  
25                  tate the involvement of participant



1 countries' companies in bids to supply  
2 such products; and

3 “(III) to ensure that any partici-  
4 pant in the agreement that is not al-  
5 ready so designated, becomes des-  
6 ignated for purposes of section 301 of  
7 the Trade Agreements Act of 1979  
8 (19 U.S.C. 2511).

9 “(vi) With respect to trade in serv-  
10 ices—

11 “(I) to obtain fair, open, and  
12 transparent access to supply chain  
13 services in the markets of parties to  
14 the agreement, such as distribution,  
15 logistics, and transportation services;

16 “(II) to ensure any restrictions  
17 or regulatory requirements maintained  
18 on such services are adopted and  
19 maintained in a transparent and effi-  
20 cient manner; and

21 “(III) to require parties to estab-  
22 lish an internal process for identifying  
23 restrictions or regulatory require-  
24 ments that could be waived in the  
25 event of a declared emergency.

1                   “(vii) With respect to transparency  
2                   and trade facilitation—

3                   “(I) to obtain commitments  
4                   among parties to the agreement to de-  
5                   velop mechanisms for sharing infor-  
6                   mation on pharmaceutical supply  
7                   chain constraints and coordinate ap-  
8                   proaches with parties to minimize  
9                   risks that could lead to supply chain  
10                  failures; and

11                  “(II) to the extent they have not  
12                  done so yet, to obtain commitments  
13                  from parties that they will fully imple-  
14                  ment the obligations under the World  
15                  Trade Organization’s Agreement on  
16                  Trade Facilitation prior to the date  
17                  the agreement enters into force.

18                  “(viii) With respect to enforcement—

19                  “(I) to ensure that benefits under  
20                  the agreement can only be obtained by  
21                  parties that are fully meeting their ob-  
22                  ligations under the agreement;

23                  “(II) to ensure that parties will  
24                  not bring a dispute under another

1 agreement for actions that are con-  
2 sistent with the agreement; and

3 “(III) to provide a dispute settle-  
4 ment mechanism comparable to the  
5 dispute settlement provisions of the  
6 Agreement between the United States  
7 of America, the United Mexican 8  
8 States, and Canada.

9 “(ix) To minimize the ability of par-  
10 ties to the agreement to undermine the ef-  
11 fectiveness of the agreement by abusing ex-  
12 ceptions in the agreement by including ad-  
13 ditional procedural requirements, such as  
14 notification of intent to rely on an excep-  
15 tion at the time an inconsistent action is  
16 taken, and limiting the duration that par-  
17 ticipants may rely on an exception.

18 “(B) DEFINITIONS.—In this paragraph:

19 “(i) ACTIVE PHARMACEUTICAL INGRE-  
20 DIENT.—The term ‘active pharmaceutical  
21 ingredient’—

22 “(I) means any component that  
23 is intended to furnish pharmacological  
24 activity or other direct effect in the  
25 diagnosis, cure, mitigation, treatment,

1 or prevention of a disease, or to affect  
2 the structure or any function of the  
3 body of a human or animal; and

4 “(II) does not include—

5 “(aa) intermediates used in  
6 the synthesis of a drug product;  
7 or

8 “(bb) components that may  
9 undergo chemical change in the  
10 manufacture of a drug product  
11 and be present in a drug product  
12 in a modified form that is in-  
13 tended to furnish such activity or  
14 effect.

15 “(ii) AGREEMENT ON SUBSIDIES AND  
16 COUNTERVAILING MEASURES.—The term  
17 ‘Agreement on Subsidies and Counter-  
18 vailing Measures’ means the agreement re-  
19 ferred to in section 101(d)(12) of the Uru-  
20 guay Round Agreements Act (19 U.S.C.  
21 3511(d)(12)).

22 “(iii) ANTIDUMPING AGREEMENT.—  
23 The term ‘Antidumping Agreement’ means  
24 the Agreement on Implementation of Arti-  
25 cle VI of the General Agreement on Tariffs

1 and Trade 1994 referred to in section  
2 101(d)(7) of the Uruguay Round Agree-  
3 ments Act (19 U.S.C. 3511(d)(7)).

4 “(iv) BIOLOGICAL PRODUCT.—The  
5 term ‘biological product’ has the meaning  
6 given to such term in section 351(i) of the  
7 Public Health Service Act (42 U.S.C. 8  
8 262(i)).

9 “(v) COVERED PHARMACEUTICAL  
10 PRODUCT.—The term ‘covered pharma-  
11 ceutical product’ means—

12 “(I) a drug (including a biologi-  
13 cal product); or

14 “(II) an active pharmaceutical  
15 ingredient.”.

16 **SEC. 304. REAUTHORIZATION OF TRADE AGREEMENTS AU-**  
17 **THORITY.**

18 Section 103 of the Bipartisan Congressional Trade  
19 Priorities and Accountability Act of 2015 (19 U.S.C. 20  
20 4202) is amended—

21 (1) in subsection (a)—

22 (A) by striking “July 1, 2018” each place  
23 it appears and inserting “July 1, 2023”; and

24 (B) by striking “July 1, 2021” each place  
25 it appears and inserting “July 1, 2026”;

1 (2) in subsection (b)—

2 (A) by striking “July 1, 2018” each place  
3 it appears and inserting “July 1, 2023”; and

4 (B) by striking “July 1, 2021” each place  
5 it appears and inserting “July 1, 2026”; and

6 (3) in subsection (c)—

7 (A) by striking “July 1, 2018” each place  
8 it appears and inserting “July 1, 2023”;

9 (B) by striking “June 30, 2018” and in-  
10 sserting “June 30, 2023”;

11 (C) in paragraph (1)(B), by striking “July  
12 1, 2021” and inserting “July 1, 2026”;

13 (D) in paragraph (2), by striking “April 1,  
14 2018” and inserting “April 1, 2023”; and

15 (E) in paragraph (3), by striking “June 1,  
16 2018” and inserting “June 1, 2023”.

17 **SEC. 305. SECURING ESSENTIAL MEDICAL MATERIALS.**

18 (a) STATEMENT OF POLICY.—Section 2(b) of the De-  
19 fense Production Act of 1950 (50 U.S.C. 4502) is amend-  
20 ed—

21 (1) by redesignating paragraphs (3) through  
22 (8) as paragraphs (4) through (9), respectively; and

23 (2) by inserting after paragraph (2) the fol-  
24 lowing:

1           “(3) authorities under this Act should be used  
2           when appropriate to ensure the availability of med-  
3           ical materials essential to national defense, including  
4           through measures designed to secure the drug sup-  
5           ply chain, and taking into consideration the impor-  
6           tance of United States competitiveness, scientific  
7           leadership and cooperation, and innovative capac-  
8           ity;”.

9           (b) **STRENGTHENING DOMESTIC CAPABILITY.**—Sec-  
10          tion 107 of the Defense Production Act of 1950 (50  
11          U.S.C. 4517) is amended—

12           (1) in subsection (a), by inserting “(including  
13           medical materials)” after “materials”; and

14           (2) in subsection (b)(1), by inserting “(includ-  
15           ing medical materials such as drugs, devices, and bi-  
16           ological products to diagnose, cure, mitigate, treat,  
17           or prevent disease that are essential to national de-  
18           fense)” after “essential materials”.

19           (c) **STRATEGY ON SECURING SUPPLY CHAINS FOR**  
20          **MEDICAL MATERIALS.**—Title I of the Defense Production  
21          Act of 1950 (50 U.S.C. 4511 et seq.) is amended by add-  
22          ing at the end the following:

1 **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**  
2 **MEDICAL MATERIALS.**

3 “(a) IN GENERAL.—Not later than 180 days after  
4 the date of the enactment of this section, the President,  
5 in consultation with the Secretary of Health and Human  
6 Services, the Secretary of Commerce, the Secretary of  
7 Homeland Security, and the Secretary of Defense, shall  
8 transmit a strategy to the appropriate Members of Con-  
9 gress that includes the following:

10 “(1) A detailed plan to use the authorities  
11 under this title and title III, or any other provision  
12 of law, to ensure the supply of medical materials (in-  
13 cluding drugs, devices, and biological products (as  
14 that term is defined in section 351 of the Public  
15 Health Service Act (42 U.S.C. 262)) to diagnose,  
16 cure, mitigate, treat, or prevent disease) essential to  
17 national defense, to the extent necessary for the pur-  
18 poses of this Act.

19 “(2) An analysis of vulnerabilities to existing  
20 supply chains for such medical materials, and rec-  
21 ommendations to address the vulnerabilities.

22 “(3) Measures to be undertaken by the Presi-  
23 dent to diversify such supply chains, as appropriate  
24 and as required for national defense.

25 “(4) A discussion of—



1           “(A) any significant effects resulting from  
2           the plan and measures described in this sub-  
3           section on the production, cost, or distribution  
4           of biological products (as that term is defined  
5           in section 351 of the Public Health Service Act  
6           (42 U.S.C. 262)) or any other devices or drugs  
7           (as defined under the Federal Food, Drug, and  
8           Cosmetic Act (21 U.S.C. 301 et seq.));

9           “(B) a timeline to ensure that essential  
10          components of the supply chain for medical ma-  
11          terials are not under the exclusive control of a  
12          foreign government in a manner that the Presi-  
13          dent determines could threaten the national de-  
14          fense of the United States; and

15          “(C) efforts to mitigate any risks resulting  
16          from the plan and measures described in this  
17          subsection to United States competitiveness,  
18          scientific leadership, and innovative capacity,  
19          including efforts to cooperate and proactively  
20          engage with United States allies.

21          “(b) PROGRESS REPORT.—Following submission of  
22          the strategy under subsection (a), the President shall sub-  
23          mit to the appropriate Members of Congress an annual  
24          progress report until September 30, 2025, evaluating the  
25          implementation of the strategy, and may include updates

1 to the strategy as appropriate. The strategy and progress  
2 reports shall be submitted in unclassified form but may  
3 contain a classified annex.

4 “(c) APPROPRIATE MEMBERS OF CONGRESS.—The  
5 term ‘appropriate Members of Congress’ means the  
6 Speaker, majority leader, and minority leader of the  
7 House of Representatives, the majority leader and minor-  
8 ity leader of the Senate, the Chairman and Ranking Mem-  
9 ber of the Committee on Financial Services of the House  
10 of Representatives, and the Chairman and Ranking Mem-  
11 ber of the Committee on Banking, Housing, and Urban  
12 Affairs of the Senate.”

13 **SEC. 306. INVESTMENT IN SUPPLY CHAIN SECURITY.**

14 (a) IN GENERAL.—Section 303 of the Defense Pro-  
15 duction Act of 1950 (50 U.S.C. 4533) is amended by add-  
16 ing at the end the following:

17 “(h) INVESTMENT IN SUPPLY CHAIN SECURITY.—

18 “(1) IN GENERAL.—In addition to other au-  
19 thorities in this title, the President may make avail-  
20 able to an eligible entity described in paragraph (2)  
21 payments to increase the security of supply chains  
22 and supply chain activities, if the President certifies  
23 to Congress not less than 30 days before making  
24 such a payment that the payment is critical to meet  
25 national defense requirements of the United States.

1           “(2) ELIGIBLE ENTITY.—An eligible entity de-  
2           scribed in this paragraph is an entity that—

3                   “(A) is organized under the laws of the  
4           United States or any jurisdiction within the  
5           United States; and

6                   “(B) produces—

7                           “(i) one or more critical components;

8                           “(ii) critical technology; or

9                           “(iii) one or more products or raw  
10           materials for the security of supply chains  
11           or supply chain activities.

12           “(3) DEFINITIONS.—In this subsection, the  
13           terms ‘supply chain’ and ‘supply chain activities’  
14           have the meanings given those terms by the Presi-  
15           dent by regulation.”.

16           (b) REGULATIONS.—

17                   (1) IN GENERAL.—Not later than 90 days after  
18           the date of the enactment of this Act, the President  
19           shall prescribe regulations setting forth definitions  
20           for the terms “supply chain” and “supply chain ac-  
21           tivities” for the purposes of section 303(h) of the  
22           Defense Production Act of 1950 (50 U.S.C.  
23           4533(h)), as added by subsection (a).

24                   (2) SCOPE OF DEFINITIONS.—The definitions  
25           required by paragraph (1)—

1 (A) shall encompass—

2 (i) the organization, people, activities,  
3 information, and resources involved in the  
4 delivery and operation of a product or serv-  
5 ice used by the Government; or

6 (ii) critical infrastructure as defined  
7 in Presidential Policy Directive 21 (Feb-  
8 ruary 12, 2013; relating to critical infra-  
9 structure security and resilience); and

10 (B) may include variations as determined  
11 necessary and appropriate by the President for  
12 purposes of national defense.

13 **SEC. 307. PERMIT PROCESS FOR PROJECTS RELATING TO**  
14 **EXTRACTION, RECOVERY, OR PROCESSING**  
15 **OF CRITICAL MATERIALS.**

16 (a) DEFINITION OF COVERED PROJECT.—Section  
17 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A))  
18 is amended—

19 (1) in clause (i)(III), by striking “; or” and in-  
20 serting a semicolon;

21 (2) in clause (ii)(II), by striking the period and  
22 inserting “; or”; and

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

24 “(iii) is related to the extraction, re-  
25 covery, or processing from coal, coal waste,

1 coal processing waste, pre-or post-combus-  
2 tion coal byproducts, or acid mine drainage  
3 from coal mines of one of the following  
4 materials:

5 “(I) Critical minerals (as such  
6 term is defined in section 7002 of the  
7 Energy Act of 2020).

8 “(II) Rare earth elements.

9 “(III) Microfine carbon or carbon  
10 from coal.”

11 (b) REPORT.—Not later than 6 months after the date  
12 of enactment of this Act, the Secretary of the Interior  
13 shall submit to the Committees on Energy and Natural  
14 Resources and Commerce, Science, and Transportation of  
15 the Senate and the Committees on Transportation and In-  
16 frastructure, Natural Resources, and Energy and Com-  
17 merce of the House of Representatives a report evaluating  
18 the timeliness of implementation of reforms of the permit-  
19 ting process required as a result of the amendments made  
20 by this Act on the following:

21 (1) The economic and national security of the  
22 United States.

23 (2) Domestic production and supply of critical  
24 minerals, rare earths, and microfine carbon or car-  
25 bon from coal.

1 **TITLE IV—MATTERS RELATING**  
2 **TO RESEARCH AND DEVELOP-**  
3 **MENT**

4 **SEC. 401. PERMANENT FULL EXPENSING FOR QUALIFIED**  
5 **PROPERTY.**

6 (a) IN GENERAL.—Paragraph (6) of section 168(k)  
7 of the Internal Revenue Code of 1986 is amended to read  
8 as follows:

9 “(6) APPLICABLE PERCENTAGE.—For purposes  
10 of this subsection, the term ‘applicable percentage’  
11 means, in the case of property placed in service (or,  
12 in the case of a specified plant described in para-  
13 graph (5), a plant which is planted or grafted) after  
14 September 27, 2017, 100 percent.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) Section 168(k) of the Internal Revenue  
17 Code of 1986 is amended—

18 (A) in paragraph (2)—

19 (i) in subparagraph (A)—

20 (I) in clause (i)(V), by inserting  
21 “and” at the end;

22 (II) in clause (ii), by striking  
23 “clause (ii) of subparagraph (E),  
24 and” and inserting “clause (i) of sub-  
25 paragraph (E).”; and

1 (III) by striking clause (iii);  
2 (ii) in subparagraph (B)—  
3 (I) in clause (i)—  
4 (aa) by striking subclauses  
5 (II) and (III); and  
6 (bb) by redesignating sub-  
7 clauses (IV) through (VI) as sub-  
8 clauses (II) through (IV), respec-  
9 tively;  
10 (II) by striking clause (ii); and  
11 (III) by redesignating clauses  
12 (iii) and (iv) as clauses (ii) and (iii),  
13 respectively;  
14 (iii) in subparagraph (C)—  
15 (I) in clause (i), by striking “and  
16 subclauses (II) and (III) of subpara-  
17 graph (B)(i)”;  
18 (II) in clause (ii), by striking  
19 “subparagraph (B)(iii)” and inserting  
20 “subparagraph (B)(ii)”;  
21 (iv) in subparagraph (E)—  
22 (I) by striking clause (i); and  
23 (II) by redesignating clauses (ii)  
24 and (iii) as clauses (i) and (ii), respec-  
25 tively; and

1 (B) in paragraph (5)(A), by striking  
2 “planted before January 1, 2027, or is grafted  
3 before such date to a plant that has already  
4 been planted,” and inserting “planted or graft-  
5 ed”.

6 (2) Section 460(c)(6)(B) of such Code is  
7 amended by striking “which” and all that follows  
8 through the period and inserting “which has a recov-  
9 ery period of 7 years or less.”.

10 (c) EFFECTIVE DATE.—The amendments made by  
11 this section shall take effect as if included in section  
12 13201 of Public Law 115–97.

13 **SEC. 402. RESEARCH AND EXPERIMENTAL EXPENDITURES.**

14 (a) IN GENERAL.—Section 174 of the Internal Rev-  
15 enue Code of 1986 is amended to read as follows:

16 **“SEC. 174. RESEARCH AND EXPERIMENTAL EXPENDITURES.**

17 **“(a) TREATMENT AS EXPENSES.—**

18 **“(1) IN GENERAL.—**A taxpayer may treat re-  
19 search or experimental expenditures which are paid  
20 or incurred by him during the taxable year in con-  
21 nection with his trade or business as expenses which  
22 are not chargeable to capital account. The expendi-  
23 tures so treated shall be allowed as a deduction.

24 **“(2) WHEN METHOD MAY BE ADOPTED.—**



1           “(A) WITHOUT CONSENT.—A taxpayer  
2           may, without the consent of the Secretary,  
3           adopt the method provided in this subsection  
4           for his first taxable year for which expenditures  
5           described in paragraph (1) are paid or incurred.

6           “(B) WITH CONSENT.—A taxpayer may,  
7           with the consent of the Secretary, adopt at any  
8           time the method provided in this subsection.

9           “(3) SCOPE.—The method adopted under this  
10          subsection shall apply to all expenditures described  
11          in paragraph (1). The method adopted shall be ad-  
12          hered to in computing taxable income for the taxable  
13          year and for all subsequent taxable years unless,  
14          with the approval of the Secretary, a change to a  
15          different method is authorized with respect to part  
16          or all of such expenditures.

17          “(b) AMORTIZATION OF CERTAIN RESEARCH AND  
18          EXPERIMENTAL EXPENDITURES.—

19                 “(1) IN GENERAL.—At the election of the tax-  
20                 payer, made in accordance with regulations pre-  
21                 scribed by the Secretary, research or experimental  
22                 expenditures which are—

23                         “(A) paid or incurred by the taxpayer in  
24                         connection with his trade or business,

1           “(B) not treated as expenses under sub-  
2           section (a), and

3           “(C) chargeable to capital account but not  
4           chargeable to property of a character which is  
5           subject to the allowance under section 167 (re-  
6           lating to allowance for depreciation, etc.) or sec-  
7           tion 611 (relating to allowance for depletion),  
8           may be treated as deferred expenses. In computing  
9           taxable income, such deferred expenses shall be al-  
10          lowed as a deduction ratably over such period of not  
11          less than 60 months as may be selected by the tax-  
12          payer (beginning with the month in which the tax-  
13          payer first realizes benefits from such expenditures).  
14          Such deferred expenses are expenditures properly  
15          chargeable to capital account for purposes of section  
16          1016(a)(1) (relating to adjustments to basis of prop-  
17          erty).

18          “(2) TIME FOR AND SCOPE OF ELECTION.—The  
19          election provided by paragraph (1) may be made for  
20          any taxable year, but only if made not later than the  
21          time prescribed by law for filing the return for such  
22          taxable year (including extensions thereof). The  
23          method so elected, and the period selected by the  
24          taxpayer, shall be adhered to in computing taxable  
25          income for the taxable year for which the election is

1       made and for all subsequent taxable years unless,  
2       with the approval of the Secretary, a change to a  
3       different method (or to a different period) is author-  
4       ized with respect to part or all of such expenditures.

5       The election shall not apply to any expenditure paid  
6       or incurred during any taxable year before the tax-  
7       able year for which the taxpayer makes the election.

8       “(c) LAND AND OTHER PROPERTY.—This section  
9       shall not apply to any expenditure for the acquisition or  
10      improvement of land, or for the acquisition or improve-  
11      ment of property to be used in connection with the re-  
12      search or experimentation and of a character which is sub-  
13      ject to the allowance under section 167 (relating to allow-  
14      ance for depreciation, etc.) or section 611 (relating to al-  
15      lowance for depletion); but for purposes of this section al-  
16      lowances under section 167, and allowances under section  
17      611, shall be considered as expenditures.

18      “(d) EXPLORATION EXPENDITURES.—This section  
19      shall not apply to any expenditure paid or incurred for  
20      the purpose of ascertaining the existence, location, extent,  
21      or quality of any deposit of ore or other mineral (including  
22      oil and gas).

23      “(e) ONLY REASONABLE RESEARCH EXPENDITURES  
24      ELIGIBLE.—This section shall apply to a research or ex-

1 perimental expenditure only to the extent that the amount  
2 thereof is reasonable under the circumstances.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 for part VI of subchapter B of chapter 1 of such Code  
5 is amended by striking the item relating to section 174  
6 and inserting the following new item:

“Sec. 174. Research and experimental expenditures.”.

7 (c) CONFORMING AMENDMENTS.—

8 (1) Section 41(d)(1)(A) of such Code is amend-  
9 ed by striking “specified research or experimental  
10 expenditures under section 174” and inserting “ex-  
11 penses under section 174”.

12 (2) Section 280C(c) of such Code is amended to  
13 read as follows:

14 “(c) CREDIT FOR INCREASING RESEARCH ACTIVI-  
15 TIES.—

16 “(1) IN GENERAL.—No deduction shall be al-  
17 lowed for that portion of the qualified research ex-  
18 penses (as defined in section 41(b)) or basic re-  
19 search expenses (as defined in section 41(e)(2)) oth-  
20 erwise allowable as a deduction for the taxable year  
21 which is equal to the amount of the credit deter-  
22 mined for such taxable year under section 41(a).

23 “(2) SIMILAR RULE WHERE TAXPAYER CAP-  
24 ITALIZES RATHER THAN DEDUCTS EXPENSES.—If—

1           “(A) the amount of the credit determined  
2           for the taxable year under section 41(a)(1), ex-  
3           ceeds

4           “(B) the amount allowable as a deduction  
5           for such taxable year for qualified research ex-  
6           penses or basic research expenses (determined  
7           without regard to paragraph (1)),  
8           the amount chargeable to capital account for the  
9           taxable year for such expenses shall be reduced by  
10          the amount of such excess.

11          “(3) ELECTION OF REDUCED CREDIT.—

12           “(A) IN GENERAL.—In the case of any  
13           taxable year for which an election is made  
14           under this paragraph—

15                   “(i) paragraphs (1) and (2) shall not  
16                   apply, and

17                   “(ii) the amount of the credit under  
18                   section 41(a) shall be the amount deter-  
19                   mined under subparagraph (B).

20           “(B) AMOUNT OF REDUCED CREDIT.—The  
21           amount of credit determined under this sub-  
22           paragraph for any taxable year shall be the  
23           amount equal to the excess of—

1           “(i) the amount of credit determined  
2           under section 41(a) without regard to this  
3           paragraph, over

4           “(ii) the product of—

5                 “(I) the amount described in  
6                 clause (i), and

7                 “(II) the rate of tax under sec-  
8                 tion 11(b).

9           “(C) ELECTION.—An election under this  
10          paragraph for any taxable year shall be made  
11          not later than the time for filing the return of  
12          tax for such year (including extensions), shall  
13          be made on such return, and shall be made in  
14          such manner as the Secretary may prescribe.  
15          Such an election, once made, shall be irrev-  
16          ocable.

17          “(4) CONTROLLED GROUPS.—Paragraph (3) of  
18          subsection (b) shall apply for purposes of this sub-  
19          section.”.

20          (d) EFFECTIVE DATE.—The amendments made by  
21          this section shall apply to amounts paid or incurred in tax-  
22          able years beginning after December 31, 2021.

1 **SEC. 403. REPEAL AND CODIFICATION OF CERTAIN EXECU-**  
2 **TIVE ORDERS.**

3 (a) REPEAL.—The executive order relating to the  
4 revocation of certain executive orders concerning Federal  
5 regulation, signed on January 20, 2021, is hereby re-  
6 scinded.

7 (b) CODIFICATION OF EXECUTIVE ORDERS.—The  
8 following executive orders shall have the force and effect  
9 of law:

10 (1) Executive Order 13771 (82 Fed. Reg.  
11 12866; relating to reducing regulation and control-  
12 ling regulatory costs).

13 (2) Executive Order 13777 (82 Fed. Reg.  
14 12285; relating to enforcing the regulatory reform  
15 agenda).

16 (3) Executive Order 13891 (84 Fed. Reg.  
17 55235; relating to improving agency guidance docu-  
18 ments).

19 (4) Executive Order 13892 (84 Fed. Reg.  
20 55239; relating to transparency in administrative  
21 enforcement and adjudication).

22 (5) Executive Order 13893 (84 Fed. Reg.  
23 55487; relating to accountability for administrative  
24 actions).

1 **SEC. 404. EDUCATIONAL ASSISTANCE EXCLUSION FROM**  
2 **GROSS INCOME INCREASED.**

3 (a) Section 127(b)(2) of the Internal Revenue Code  
4 of 1986 is amended to read as follows:

5 “(2) MAXIMUM EXCLUSION.—

6 “(A) IN GENERAL.—If but for this para-  
7 graph, this section would exclude from gross in-  
8 come more than the maximum amount of edu-  
9 cational assistance furnished to an individual  
10 during a calendar year, this section shall apply  
11 only to the maximum amount of such assistance  
12 so furnished.

13 “(B) MAXIMUM AMOUNT.—For purposes  
14 of subparagraph (B), the term ‘maximum  
15 amount’ means, for any calendar year, an  
16 amount equal to the applicable dollar amount  
17 for elective deferrals described in section  
18 402(g)(1)(B) (as such amount is adjusted for  
19 inflation for such calendar year).”.

20 (b) EFFECTIVE DATE.—The amendment made by  
21 this section shall apply to educational assistance furnished  
22 in taxable years beginning after December 31, 2020.

23 **SEC. 405. RESEARCH AND EXPERIMENTAL EXPENDITURES.**

24 (a) IN GENERAL.—Section 174 of the Internal Rev-  
25 enue Code of 1986 is amended to read as follows:



1 **“SEC. 174. RESEARCH AND EXPERIMENTAL EXPENDITURES.**

2 “(a) TREATMENT AS EXPENSES.—

3 “(1) IN GENERAL.—A taxpayer may treat re-  
4 search or experimental expenditures which are paid  
5 or incurred by him during the taxable year in con-  
6 nection with his trade or business as expenses which  
7 are not chargeable to capital account. The expendi-  
8 tures so treated shall be allowed as a deduction.

9 “(2) WHEN METHOD MAY BE ADOPTED.—

10 “(A) WITHOUT CONSENT.—A taxpayer  
11 may, without the consent of the Secretary,  
12 adopt the method provided in this subsection  
13 for his first taxable year for which expenditures  
14 described in paragraph (1) are paid or incurred.

15 “(B) WITH CONSENT.—A taxpayer may,  
16 with the consent of the Secretary, adopt at any  
17 time the method provided in this subsection.

18 “(3) SCOPE.—The method adopted under this  
19 subsection shall apply to all expenditures described  
20 in paragraph (1). The method adopted shall be ad-  
21 hered to in computing taxable income for the taxable  
22 year and for all subsequent taxable years unless,  
23 with the approval of the Secretary, a change to a  
24 different method is authorized with respect to part  
25 or all of such expenditures.

1       “(b) AMORTIZATION OF CERTAIN RESEARCH AND  
2 EXPERIMENTAL EXPENDITURES.—

3               “(1) IN GENERAL.—At the election of the tax-  
4 payer, made in accordance with regulations pre-  
5 scribed by the Secretary, research or experimental  
6 expenditures which are—

7                       “(A) paid or incurred by the taxpayer in  
8 connection with his trade or business,

9                       “(B) not treated as expenses under sub-  
10 section (a), and

11                      “(C) chargeable to capital account but not  
12 chargeable to property of a character which is  
13 subject to the allowance under section 167 (re-  
14 lating to allowance for depreciation, etc.) or sec-  
15 tion 611 (relating to allowance for depletion),

16 may be treated as deferred expenses. In computing  
17 taxable income, such deferred expenses shall be al-  
18 lowed as a deduction ratably over such period of not  
19 less than 60 months as may be selected by the tax-  
20 payer (beginning with the month in which the tax-  
21 payer first realizes benefits from such expenditures).  
22 Such deferred expenses are expenditures properly  
23 chargeable to capital account for purposes of section  
24 1016(a)(1) (relating to adjustments to basis of prop-  
25 erty).

1           “(2) TIME FOR AND SCOPE OF ELECTION.—The  
2           election provided by paragraph (1) may be made for  
3           any taxable year, but only if made not later than the  
4           time prescribed by law for filing the return for such  
5           taxable year (including extensions thereof). The  
6           method so elected, and the period selected by the  
7           taxpayer, shall be adhered to in computing taxable  
8           income for the taxable year for which the election is  
9           made and for all subsequent taxable years unless,  
10          with the approval of the Secretary, a change to a  
11          different method (or to a different period) is author-  
12          ized with respect to part or all of such expenditures.  
13          The election shall not apply to any expenditure paid  
14          or incurred during any taxable year before the tax-  
15          able year for which the taxpayer makes the election.

16          “(c) LAND AND OTHER PROPERTY.—This section  
17          shall not apply to any expenditure for the acquisition or  
18          improvement of land, or for the acquisition or improve-  
19          ment of property to be used in connection with the re-  
20          search or experimentation and of a character which is sub-  
21          ject to the allowance under section 167 (relating to allow-  
22          ance for depreciation, etc.) or section 611 (relating to al-  
23          lowance for depletion); but for purposes of this section al-  
24          lowances under section 167, and allowances under section  
25          611, shall be considered as expenditures.

1       “(d) EXPLORATION EXPENDITURES.—This section  
2 shall not apply to any expenditure paid or incurred for  
3 the purpose of ascertaining the existence, location, extent,  
4 or quality of any deposit of ore or other mineral (including  
5 oil and gas).

6       “(e) ONLY REASONABLE RESEARCH EXPENDITURES  
7 ELIGIBLE.—This section shall apply to a research or ex-  
8 perimental expenditure only to the extent that the amount  
9 thereof is reasonable under the circumstances.”.

10       (b) CLERICAL AMENDMENT.—The table of sections  
11 for part VI of subchapter B of chapter 1 of such Code  
12 is amended by striking the item relating to section 174  
13 and inserting the following new item:

“Sec. 174. Research and experimental expenditures.”.

14       (c) CONFORMING AMENDMENTS.—

15           (1) Section 41(d)(1)(A) of such Code is amend-  
16 ed by striking “specified research or experimental  
17 expenditures under section 174” and inserting “ex-  
18 penses under section 174”.

19           (2) Section 280C(c) of such Code is amended to  
20 read as follows:

21       “(c) CREDIT FOR INCREASING RESEARCH ACTIVI-  
22 TIES.—

23           “(1) IN GENERAL.—No deduction shall be al-  
24 lowed for that portion of the qualified research ex-  
25 penses (as defined in section 41(b)) or basic re-

1 search expenses (as defined in section 41(e)(2)) oth-  
2 erwise allowable as a deduction for the taxable year  
3 which is equal to the amount of the credit deter-  
4 mined for such taxable year under section 41(a).

5 “(2) SIMILAR RULE WHERE TAXPAYER CAP-  
6 ITALIZES RATHER THAN DEDUCTS EXPENSES.—If—

7 “(A) the amount of the credit determined  
8 for the taxable year under section 41(a)(1), ex-  
9 ceeds

10 “(B) the amount allowable as a deduction  
11 for such taxable year for qualified research ex-  
12 penses or basic research expenses (determined  
13 without regard to paragraph (1)),  
14 the amount chargeable to capital account for the  
15 taxable year for such expenses shall be reduced by  
16 the amount of such excess.

17 “(3) ELECTION OF REDUCED CREDIT.—

18 “(A) IN GENERAL.—In the case of any  
19 taxable year for which an election is made  
20 under this paragraph—

21 “(i) paragraphs (1) and (2) shall not  
22 apply, and

23 “(ii) the amount of the credit under  
24 section 41(a) shall be the amount deter-  
25 mined under subparagraph (B).

1           “(B) AMOUNT OF REDUCED CREDIT.—The  
2           amount of credit determined under this sub-  
3           paragraph for any taxable year shall be the  
4           amount equal to the excess of—

5                   “(i) the amount of credit determined  
6                   under section 41(a) without regard to this  
7                   paragraph, over

8                   “(ii) the product of—

9                           “(I) the amount described in  
10                           clause (i), and

11                           “(II) the rate of tax under sec-  
12                           tion 11(b).

13           “(C) ELECTION.—An election under this  
14           paragraph for any taxable year shall be made  
15           not later than the time for filing the return of  
16           tax for such year (including extensions), shall  
17           be made on such return, and shall be made in  
18           such manner as the Secretary may prescribe.  
19           Such an election, once made, shall be irrev-  
20           ocable.

21           “(4) CONTROLLED GROUPS.—Paragraph (3) of  
22           subsection (b) shall apply for purposes of this sub-  
23           section.”.

1 (d) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to amounts paid or incurred in tax-  
3 able years beginning after December 31, 2021.

4 **TITLE V—MATTERS RELATED TO**  
5 **EDUCATION**

6 **Subtitle A—Restrictions Relating**  
7 **to Foreign Funding of Edu-**  
8 **cational Institutions**

9 **SEC. 501. RESTRICTIONS ON INSTITUTIONS PARTNERING**  
10 **WITH THE PEOPLE’S REPUBLIC OF CHINA.**

11 (a) FUNDING RESTRICTED.—An institution of higher  
12 education or other post-secondary educational institution  
13 shall not be eligible to receive Federal funds (except funds  
14 under title IV of the Higher Education Act of 1965 (20  
15 U.S.C. 1070 et seq.) or other Department of Education  
16 funds that are provided directly to students) if such insti-  
17 tution:

18 (1) has a contractual partnership in effect with  
19 an entity that is owned or controlled, directly or in-  
20 directly, by the Government of the People’s Republic  
21 of China;

22 (2) has a contractual partnership in effect with  
23 an entity that is organized under the laws of the  
24 People’s Republic of China; or

25 (3) employs a CCP-funded instructor.

1 (b) RESTORING ELIGIBILITY.—An institution ineli-  
2 gible to receive Federal funds under subsection (a) may  
3 reestablish eligibility by—

4 (1) in the case of a contractual partnership  
5 with an entity described in subsection (a)(1) or  
6 (a)(2):

7 (A) disclosing to the Secretary of Edu-  
8 cation all contractual partnerships with the ap-  
9 plicable entity from the previous 10 years; and

10 (B) providing to the Secretary of Edu-  
11 cation sufficient evidence that such partnerships  
12 have been terminated; or

13 (2) in the case of the employment of a CCP-  
14 funded instructor as described in subsection (a)(3),  
15 by demonstrating, to the satisfaction of the Sec-  
16 retary of Education, that the institution no longer  
17 employs a CCP-funded instructor.

18 (c) CCP-FUNDED INSTRUCTOR DEFINED.—In this  
19 section, the term “CCP-funded instructor” means a pro-  
20 fessor, teacher, or any other individual who—

21 (1) provides instruction directly to the students  
22 of an institution of higher education; and

23 (2) received funds, directly or indirectly, from  
24 the Chinese Communist Party while employed by  
25 such institution.



1 (d) EFFECTIVE DATE.—The restrictions under this  
2 section shall take effect 180 days after the date of the  
3 enactment of this Act.

4 **SEC. 502. LIMITING EXEMPTION FROM FOREIGN AGENT**  
5 **REGISTRATION REQUIREMENT FOR PERSONS**  
6 **ENGAGING IN ACTIVITIES IN FURTHERANCE**  
7 **OF CERTAIN PURSUITS TO ACTIVITIES NOT**  
8 **PROMOTING POLITICAL AGENDA OF FOR-**  
9 **EIGN GOVERNMENTS.**

10 (a) LIMITATION ON EXEMPTION.—Section 3(e) of the  
11 Foreign Agents Registration Act of 1938 (22 U.S.C.  
12 613(e)) is amended by striking the semicolon at the end  
13 and inserting the following: “, but only if the activities  
14 do not promote the political agenda of a government of  
15 a foreign country;”.

16 (b) EFFECTIVE DATE.—The amendment made by  
17 subsection (a) shall apply with respect to activities carried  
18 out on or after the date of the enactment of this Act.

19 **SEC. 503. REPORTING EXCHANGE VISITOR CHANGE IN**  
20 **FIELD OF STUDY.**

21 With respect to a principal nonimmigrant exchange  
22 visitor admitted into the United States in the J–1 classi-  
23 fication under section 101(a)(15)(J) of the Immigration  
24 and Nationality Act (8 U.S.C. 1101(a)(15)(J)) in order  
25 to study, the Secretary of State shall take such action as

1 may be necessary to ensure that the applicable program  
2 sponsor is required to use the Student and Exchange Vis-  
3 itor Information System to report any change to the non-  
4 immigrant's primary field of study. In carrying out this  
5 section, the Secretary of State shall take into account the  
6 record keeping and reporting requirements of the Sec-  
7 retary of Homeland Security with regard to non-  
8 immigrants admitted into the United States in the F-1  
9 and M-1 classifications under subparagraphs (F) and (M)  
10 of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

11 **SEC. 504. REPORTING CERTAIN RESEARCH PROGRAM PAR-**  
12 **TICIPATION.**

13 (a) IN GENERAL.—With respect to a principal non-  
14 immigrant admitted into the United States in the J-1  
15 classification under section 101(a)(15)(J) of the Immigra-  
16 tion and Nationality Act (8 U.S.C. 1101(a)(15)(J)), in the  
17 F-1 classification under section 101(a)(15)(F) of such  
18 Act, or in the M-1 classification under section  
19 101(a)(15)(M) of such Act, the Secretary of State and the  
20 Secretary of Homeland Security shall take such action as  
21 may be necessary to ensure that the applicable program  
22 sponsor or academic or nonacademic institution is re-  
23 quired to use the Student and Exchange Visitor Informa-  
24 tion System to report when the nonimmigrant is partici-  
25 pating in a research program funded in whole or in part

1 through a grant, contract, or other similar form of support  
2 provided by the Federal Government, as well as program  
3 identification information.

4 (b) NOTIFICATIONS.—

5 (1) SECRETARY.—In the case of a non-  
6 immigrant described in subsection (a), the Secretary  
7 of Homeland Security shall notify the appropriate  
8 program manager at an Executive agency (as de-  
9 fined in section 105 of title 5, United States Code)  
10 if and when the Secretary obtains information that  
11 the nonimmigrant is participating in a research pro-  
12 gram funded in whole or in part through a grant,  
13 contract, or other similar form of support provided  
14 by such agency prior to the commencement of that  
15 nonimmigrant's participation and not later than 21  
16 days after authorizing such participation.

17 (2) SPONSOR OR INSTITUTION.—In the case of  
18 a nonimmigrant described in subsection (a), the ap-  
19 plicable program sponsor or academic or nonaca-  
20 demic institution shall notify the appropriate pro-  
21 gram manager at an Executive agency (as defined in  
22 section 105 of title 5, United States Code) if and  
23 when the sponsor or institution obtains information  
24 that the nonimmigrant is participating in a research  
25 program funded in whole or in part through a grant,

1 contract, or other similar form of support provided  
2 by such agency prior to the commencement of that  
3 nonimmigrant's participation and not later than 21  
4 days after authorizing such participation.

5 **SEC. 505. REVIEW AND REVOCATION OF CERTAIN NON-**  
6 **IMMIGRANT VISAS.**

7 (a) IN GENERAL.—The Secretary of Homeland Secu-  
8 rity shall have the authority to review and revoke a non-  
9 immigrant visa granted under subparagraph (F), (J), or  
10 (M) of section 101(a)(15) of the Immigration and Nation-  
11 ality Act (8 U.S.C. 1101(a)(15)) if, in consultation with  
12 the Attorney General, the Secretary finds that—

13 (1) the visa holder has misrepresented his or  
14 her intention to pursue a certain program or field of  
15 study;

16 (2) following a change to the nonimmigrant's  
17 primary field of study as described under section  
18 504, that the new primary field of study would have  
19 triggered a higher level of scrutiny during the visa  
20 application process, and that the visa holder poses a  
21 risk to the homeland security of the United States,  
22 the national security of the United States, or re-  
23 search integrity at their applicable program sponsor  
24 or institution; or

1           (3) the visa holder's enrollment in a research  
2           program funded in whole or in part through a grant,  
3           contract, or other similar form of support provided  
4           by the Federal Government poses a risk to the  
5           homeland security of the United States, the national  
6           security of the United States, or research integrity  
7           at their applicable program sponsor or institution.

8           (4) the visa was granted to an alien who is a  
9           citizen of the People's Republic of China if the Sec-  
10          retary of State determines that the alien seeks to  
11          enter the United States to participate in graduate-  
12          level or post-graduate-level coursework or academic  
13          research in a field of science, technology, engineer-  
14          ing, or mathematics at an institution of higher edu-  
15          cation.

16          (b) NOTICE.—Thirty days before the commencement  
17          of a review under subsection (a), the Secretary of Home-  
18          land Security shall provide the applicable program sponsor  
19          or institution with a notice containing the specific basis  
20          of the forthcoming review. During this 30-day period, the  
21          program sponsor or institution may take corrective action  
22          to alleviate any concerns raised by the Secretary. At the  
23          conclusion of the 30-day period, the Secretary shall deter-  
24          mine whether the program sponsor or institution has satis-

1 factorily addressed the concerns or a review remains nec-  
2 essary.

3 (c) ADMINISTRATIVE AND JUDICIAL REVIEW.—

4 (1) IN GENERAL.—There shall be no adminis-  
5 trative or judicial review of a determination to re-  
6 voke a visa under this section except in accordance  
7 with this subsection.

8 (2) ADMINISTRATIVE REVIEW.—

9 (A) SINGLE LEVEL OF ADMINISTRATIVE  
10 APPELLATE REVIEW.—The Secretary of Home-  
11 land Security shall establish an appellate au-  
12 thority to provide for a single level of adminis-  
13 trative appellate review of such a determination.

14 (B) STANDARD FOR REVIEW.—Such ad-  
15 ministrative appellate review shall be based  
16 solely upon the administrative record estab-  
17 lished at the time of the determination and  
18 upon such additional or newly discovered evi-  
19 dence as may not have been available at the  
20 time of the determination.

21 (3) JUDICIAL REVIEW.—

22 (A) LIMITATION TO REVIEW OF RE-  
23 MOVAL.—There shall be judicial review of a de-  
24 termination to revoke a visa under this section  
25 only in the judicial review of an order of re-

1           moval under section 242 of the Immigration  
2           and Nationality Act (8 U.S.C. 1252).

3           (B) STANDARD FOR JUDICIAL REVIEW.—

4           Such judicial review shall be based solely upon  
5           the administrative record established at the  
6           time of the review by the appellate authority  
7           and the findings of fact and determinations  
8           contained in such record shall be conclusive un-  
9           less the applicant can establish abuse of discre-  
10          tion or that the findings are directly contrary to  
11          clear and convincing facts contained in the  
12          record considered as a whole.

13 **SEC. 506. ANNUAL REPORT.**

14          (a) IN GENERAL.—The Secretary of Homeland Secu-  
15          rity shall require the Academic Institutions Subcommittee  
16          of the Homeland Security Advisory Council of the Depart-  
17          ment of Homeland Security to provide an annual report  
18          to the Committee on the Judiciary, the Committee on  
19          Homeland Security, and the Committee on Foreign Af-  
20          fairs of the House of Representatives, and the Committee  
21          on the Judiciary, the Committee on Homeland Security  
22          and Governmental Affairs, and the Committee on Foreign  
23          Relations of the Senate, on—

1           (1) the implementation and execution of any  
2 visa reviews and revocations undertaken under sec-  
3 tion 506;

4           (2) the number of alien students enrolled at  
5 academic or nonacademic institutions in the United  
6 States, disaggregated by—

7                 (A) program of study;

8                 (B) previous and current nationality; and

9                 (C) participation in a research program  
10                 (which may or may not be classified) funded in  
11                 whole or in part through a grant, contract, or  
12                 other similar form of support provided by the  
13                 Federal Government, differentiated by agency,  
14                 sub-agency, and program; and

15           (3) the number of alien students who have  
16 changed their field of study, including their original  
17 and subsequent field of study, disaggregated by the  
18 information described in subparagraphs (A), (B),  
19 and (C) of paragraph (2).

20           (b) APPENDIX.—Each report under subsection (a)  
21 shall include an appendix containing any feedback pro-  
22 vided on a voluntary basis by any program sponsor or in-  
23 stitution affected by a visa review or revocation under-  
24 taken under section 506.



1                   **Subtitle B—Protecting Our**  
2                   **Universities Act**

3   **SEC. 511. SENSITIVE RESEARCH PROJECT LIST.**

4           (a) SENSITIVE RESEARCH PROJECT LIST.—The Of-  
5   fice of the Director of National Intelligence shall, in con-  
6   sultation with the National Security Advisor shall actively  
7   maintain a list of sensitive research projects. Such list  
8   shall—

9                   (1) be referred to as the Sensitive Research  
10   Projects List; and

11                   (2) for each project included on the list, indi-  
12   cate—

13                           (A) the qualified funding agency that is  
14   funding the project;

15                           (B) whether the project is open to student  
16   participation; and

17                           (C) whether the project is related to—

18                                   (i) an item listed on the Commerce  
19   Control List (CCL) maintained by the De-  
20   partment of Commerce;

21                                   (ii) an item listed on the United  
22   States Munitions List maintained by the  
23   Department of State; or

1 (iii) technology designated by the Sec-  
2 retary of Defense as having a technology  
3 readiness level of 1, 2, or 3.

4 (b) REPORT TO CONGRESS.—Not later than one year  
5 after the date of enactment of this Act, and every six  
6 months thereafter, the interagency working group de-  
7 scribed in section 1746 of the National Defense Authoriza-  
8 tion Act for Fiscal Year 2020 (42 U.S.C. 6601 note) shall  
9 provide a report to the Committee on Education and  
10 Labor, the Committee on Armed Services, and the Perma-  
11 nent Select Committee on Intelligence of the House of  
12 Representatives, and to the Committee on Health, Edu-  
13 cation, Labor, and Pensions, the Committee on Armed  
14 Services, and the Select Committee on Intelligence of the  
15 Senate, regarding the threat of espionage at institutions  
16 of higher education. In each such briefing, the interagency  
17 working group shall identify actions that may be taken  
18 to reduce espionage carried out through student participa-  
19 tion in sensitive research projects. The interagency work-  
20 ing group shall also include in this report an assessment  
21 of whether the current licensing regulations relating to the  
22 International Traffic in Arms Regulations and the Export  
23 Administration Regulations are sufficient to protect the  
24 security of the projects listed on the Sensitive Research  
25 Project List.

1 **SEC. 512. FOREIGN STUDENT PARTICIPATION IN SENSITIVE**  
2 **RESEARCH PROJECTS.**

3 (a) APPROVAL OF FOREIGN STUDENT PARTICIPA-  
4 TION REQUIRED.—Beginning on the date that is one year  
5 after the date of enactment of this Act, for each project  
6 on the Sensitive Research Project List that is open to stu-  
7 dent participation, the head of such project at the institu-  
8 tion of higher education at which the project is being car-  
9 ried out shall ensure that each student participating in  
10 such project shall be required to provide proof of citizen-  
11 ship before the student is permitted to participate in such  
12 project. A student who is a citizen of a country identified  
13 in subsection (b) shall be permitted to participate in such  
14 a project only if—

15 (1) the student applies for, and receives ap-  
16 proval from, the Director of National Intelligence to  
17 participate in such project, based on a background  
18 check and any other information the Director deter-  
19 mines to be appropriate; and

20 (2) in the case of such a project that is related  
21 to an item or technology described in subparagraph  
22 (C) of section 3(c)(2), the student applies for, and  
23 receives approval from, the head of the qualified  
24 funding agency, to participate in such project.

25 (b) LIST OF CITIZENSHIP REQUIRING APPROVAL.—  
26 Approval under subsection (a) shall be required for any

1 student who is a citizen of a country that is one of the  
2 following:

3 (1) The People's Republic of China.

4 (2) The Democratic People's Republic of Korea.

5 (3) The Russian Federation.

6 (4) The Islamic Republic of Iran.

7 (5) Any country identified by the head of the  
8 qualified funding agency as requiring approval for  
9 the purposes of this section.

10 **SEC. 513. FOREIGN ENTITIES.**

11 (a) LIST OF FOREIGN ENTITIES THAT POSE AN IN-  
12 TELLIGENCE THREAT.—Not later than one year after the  
13 date of the enactment of this Act, the Director of National  
14 Intelligence shall identify foreign entities, including gov-  
15 ernments, corporations, non-profit and for-profit organiza-  
16 tions, and any subsidiary or affiliate of such an entity,  
17 that the Director determines pose a threat of espionage  
18 with respect to sensitive research projects, and shall de-  
19 velop and maintain a list of such entities. The Director  
20 may add or remove entities from such list at any time.  
21 The initial list developed by the Director shall include the  
22 following entities (including any subsidiary or affiliate):

23 (1) Huawei Technologies Company.

24 (2) ZTE Corporation.

25 (3) Hytera Communications Corporation.

1           (4) Hangzhou Hikvision Digital Technology  
2           Company.

3           (5) Dahua Technology Company.

4           (6) Kaspersky Lab.

5           (7) Any entity that is owned or controlled by,  
6           or otherwise has demonstrated financial ties to, the  
7           government of a country identified under section  
8           4(b).

9           (b) NOTICE TO INSTITUTIONS OF HIGHER EDU-  
10          CATION.—The Director of National Intelligence shall  
11          make the initial list required under subsection (a), and  
12          any changes to such list, available to the Secretary of Edu-  
13          cation, the interagency working group, and the head of  
14          each qualified funding agency as soon as practicable. The  
15          Secretary of Education shall provide such initial list and  
16          subsequent amendments to each institution of higher edu-  
17          cation at which a project on the Sensitive Research Project  
18          List is being carried out.

19          (c) PROHIBITION ON USE OF CERTAIN TECH-  
20          NOLOGIES.—Beginning on the date that is one year after  
21          the date of the enactment of this Act, the head of each  
22          sensitive research project shall, as a condition of receipt  
23          of funds from a qualified funding agency, provide an as-  
24          surance to such qualified funding agency that, beginning  
25          on the date that is two years after the date of the enact-

1 ment of this Act, any technology developed by an entity  
2 included on the list maintained under subsection (a) shall  
3 not be utilized in carrying out the sensitive research  
4 project.

5 **SEC. 514. ENFORCEMENT.**

6 The head of each qualified funding agency shall take  
7 such steps as may be necessary to enforce the provisions  
8 of sections 510 and 511 of this Act. Upon determination  
9 that the head of a sensitive research project has failed to  
10 meet the requirements of either section 510 or section  
11 511, the head of a qualified funding agency may determine  
12 the appropriate enforcement action, including—

13 (1) imposing a probationary period, not to ex-  
14 ceed 6 months, on the head of such project, or on  
15 the project;

16 (2) reducing or otherwise limiting the funding  
17 for such project until the violation has been rem-  
18 edied;

19 (3) permanently cancelling the funding for such  
20 project; or

21 (4) any other action the head of the qualified  
22 funding agency determines to be appropriate.

23 **SEC. 515. DEFINITIONS.**

24 In this subtitle:

1           (1) CITIZEN OF A COUNTRY.—The term “cit-  
2       izen of a country”, with respect to a student, in-  
3       cludes all countries in which the student has held or  
4       holds citizenship or holds permanent residency.

5           (2) INSTITUTION OF HIGHER EDUCATION.—The  
6       term “institution of higher education” means an in-  
7       stitution described in section 102 of the Higher  
8       Education Act of 1965 (20 U.S.C. 1002) that re-  
9       ceives Federal funds in any amount and for any pur-  
10      pose.

11          (3) INTELLIGENCE COMMUNITY.—The term  
12      “intelligence community” has the meaning given  
13      that term in section 3 of the National Security Act  
14      of 1947 (50 U.S.C. 3003).

15          (4) QUALIFIED FUNDING AGENCY.—The term  
16      “qualified funding agency”, with respect to a sen-  
17      sitive research project, means—

18            (A) the Department of Defense, if the sen-  
19      sitive research project is funded in whole or in  
20      part by the Department of Defense;

21            (B) the Department of Energy, if the sen-  
22      sitive research project is funded in whole or in  
23      part by the Department of Energy; or

24            (C) an element of the intelligence commu-  
25      nity, if the sensitive research project is funded

1           in whole or in part by the element of the intel-  
2           ligence community.

3           (5) SENSITIVE RESEARCH PROJECT.—The term  
4           “sensitive research project” means a research  
5           project at an institution of higher education that is  
6           funded by a qualified funding agency, except that  
7           such term shall not include any research project that  
8           is classified or that requires the participants in such  
9           project to obtain a security clearance.

10          (6) STUDENT PARTICIPATION.—The term “stu-  
11          dent participation” shall not include student activity  
12          in—

13                 (A) a research project that is required for  
14                 completion of a course in which the student is  
15                 enrolled at an institution of higher education;  
16                 or

17                 (B) a research project for which the stu-  
18                 dent is conducting unpaid research.

## 19                 **Subtitle C—Other Matters**

### 20         **SEC. 521. REPORT ON CHINA BENEFITTING FROM UNITED** 21                 **STATES TAXPAYER-FUNDED RESEARCH.**

22           (a) IN GENERAL.—Not later than one year after the  
23           date of enactment of the Act, the Attorney General, in  
24           consultation with the Secretary of the Treasury, the Sec-  
25           retary of Commerce, the Secretary of State, and the Direc-



1 tor of National Intelligence, shall submit to the Committee  
2 on the Judiciary of the House of Representatives and the  
3 Committee on the Judiciary of the Senate a report on the  
4 extent to which China has benefitted from United States  
5 taxpayer-funded research.

6 (b) ELEMENTS.—The report under subsection (a)  
7 shall include the following:

8 (1) The extent to which United States tax-  
9 payer-funded research has benefitted China, includ-  
10 ing a list of United States Government-funded enti-  
11 ties, such as research institutions, laboratories, and  
12 institutions of higher education, which have hired  
13 Chinese nationals or allowed Chinese nationals to  
14 conduct research, including an estimate in the num-  
15 ber of nationals hired or involved in research  
16 projects.

17 (2) A list of United States Government pro-  
18 grams, grants, and other forms of research funding  
19 in the fields of science, technology, engineering, and  
20 math (STEM) fields that have directly or indirectly  
21 cooperated or affiliated with research institutions in  
22 China or Chinese Communist Party entities.

23 (3) The extent to which China's funding of  
24 United States taxpayer-funded research institutions  
25 has benefitted China.

1           (4) How the Government of China and the Chi-  
2           nese Communist Party have used United States tax-  
3           payer-funded research, including as part of China’s  
4           efforts to support “civil-military fusion” and human  
5           rights abuses.

6           (c) DEFINITION.—In this section, the term “United  
7           States taxpayer-funded research” means research—

8           (1) funded by a grant from the Federal Govern-  
9           ment or a State government; or

10          (2) conducted at an institution that receives  
11          funding from the Federal Government or a State  
12          government.

13 **SEC. 522. CONDITIONS ON FEDERAL RESEARCH GRANTS.**

14          As a condition of receiving a Federal research and  
15          development grant in a field of science, technology, engi-  
16          neering, or mathematics, a grant recipient shall certify  
17          that the recipient—

18          (1) is not—

19                  (A) a citizen of the People’s Republic of  
20                  China; or

21                  (B) a participant in a foreign talent re-  
22                  cruitment program of the People’s Republic of  
23                  China listed by the Secretary of State in ac-  
24                  cordance with section 521; and

1           (2) will not knowingly employ to carry out ac-  
2           tivities funded by the Federal research and develop-  
3           ment grant—

4                   (A) a citizen of the People’s Republic of  
5           China; or

6                   (B) a participant in a foreign talent re-  
7           cruitment program of the People’s Republic of  
8           China listed by the Secretary of State in ac-  
9           cordance with section 521.

10 **SEC. 523. PROTECTING INSTITUTIONS, LABORATORIES,**  
11 **AND RESEARCH INSTITUTES.**

12           (a) IN GENERAL.—Notwithstanding any other provi-  
13 sion of law, the head of each Federal agency shall ensure  
14 that any institution of higher education, laboratory, or re-  
15 search institute receiving Federal assistance agrees, as a  
16 condition of such assistance, to not knowingly employ any  
17 individual who is a participant in a foreign talent recruit-  
18 ment program of the People’s Republic of China.

19           (b) PROGRAM PARTICIPATION AGREEMENTS.—Sec-  
20 tion 487(a) of the Higher Education Act of 1965 (20  
21 U.S.C. 1094(a)) is amended by adding at the end the fol-  
22 lowing:

23                   “(30) The institution will not knowingly employ  
24           any individual who is a participant in a foreign tal-  
25           ent recruitment program of the People’s Republic of

1 China listed by the Secretary of State in accordance  
2 with section 7 of the SECURE CAMPUS Act of  
3 2021.”.

4 **SEC. 524. REGISTRATION OF PARTICIPANTS IN FOREIGN**  
5 **TALENT RECRUITMENT PROGRAMS OF THE**  
6 **PEOPLE’S REPUBLIC OF CHINA AS AGENTS**  
7 **OF THE GOVERNMENT OF THE PEOPLE’S RE-**  
8 **PUBLIC OF CHINA.**

9 Notwithstanding section 3 of the Foreign Agents  
10 Registration Act of 1938 (22 U.S.C. 613), any individual  
11 in the United States who is associated with a foreign tal-  
12 ent recruitment program of the People’s Republic of  
13 China, either as a recruiter or as a recruit—

14 (1) shall be deemed to be an agent of a foreign  
15 principal (as defined in section 1(c) of such Act (22  
16 U.S.C. 611(e)); and

17 (2) shall comply with the registration require-  
18 ments set forth in section 2 of such Act (22 U.S.C.  
19 612) not later than 30 days after the later of—

20 (A) the date of the enactment of this Act;

21 or

22 (B) the date on which the individual en-  
23 tered the United States.

1 **SEC. 525. ECONOMIC ESPIONAGE.**

2 Section 1839(1) of title 18, United States Code, is  
3 amended—

4 (1) by inserting “education, research,” after  
5 “commercial,”; and

6 (2) by inserting “or otherwise incorporated or  
7 substantially located in or composed of citizens of  
8 countries subject to compulsory political or govern-  
9 mental representation within corporate leadership”  
10 after “foreign government”.

11 **SEC. 526. DEPARTMENT OF STATE LIST OF FOREIGN TAL-**  
12 **ENT RECRUITMENT PROGRAMS OF THE PEO-**  
13 **PLE’S REPUBLIC OF CHINA.**

14 (a) IN GENERAL.—Not later than 180 days after the  
15 date of the enactment of this Act, the Secretary of State,  
16 in consultation with the Attorney General, the Secretary  
17 of Defense, and the Director of National Intelligence, shall  
18 compile and publish in the Federal Register a list of for-  
19 eign talent recruitment programs of the People’s Republic  
20 of China.

21 (b) ANNUAL REVIEW AND REVISION.—Not less fre-  
22 quently than annually, the Secretary of State shall—

23 (1) review and revise the list compiled under  
24 subsection (a); and

25 (2) publish the revised list in the Federal Reg-  
26 ister.

1 **SEC. 527. DEFINITIONS.**

2 For purposes of sections 521 through 526:

3 (1) FOREIGN TALENT RECRUITMENT PROGRAM  
4 OF THE PEOPLE'S REPUBLIC OF CHINA.—The term  
5 “foreign talent recruitment program of the People’s  
6 Republic of China” means any effort organized,  
7 managed, funded, or otherwise controlled by the  
8 Government of the People’s Republic of China or the  
9 Chinese Communist Party to employ, contract, or  
10 otherwise compensate 1 or more individuals to con-  
11 duct research, development, testing, or any other  
12 science or technology activity for the direct or indi-  
13 rect benefit of the People’s Republic of China.

14 (2) INSTITUTION OF HIGHER EDUCATION.—The  
15 term “institution of higher education” has the  
16 meaning given the term in section 101(a) of the  
17 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

18 **SEC. 528. DISCLOSURE ON CERTAIN VISA APPLICATIONS.**

19 (a) DISCLOSURE REQUIREMENT FOR F AND M  
20 VISAS.—Not later than 180 days after the date of the en-  
21 actment of this Act, the Secretary of Homeland Security  
22 shall update Form I–20, or a successor form with respect  
23 to eligibility for nonimmigrant student status, to require  
24 an alien submitting such form to report—

25 (1) whether the alien has received or plans to  
26 receive certain funds;

1           (2) the amount of any certain funds received by  
2           the alien; and

3           (3) a description of the entity providing any  
4           certain funds to the alien.

5           (b) DISCLOSURE REQUIREMENT FOR J VISAS.—Not  
6 later than 180 days after the date of the enactment of  
7 this Act, the Secretary of State shall update Form DS–  
8 2019, or a successor form with respect to eligibility for  
9 a exchange visitor status, to require an alien submitting  
10 such form to report—

11           (1) whether the alien has received or plans to  
12           receive certain funds;

13           (2) the amount of any certain funds received by  
14           the alien; and

15           (3) a description of the entity providing any  
16           certain funds to the alien.

17           (c) UPDATED DISCLOSURE REQUIREMENT.—

18           (1) IN GENERAL.—An alien who receives cer-  
19           tain funds after receiving a visa under subparagraph  
20           (F), (J), or (M) of section 101(a)(15) of the Immi-  
21           gration and Nationality Act (8 U.S.C. 1101(a)(15))  
22           shall report to the Secretary of Homeland Security  
23           and the Secretary of State the receipt of such funds  
24           not more than 90 days after the date on which such  
25           funds are received.

1           (2) PROVISIONAL REVOCATION BASED ON FAIL-  
2           URE TO COMPLY WITH DISCLOSURE REQUIRE-  
3           MENT.—An alien who receives certain funds and  
4           does not report such receipt pursuant to paragraph  
5           (1) is subject to revocation of any visa or other entry  
6           documentation regardless of when the visa or other  
7           entry documentation was issued.

8           (d) DISCLOSURE FOR ALIEN SPOUSE AND MINOR  
9           CHILDREN.—The disclosure requirements under sub-  
10          sections (a) through (c) shall apply to an alien spouse or  
11          any minor children applying for or receiving a visa under  
12          subparagraph (F), (J), or (M) of section 101(a)(15) of  
13          the Immigration and Nationality Act (8 U.S.C.  
14          1101(a)(15)).

15          (e) APPLICABILITY.—Not later than 180 days after  
16          the date of the enactment of this Act, an alien, alien  
17          spouse, or any minor children who have a valid visa under  
18          subparagraph (F), (J), or (M) of section 101(a)(15) of  
19          the Immigration and Nationality Act (8 U.S.C.  
20          1101(a)(15)) on the date of the enactment of this Act,  
21          shall report to the Secretary of Homeland Security—

22                 (1) whether such alien has received or plans to  
23                 receive certain funds;

24                 (2) the amount of any certain funds received by  
25                 the alien; and



1           (3) a description of the entity providing any  
2           certain funds to the alien.

3           (f) CERTAIN FUNDS DEFINED.—In this section, the  
4           term “certain funds” includes any amount of money pro-  
5           vided to an alien from—

6           (1) the Government of the People’s Republic of  
7           China;

8           (2) the Chinese Communist Party; or

9           (3) any entity owned or controlled by the Gov-  
10          ernment of the People’s Republic of China or the  
11          Chinese Communist Party.

12 **SEC. 529. REVIEW BY COMMITTEE ON FOREIGN INVEST-**  
13 **MENT IN THE UNITED STATES OF CERTAIN**  
14 **FOREIGN GIFTS TO AND CONTRACTS WITH**  
15 **INSTITUTIONS OF HIGHER EDUCATION.**

16          (a) AMENDMENTS TO DEFENSE PRODUCTION ACT  
17          OF 1950.—

18           (1) DEFINITION OF COVERED TRANSACTION.—  
19          Subsection (a)(4) of section 721 of the Defense Pro-  
20          duction Act of 1950 (50 U.S.C. ) is amended—

21           (A) in subparagraph (A)—

22                   (i) in clause (i), by striking “; and”  
23                   and inserting a semicolon;

24                   (ii) in clause (ii), by striking the pe-  
25                   riod at the end and inserting “; and”; and

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(iii) any transaction described in  
4 subparagraph (B)(vi) proposed or pending  
5 after the date of the enactment of the  
6 China Strategic Competition Act of  
7 2021.”;

8 (B) in subparagraph (B), by adding at the  
9 end the following:

10 “(vi) Any gift to an institution of  
11 higher education from a foreign person, or  
12 the entry into a contract by such an insti-  
13 tution with a foreign person, if—

14 “(I)(aa) the value of the gift or  
15 contract equals or exceeds  
16 \$1,000,000; or

17 “(bb) the institution receives, di-  
18 rectly or indirectly, more than one gift  
19 from or enters into more than one  
20 contract, directly or indirectly, with  
21 the same foreign person for the same  
22 purpose the aggregate value of which,  
23 during the period of 2 consecutive cal-  
24 endar years, equals or exceeds  
25 \$1,000,000; and

1 “(II) the gift or contract—

2 “(aa) relates to research, de-  
3 velopment, or production of crit-  
4 ical technologies and provides the  
5 foreign person potential access to  
6 any material nonpublic technical  
7 information (as defined in sub-  
8 paragraph (D)(ii)) in the posses-  
9 sion of the institution; or

10 “(bb) is a restricted or con-  
11 ditional gift or contract (as de-  
12 fined in section 117(h) of the  
13 Higher Education Act of (20  
14 U.S.C. 1011f(h))) that estab-  
15 lishes control.”; and

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

17 “(G) FOREIGN GIFTS TO AND CONTRACTS  
18 WITH INSTITUTIONS OF HIGHER EDUCATION.—

19 For purposes of subparagraph (B)(vi):

20 “(i) CONTRACT.—The term ‘contract’  
21 means any agreement for the acquisition  
22 by purchase, lease, or barter of property or  
23 services by a foreign person, for the direct  
24 benefit or use of either of the parties.

1           “(ii) GIFT.—The term ‘gift’ means  
2 any gift of money or property.

3           “(iii) INSTITUTION OF HIGHER EDU-  
4 CATION.—The term ‘institution of higher  
5 education’ means any institution, public or  
6 private, or, if a multicampus institution,  
7 any single campus of such institution, in  
8 any State—

9           “(I) that is legally authorized  
10 within such State to provide a pro-  
11 gram of education beyond secondary  
12 school;

13           “(II) that provides a program for  
14 which the institution awards a bach-  
15 elor’s degree (or provides not less  
16 than a 2-year program which is ac-  
17 ceptable for full credit toward such a  
18 degree) or a more advanced degree;

19           “(III) that is accredited by a na-  
20 tionally recognized accrediting agency  
21 or association; and

22           “(IV) to which the Federal Gov-  
23 ernment extends Federal financial as-  
24 sistance (directly or indirectly through  
25 another entity or person), or that re-

1 ceives support from the extension of  
2 Federal financial assistance to any of  
3 the institution's subunits.”.

4 (2) MANDATORY DECLARATIONS.—Subsection  
5 (b)(1)(C)(v)(IV)(aa) of such section is amended by  
6 adding at the end the following: “Such regulations  
7 shall require a declaration under this subclause with  
8 respect to a covered transaction described in sub-  
9 section (a)(4)(B)(vi)(II)(aa).”.

10 (3) FACTORS TO BE CONSIDERED.—Subsection  
11 (f) of such section is amended—

12 (A) in paragraph (10), by striking “; and”  
13 and inserting a semicolon;

14 (B) by redesignating paragraph (11) as  
15 paragraph (12); and

16 (C) by inserting after paragraph (10) the  
17 following:

18 “(11) as appropriate, and particularly with re-  
19 spect to covered transactions described in subsection  
20 (a)(4)(B)(vi), the importance of academic freedom at  
21 institutions of higher education in the United States;  
22 and”.

23 (4) MEMBERSHIP OF CFIUS.—Subsection (k) of  
24 such section is amended—

25 (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 described in clause (vi)(II)(aa) of sub-  
3 section (a)(4)(B) of section 721 of the De-  
4 fense Production Act of 1950, as added by  
5 subsection (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. 4565  
26 (k)(3))) not later than March 31 immediately fol-

1       lowing any calendar year in which the institution en-  
2       ters 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           Labor of the House of Representatives.

12           “(7) 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 Sec-  
22 retary.

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           (3) EFFECTIVE DATE.—The amendments made  
5           by subsections (a) and (b) shall take effect on the  
6           date on which the regulations issued under para-  
7           graph (1) take effect.

8       **TITLE VI—MATTERS RELATED**  
9       **TO DEMOCRACY, HUMAN**  
10      **RIGHTS AND TAIWAN**

11     **SEC. 601. SUPPORTING A FREE AND DEMOCRATIC CHINA.**

12           It is the policy of the United States to support a free  
13           and democratic China which respects the human rights  
14           and civil liberties of the people of China.

15     **SEC. 602. AMERICAN INSTITUTE IN TAIWAN.**

16           The position of Director of the American Institute in  
17           Taiwan's Taipei office shall be subject to the advice and  
18           consent of the Senate, and effective upon enactment of  
19           this Act shall have the title of Representative.

20     **SEC. 603. PROHIBITIONS AGAINST UNDERMINING UNITED**  
21                           **STATES POLICY REGARDING TAIWAN.**

22           (a) FINDING.—Congress finds that the efforts by the  
23           Government of the People's Republic of China (PRC) and  
24           the Chinese Communist Party to compel private United  
25           States businesses, corporations, and nongovernmental en-

1 tities to use PRC-mandated language to describe the rela-  
2 tionship between Taiwan and China are an intolerable at-  
3 tempt to enforce political censorship globally and should  
4 be considered an attack on the fundamental underpinnings  
5 of all democratic and free societies, including the constitu-  
6 tionally protected right to freedom of speech.

7 (b) SENSE OF CONGRESS.—It is the sense of Con-  
8 gress that the United States Government, in coordination  
9 with United States businesses and nongovernmental enti-  
10 ties, should formulate a code of conduct for interacting  
11 with the Government of the People’s Republic of China  
12 and the Chinese Communist Party and affiliated entities,  
13 the aim of which is—

14 (1) to counter PRC sharp power operations,  
15 which threaten free speech, academic freedom, and  
16 the normal operations of United States businesses  
17 and nongovernmental entities; and

18 (2) to counter PRC efforts to censor the way  
19 the world refers to issues deemed sensitive to the  
20 Government of the People’s Republic of China and  
21 Chinese Communist Party leaders, including issues  
22 related to Taiwan, Tibet, the Tiananmen Square  
23 Massacre, and the mass internment of Uyghurs and  
24 other Turkic Muslims, among many other issues.



1           (c) PROHIBITION ON RECOGNITION OF PRC CLAIMS  
2 TO SOVEREIGNTY OVER TAIWAN.—

3           (1) SENSE OF CONGRESS.—It is the sense of  
4 Congress that—

5           (A) issues related to the sovereignty of  
6 Taiwan are for the people of Taiwan to decide  
7 through the democratic process they have estab-  
8 lished;

9           (B) the dispute between the People’s Re-  
10 public of China and Taiwan must be resolved  
11 peacefully and with the assent of the people of  
12 Taiwan;

13           (C) the primary obstacle to peaceful reso-  
14 lution is the authoritarian nature of the PRC  
15 political system under one-party rule of the Chi-  
16 nese Communist Party, which is fundamentally  
17 incompatible with Taiwan’s democracy; and

18           (D) any attempt to coerce the people of  
19 Taiwan to accept a political arrangement that  
20 would subject them to direct or indirect rule by  
21 the PRC, including a “one country, two sys-  
22 tems” framework, would constitute a grave  
23 challenge to United States security interests in  
24 the region.

1           (2) STATEMENT OF POLICY.—It is the policy of  
2           the United States to oppose any attempt by the  
3           PRC authorities to unilaterally impose a timetable  
4           or deadline for unification on Taiwan.

5           (3) PROHIBITION ON RECOGNITION OF PRC  
6           CLAIMS WITHOUT ASSENT OF PEOPLE OF TAIWAN.—  
7           No department or agency of the United States Gov-  
8           ernment may formally or informally recognize PRC  
9           claims to sovereignty over Taiwan without the assent  
10          of the people of Taiwan, as expressed directly  
11          through the democratic process.

12          (4) TREATMENT OF TAIWAN GOVERNMENT.—

13                (A) IN GENERAL.—The Department of  
14                State and other United States Government  
15                agencies shall treat the democratically elected  
16                government of Taiwan as the legitimate rep-  
17                resentative of the people of Taiwan and end the  
18                outdated practice of referring to the govern-  
19                ment in Taiwan as the “authorities”. Notwith-  
20                standing the continued supporting role of the  
21                American Institute in Taiwan in carrying out  
22                United States foreign policy and protecting  
23                United States interests in Taiwan, the United  
24                States Government shall not place any restric-  
25                tions on the ability of officials of the Depart-

1           ment of State and other United States Govern-  
2           ment agencies from interacting directly and  
3           routinely with counterparts in the Taiwan gov-  
4           ernment.

5                   (B) RULE OF CONSTRUCTION.—Nothing in  
6           this paragraph shall be construed as entailing  
7           restoration of diplomatic relations with the Re-  
8           public of China, which were terminated on Jan-  
9           uary 1, 1979, or altering the United States  
10          Government’s position on Taiwan’s inter-  
11          national status.

12          (d) STRATEGY TO PROTECT UNITED STATES BUSI-  
13          NESSES AND NONGOVERNMENTAL ENTITIES FROM COER-  
14          SION.—Not later than 90 days after the date of the enact-  
15          ment of this Act, the Secretary of State, in consultation  
16          with the Secretary of Commerce, the Secretary of the  
17          Treasury, and the heads of other relevant Federal agen-  
18          cies, shall submit an unclassified report, with a classified  
19          annex if necessary, to protect United States businesses  
20          and nongovernmental entities from sharp power oper-  
21          ations, including coercion and threats that lead to censor-  
22          ship or self-censorship, or which compel compliance with  
23          political or foreign policy positions of the Government of  
24          the People’s Republic of China and the Chinese Com-

1    munist Party. The strategy shall include the following ele-  
2    ments:

3           (1) Information on efforts by the Government  
4           of the People's Republic of China to censor the  
5           websites of United States airlines, hotels, and other  
6           businesses regarding the relationship between Tai-  
7           wan and the People's Republic of China.

8           (2) Information on efforts by the Government  
9           of the People's Republic of China to target United  
10          States nongovernmental entities through sharp  
11          power operations intended to weaken support for  
12          Taiwan.

13          (3) Information on United States Government  
14          efforts to counter the threats posed by Chinese  
15          state-sponsored propaganda and disinformation, in-  
16          cluding information on best practices, current suc-  
17          cesses, and existing barriers to responding to this  
18          threat.

19          (4) Details of any actions undertaken to create  
20          a code of conduct pursuant to subsection (b) and a  
21          timetable for implementation.

22    **SEC. 604. NEGOTIATION OF A FREE TRADE AGREEMENT**  
23                           **WITH TAIWAN.**

24          Subject to section 605, the President is authorized  
25          to enter into an agreement with Taiwan consistent with

1 the policy described in section 603, and the provisions of  
2 section 151(c) of the Trade Act of 1974 (19 U.S.C. 219  
3 1(c)) shall apply with respect to a bill to implement such  
4 agreement.

5 **SEC. 605. INTRODUCTION AND FAST TRACK CONSIDER-**  
6 **ATION OF IMPLEMENTING BILL.**

7 (a) INTRODUCTION IN HOUSE OF REPRESENTATIVES  
8 AND SENATE.—Whenever the President submits to Con-  
9 gress a bill to implement a trade agreement described in  
10 section 604, the bill shall be introduced (by request) in  
11 the House of Representatives and in the Senate as de-  
12 scribed in section 151(c) of the Trade Act of 1974 (19  
13 U.S.C. 2191(c)).

14 (b) PERMISSIBLE CONTENT IN IMPLEMENTING LEG-  
15 ISLATION.—A bill to implement a trade agreement de-  
16 scribed in section 604 shall contain provisions that are  
17 necessary to implement the trade agreement, and shall in-  
18 clude trade-related labor and environmental protection  
19 standards, but may not include amendments to title VII  
20 of the Tariff Act of 1930, title II of the Trade Act of  
21 1974, or any antitrust law of the United States.

22 (c) APPLICABILITY OF FAST TRACK PROCEDURES.—  
23 Section 151 of the Trade Act of 1974 (19 U.S.C. 2191)  
24 is amended—

1 (1) in subsection (b)(1), by inserting “section  
2 604 of the Countering Communist China Act,” after  
3 “section 282 of the Uruguay Round Agreements  
4 Act,”; and

5 (2) in subsection (c)(1), by inserting “section  
6 604 of the Countering Communist China Act,” after  
7 “the Uruguay Round Agreements Act,”.

8 **SEC. 606. STRATEGY TO ADDRESS GENOCIDE IN THE**  
9 **XINJIANG UYGHUR AUTONOMOUS REGION.**

10 (a) STRATEGY REQUIRED.—Not later than 60 days  
11 after the date of the enactment of this Act, the President  
12 shall submit to the appropriate congressional committees  
13 a report that includes a strategy specifically describing—

14 (1) the steps already taken to tangibly address  
15 atrocity crimes occurring in the Xinjiang Uyghur  
16 Autonomous Region, especially during the period fol-  
17 lowing the January 19, 2021, determination that  
18 genocide and crimes against humanity were occur-  
19 ring in the Xinjiang Uyghur Autonomous Region;  
20 and

21 (2) a strategy for ending the atrocity crimes oc-  
22 ccurring in the Xinjiang Uyghur Autonomous Region,  
23 including by—

24 (A) holding accountable persons or entities  
25 responsible for committing such atrocity crimes

1 by addressing, through existing or new export  
2 controls or import restrictions, the issues of  
3 mass biometric surveillance and forced labor  
4 programs in China;

5 (B) gaining access for United Nations,  
6 United States, and other diplomats and foreign  
7 journalists to the Xinjiang Uyghur Autonomous  
8 Region; and

9 (C) protecting Uyghurs, Kazakhs, Kyrgyz,  
10 and other ethnic minorities affected by the  
11 atrocities committed by the Government of the  
12 People's Republic of China.

13 (b) FORM AND PUBLICATION.—The report required  
14 under subsection (b) shall be submitted in unclassified  
15 form and shall be made publicly available, but may include  
16 a classified annex.

17 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—  
18 In this section, the term “appropriate congressional com-  
19 mittees” means—

20 (1) The Committee on Foreign Affairs, the  
21 Committee on Armed Services, and the Committee  
22 on Appropriations of the House of Representatives.

23 (2) The Committee on Foreign Relations, the  
24 Committee on Armed Services, and the Committee  
25 on Appropriations of the Senate.

1 **SEC. 607. SANCTIONS WITH RESPECT TO INDIVIDUALS**  
2 **COMMITTING RESPONSIBLE FOR OR**  
3 **COMPLICIT IN FORCED STERILIZATIONS,**  
4 **FORCED ABORTIONS, OR OTHER SEXUAL VIO-**  
5 **LENCE.**

6 (a) STATEMENT OF POLICY.—It is the policy of the  
7 United States to consider any foreign person or entity re-  
8 sponsible for, complicit in, or having directly or indirectly  
9 engaged in forced sterilizations, forced abortions, or other  
10 sexual violence targeting any individual in the Xinjiang  
11 Uyghur Autonomous Region as having committed gross  
12 violations of internationally recognized human rights for  
13 purposes of imposing the sanctions detailed in the Global  
14 Magnitsky Human Rights Accountability Act (22 U.S.C.  
15 2656 note).

16 (b) DENIAL OF ENTRY FOR FOREIGN NATIONALS  
17 ENGAGED IN ESTABLISHMENT OR ENFORCEMENT OF  
18 FORCED ABORTION OR STERILIZATION POLICY.—Section  
19 801 of the Admiral James W. Nance and Meg Donovan  
20 Foreign Relations Authorization Act, Fiscal Years 2000  
21 and 2001 (Public Law 106–113; 8 U.S.C. 1182e) is  
22 amended—

23 (1) in subsection (b), by striking “minister.”  
24 and inserting “minister, unless—

25 “(1) the Secretary of State makes a public de-  
26 termination that the forced sterilizations, forced



1 abortions, or other coercive population control poli-  
2 cies were being committed or enforced with the in-  
3 tent to destroy, in whole or in part, a national, eth-  
4 nic, racial or religious group and therefore constitute  
5 genocide or crimes against humanity; or

6 “(2) the Secretary of State finds that such co-  
7 ercive population control policies were targeting  
8 Uyghurs, Kazakhs, Tibetan or other ethnic minori-  
9 ties or individuals peacefully expressing internation-  
10 ally-recognized human rights in the People’s Repub-  
11 lic of China.”;

12 (2) in subsection (c), by striking “national in-  
13 terest” and inserting “national security interest”;  
14 and

15 (3) by adding at the end the following new sub-  
16 sections:

17 “(d) NOTICE.—The Secretary of State shall make a  
18 public announcement each time sanctions are imposed  
19 under this section as a result of a determination or finding  
20 described in subsection (b)(1) or (b)(2), respectively.

21 “(e) INFORMATION REQUESTED BY CONGRESS.—The  
22 Secretary of State shall, upon request of a Member of  
23 Congress—

24 “(1) provide information about the use of the  
25 sanctions described in this section, including the

1 number of times imposed, disaggregated by country  
2 and by year; or

3 “(2) provide a classified briefing that includes  
4 information about the individuals or entities sanc-  
5 tioned pursuant to this section and any other Act  
6 authorizing sanctions with respect to the conduct of  
7 such individuals or entities.”.

8 **SEC. 608. SENSE OF CONGRESS ON THE 2022 WINTER OLYM-**  
9 **PICS.**

10 It is the sense of Congress that, consistent with the  
11 principles of the International Olympic Committee, unless  
12 the Government of the People’s Republic of China dem-  
13 onstrates significant progress in securing fundamental  
14 human rights, including the freedoms of religion, speech,  
15 movement, association, and assembly, the International  
16 Olympic Committee should rebid the 2022 Winter Olym-  
17 pics to be hosted by a country that recognizes and respects  
18 human rights.

19 **SEC. 609. LIMITATIONS ON FUNDS MADE AVAILABLE FOR**  
20 **THE UNITED NATIONS POPULATION FUND.**

21 Chapter 3 of part I of the Foreign Assistance Act  
22 of 1961 (22 U.S.C. 2221 et seq.) is amended by adding  
23 at the end the following:

1 **“SEC. 308. LIMITATIONS ON FUNDS MADE AVAILABLE FOR**  
2 **THE UNITED NATIONS POPULATION FUND.**

3 “(a) AVAILABILITY OF FUNDS.—

4 “(1) IN GENERAL.—Funds made available to  
5 carry out this part for the United Nations Popu-  
6 lation Fund (UNFPA) that are not made available  
7 for UNFPA because of the operation of any provi-  
8 sion of law shall be transferred to the ‘Global Health  
9 Programs’ account and shall be made available for  
10 family planning, maternal, and reproductive health  
11 activities.

12 “(2) NOTIFICATION.—The President shall no-  
13 tify the appropriate congressional committees of any  
14 transfer of funds under this subsection not later  
15 than 10 days after the date on which funds are so  
16 transferred.

17 “(b) PROHIBITION ON USE OF FUNDS IN CHINA.—  
18 None of the funds made available to carry out this part  
19 may be used by UNFPA for a country program in the  
20 People’s Republic of China.

21 “(c) CONDITIONS ON AVAILABILITY OF FUNDS.—  
22 Funds made available to carry out this part for UNFPA  
23 may not be made available unless—

24 “(1) UNFPA maintains funds made available  
25 to carry out this part in an account separate from

1 other accounts of UNFPA and does not commingle  
2 such funds with other sums; and

3 “(2) UNFPA does not fund abortions.

4 “(d) REPORT TO CONGRESS AND DOLLAR-FOR-DOL-  
5 LAR WITHHOLDING OF FUNDS.—

6 “(1) IN GENERAL.—Not later than 4 months  
7 after the start of each fiscal year, the Secretary of  
8 State shall submit to the appropriate congressional  
9 committees a report indicating the amount of funds  
10 that UNFPA is budgeting for the year in which the  
11 report is submitted for a country program in the  
12 People’s Republic of China.

13 “(2) DEDUCTION OF FUNDS.—If a report under  
14 paragraph (1) indicates that UNFPA plans to spend  
15 funds for a country program in the People’s Repub-  
16 lic of China in the year covered by the report, then  
17 an amount of funds equal to the amount of funds  
18 UNFPA plans to spend in the People’s Republic of  
19 China shall be deducted from the funds made avail-  
20 able to UNFPA after March 1 for obligation for the  
21 remainder of the fiscal year in which the report is  
22 submitted.

23 “(e) APPROPRIATE CONGRESSIONAL COMMITTEES  
24 DEFINED.—In this section, the term ‘appropriate congres-  
25 sional committees’ means—

1           “(1) the Committee on Appropriations and the  
2           Committee on Foreign Affairs of the House of Rep-  
3           resentatives; and

4           “(2) the Committee on Appropriations and the  
5           Committee on Foreign Relations of the Senate.”.

6   **SEC. 610. PROHIBITION ON USE OF FUNDS FOR ABORTIONS**  
7                           **AND INVOLUNTARY STERILIZATIONS.**

8           Section 104(f) of the Foreign Assistance Act of 1961  
9           (22 U.S.C. 2151b(f)) is amended by adding at the end  
10          the following:

11           “(4) None of the funds made available to carry  
12           out this Act nor any unobligated balances from prior  
13           appropriations Acts may be made available to any  
14           organization or program which supports or partici-  
15           pates in the management of a program of coercive  
16           abortion or involuntary sterilization.”.

17   **SEC. 611. PROHIBITION ON CERTAIN FUNDING RELATING**  
18                           **TO PROVISION OF AN OPEN PLATFORM FOR**  
19                           **CHINA.**

20          (a) **FUNDING PROHIBITION.**—Notwithstanding any  
21          other provision of law, no funding made available to the  
22          United States Agency for Global Media (USAGM) may  
23          be used to provide an open platform for representatives  
24          of the People’s Republic of China (PRC), members of the

1 Chinese Communist Party (CCP), or any entity owned or  
2 controlled by the PRC or CCP.

3 (b) REPORT.—Not later than 180 days after the date  
4 of the enactment of this Act, the USAGM shall submit  
5 to the Committee on Foreign Affairs of the House of Rep-  
6 resentatives and the Committee on Foreign Relations of  
7 the Senate a report describing whether or not any of its  
8 broadcast entities, including its grantee organizations, has  
9 provided at any time during the five year period imme-  
10 diately preceding such report an open platform for rep-  
11 resentatives of the PRC, members of the CCP, or any enti-  
12 ty owned or controlled by the PRC or CCP. Such report  
13 shall be made available on a publicly available website by  
14 the Federal Government.

15 **SEC. 612. ESTABLISHMENT OF NEW MANDARIN CHINESE**  
16 **LANGUAGE PLATFORMS OF THE UNITED**  
17 **STATES AGENCY FOR GLOBAL MEDIA.**

18 (a) IN GENERAL.—The Chief Executive Officer of the  
19 United States Agency for Global Media (USAGM) shall  
20 establish new platforms in the Mandarin Chinese lan-  
21 guage, including new social media accounts, an internet  
22 website hosting radio channels and video and audio  
23 podcasts, and an interactive website and mobile applica-  
24 tion, for the following purposes:

1           (1) Exposing the corruption and human rights  
2 abuses of the Chinese Communist Party.

3           (2) Supporting the right for the people of the  
4 People's Republic of China to live in democracy.

5           (3) Explaining the failures of Communism.

6           (4) Explaining to a Chinese audience the con-  
7 cepts of rule of law, constitutionalism, limited gov-  
8 ernment, separation of powers, democracy, and  
9 human rights.

10          (5) Highlighting the voices of Chinese civil soci-  
11 ety, democracy activists, and opposition movements  
12 advocating for a free and democratic China.

13          (b) STRATEGY.—In carrying out subsection (a), the  
14 Chief Executive Officer of USAGM shall develop a strat-  
15 egy for—

16           (1) bypassing the firewall and internet censor-  
17 ship of the People's Republic of China; and

18           (2) supporting programs for bypassing such  
19 firewall and internet censorship in order to reach the  
20 people of China.

21 **SEC. 613. ANNUAL MEETINGS OF INTERPARLIAMENTARY**  
22 **GROUP BETWEEN CONGRESS AND LEGISLA-**  
23 **TURE OF TAIWAN.**

24          (a) MEETINGS.—The Speaker of the House of Rep-  
25 resentatives and the President pro tempore of the Senate

1 shall each appoint members to serve on an interparliamen-  
2 tary group which will meet annually with representatives  
3 of the Legislative Yuan of Taiwan to discuss areas of mu-  
4 tual interest between the United States and Taiwan, in-  
5 cluding—

6 (1) deterring military aggression by the Peo-  
7 ple's Republic of China and countering the malign  
8 influence of the Chinese Communist Party in both  
9 the United States and Taiwan;

10 (2) strengthening security cooperation between  
11 the United States and Taiwan; and

12 (3) enhancing bilateral trade between the  
13 United States and Taiwan.

14 (b) APPOINTMENT OF MEMBERS.—

15 (1) HOUSE.—The Speaker of the House of  
16 Representatives shall appoint 6 Members of the  
17 House to serve on the group under this section,  
18 based on recommendations made by the Majority  
19 Leader and the Minority Leader of the House, and  
20 shall designate one of the Members as the co-chair  
21 of the group.

22 (2) SENATE.—The President pro tempore of  
23 the Senate shall appoint 6 Senators to serve on the  
24 group under this section, based on recommendations  
25 made by the Majority Leader and the Minority



1 Leader of the Senate, and shall designate one of the  
2 Senators as the co-chair of the group.

3 (c) SOURCE OF FUNDING.—Of the amounts obligated  
4 and expended to carry out this section—

5 (1) 50 percent shall be derived from the appli-  
6 cable accounts of the House of Representatives; and

7 (2) 50 percent shall be derived form the contin-  
8 gent fund of the Senate.

9 (d) REPEAL OF EXISTING INTERPARLIAMENTARY  
10 GROUP BETWEEN SENATE AND PEOPLE’S REPUBLIC OF  
11 CHINA.—Section 153 of the Miscellaneous Appropriations  
12 and Offsets Act, 2004 (22 U.S.C. 276n) is hereby re-  
13 pealed.

14 **SEC. 614. PROHIBITION ON IMPORTATION OF GOODS MADE**  
15 **IN THE XINJIANG UYGHUR AUTONOMOUS RE-**  
16 **GION.**

17 (a) IN GENERAL.—Except as provided in subsection  
18 (b), all goods, wares, articles, and merchandise mined,  
19 produced, or manufactured wholly or in part in the  
20 Xinjiang Uyghur Autonomous Region of China, or by per-  
21 sons working with the Xinjiang Uyghur Autonomous Re-  
22 gion government for purposes of the “poverty alleviation”  
23 program or the “pairing-assistance” program which sub-  
24 sidizes the establishment of manufacturing facilities in the  
25 Xinjiang Uyghur Autonomous Region, shall be deemed to

1 be goods, wares, articles, and merchandise described in  
2 section 307 of the Tariff Act of 1930 (19 U.S.C. 1307)  
3 and shall not be entitled to entry at any of the ports of  
4 the United States.

5 (b) EXCEPTION.—The prohibition described in sub-  
6 section (a) shall not apply if the Commissioner of U.S.  
7 Customs and Border Protection—

8 (1) determines, by clear and convincing evi-  
9 dence, that any specific goods, wares, articles, or  
10 merchandise described in subsection (a) were not  
11 produced wholly or in part by convict labor, forced  
12 labor, or indentured labor under penal sanctions;  
13 and

14 (2) submits to the appropriate congressional  
15 committees and makes available to the public a re-  
16 port that contains such determination.

17 (c) EFFECTIVE DATE.—This section shall take effect  
18 on the date that is 120 days after the date of the enact-  
19 ment of this Act.

1     **TITLE VII—MATTERS RELATED**  
2                     **TO DEFENSE**

3     **SEC. 701. MODIFICATION TO USE OF EMERGENCY SANC-**  
4                     **TIONS AUTHORITIES REGARDING CHINESE**  
5                     **COMMUNIST MILITARY COMPANIES.**

6             (a) IN GENERAL.—Section 1237(a)(1) of the Strom  
7 Thurmond National Defense Authorization Act for Fiscal  
8 Year 1999 (50 U.S.C. 1701 note) is amended—

9                     (1) by striking “may exercise” and inserting  
10                    “shall exercise”;

11                    (2) by striking clause (ii);

12                    (3) in the matter preceding clause (i), by strik-  
13 ing “that—” and inserting “that is engaged in pro-  
14 viding commercial services, manufacturing, pro-  
15 ducing, or exporting and—”;

16                    (4) in clause (i), by striking “; and” and insert-  
17 ing “; or”; and

18                    (5) by adding at the end the following new  
19 clause:

20                             “(ii)(I) is owned or controlled by, or  
21                             affiliated with, the Chinese Communist  
22                             Party or any person who has ever been a  
23                             delegate of a National People’s Congress of  
24                             the Chinese Communist Party; and

1                   “(II) is engaged in significant invest-  
2                   ment in the sectors of fifth-generation  
3                   wireless communications, artificial intel-  
4                   ligence, advanced computing, ‘big data’  
5                   analytics, autonomy, robotics, directed en-  
6                   ergy, hypersonics, or biotechnology.”.

7           (b) EXTENSION OF LIST REQUIREMENT.—Notwith-  
8 standing section 1061(i)(6) of the National Defense Au-  
9 thorization Act for Fiscal Year 2017 (10 U.S.C. 111  
10 note), the submission required by subsection (b) of section  
11 1237 of the Strom Thurmond National Defense Author-  
12 ization Act for Fiscal Year 1999—

13                   (1) shall not terminate on December 31, 2021;

14                   and

15                   (2) shall continue in effect until December 31,  
16                   2026.

17 **SEC. 702. PROHIBITION ON USE OF FUNDS TO PURCHASE**  
18                   **GOODS OR SERVICES FROM COMMUNIST CHI-**  
19                   **NESE MILITARY COMPANIES.**

20           (a) IN GENERAL.—None of the funds authorized to  
21 be appropriated or otherwise made available for fiscal year  
22 2020 and available for obligation as of the date of the  
23 enactment of this Act, or authorized to be appropriated  
24 or otherwise made available for fiscal year 2021 or any  
25 fiscal year thereafter, may be obligated or expended to

1 purchase goods or services from a person on the list re-  
2 quired by section 1237(b) of the Strom Thurmond Na-  
3 tional Defense Authorization Act for Fiscal Year 1999  
4 (Public Law 105–261; 50 U.S.C. 1701 note).

5 (b) APPLICATION TO PRIVATE ENTITIES AND STATE  
6 AND LOCAL GOVERNMENTS.—

7 (1) IN GENERAL.—The prohibition under sub-  
8 section (a) includes a prohibition on the obligation  
9 or expenditure of funds described in that subsection  
10 for the purchase of goods or services from persons  
11 described in that subsection by a private entity or a  
12 State or local government that received such funds  
13 through a grant or any other means.

14 (2) CERTIFICATION REQUIRED TO RECEIVE FU-  
15 TURE FUNDS.—

16 (A) IN GENERAL.—On and after the date  
17 of the enactment of this Act, the head of an ex-  
18 ecutive agency shall ensure that funds described  
19 in subsection (a) are not provided to a private  
20 entity or a State or local government unless the  
21 entity or government certifies that the entity or  
22 government, as the case may be, is not pur-  
23 chasing goods or services from a person de-  
24 scribed in subsection (a).

1           (B) REVIEW.—The head of an executive  
2           agency shall conduct a review of the use of  
3           funds described in subsection (a) that are pro-  
4           vided to a private entity or a State or local gov-  
5           ernment to ensure compliance with the require-  
6           ments of subparagraph (A).

7           (c) EXECUTIVE AGENCY DEFINED.—In this section,  
8           the term “executive agency” has the meaning given that  
9           term in section 133 of title 41, United States Code.

10   **SEC. 703. ENACTMENT OF EXECUTIVE ORDER 13959.**

11           (a) IN GENERAL.—The provisions of Executive Order  
12   13959 (85 Fed. Reg. 73185; relating to addressing the  
13   threat from securities investments that finance Com-  
14   munist Chinese military companies (November 12, 2020)),  
15   as in effect on January 14, 2021, are enacted into law.

16           (b) PUBLICATION.—In publishing this Act in slip  
17   form and in the United State Statutes at Large pursuant  
18   to section 112 of title 1, United States Code, the Archivist  
19   of the United States shall include after the date of ap-  
20   proval at the end an appendix setting forth the text of  
21   the Executive order referred to in subsection (a), as in  
22   effect on January 14, 2021.

1 **SEC. 704. INCLUSION OF CERTAIN CHINESE ENTITIES ON**  
2 **THE ANNEX TO EXECUTIVE ORDER 13959.**

3 (a) **IN GENERAL.**—Notwithstanding any other provi-  
4 sion of a law, an entity described in subsection (b) shall  
5 be deemed to be included on the Annex to Executive Order  
6 13959, as in effect on January 14, 2021, and enacted into  
7 law by section 1(a) for purposes of carrying out the provi-  
8 sions of such Executive order.

9 (b) **ENTITY DESCRIBED.**—An entity described in this  
10 subsection is an entity that—

11 (1) is organized under the laws of the People’s  
12 Republic of China or otherwise subject to the juris-  
13 diction of the Government of the People’s Republic  
14 of China; and

15 (2) is included on the list maintained and set  
16 forth in Supplement No. 4 to part 744 of the Export  
17 Administration Regulations.

18 (c) **EXPORT ADMINISTRATION REGULATIONS DE-**  
19 **FINED.**—In this section, the term “Export Administration  
20 Regulations” means the regulations set forth in sub-  
21 chapter C of chapter VII of title 15, Code of Federal Reg-  
22 ulations, or successor regulations.

23 **SEC. 705. ARMS EXPORTS TO INDIA.**

24 (a) **ELIGIBILITY FOR ARMS EXPORTS.**—Section 3 of  
25 the Arms Export Control Act (22 U.S.C. 2753) is amend-  
26 ed—

1           (1) in subsection (b)(2), by striking “or the  
2           Government of New Zealand” and inserting “the  
3           Government of New Zealand, or the Government of  
4           India”; and

5           (2) in subsection (d), by striking “or New Zea-  
6           land” each place it appears and inserting “New Zea-  
7           land, or India”.

8           (b) SALES FROM STOCKS.—Section 21 of the Arms  
9           Export Control Act (22 U.S.C. 2761) is amended—

10           (1) in subsection (e)(2)(A), by striking “or New  
11           Zealand” and inserting “New Zealand, or India”;  
12           and

13           (2) in subsection (h), by striking “or Israel”  
14           each place it appears and inserting “Israel, or  
15           India”.

16           (c) REPORTS ON COMMERCIAL AND GOVERNMENTAL  
17           MILITARY EXPORTS; CONGRESSIONAL ACTION.—Section  
18           36 of the Arms Export Control Act (22 U.S.C. 2776) is  
19           amended by striking “or New Zealand” each place it ap-  
20           pears and inserting “New Zealand, or India”.

21           (d) REPORTS TO THE CONGRESS.—Section 62(c)(1)  
22           of the Arms Export Control Act (22 U.S.C. 2796a) is  
23           amended by striking “or New Zealand” and inserting  
24           “New Zealand, or India”.



1 (e) LEGISLATIVE REVIEW.—Section 63(a)(2) of the  
2 Arms Export Control Act (22 U.S.C. 2796b) is amended  
3 by striking “or New Zealand” and inserting “New Zea-  
4 land, or India”.

5 **TITLE VIII—MATTERS RELATED**  
6 **TO THE PROTECTION OF IN-**  
7 **TELLECTUAL PROPERTY**

8 **SEC. 801. IMPOSITION OF SANCTIONS RELATED TO THE**  
9 **THEFT OF INTELLECTUAL PROPERTY.**

10 (a) IN GENERAL.—The President shall impose the  
11 sanctions described in subsection (b) with respect to each  
12 person described in subsection (c) the President deter-  
13 mines, on or after the date of enactment of this Act, oper-  
14 ates in a sector of China’s economy wherein persons have  
15 engaged in a pattern of significant theft of the intellectual  
16 property of a United States person, or received the intel-  
17 lectual property of a United States person obtained  
18 through a pattern of significant theft.

19 (b) SANCTIONS IMPOSED.—The sanctions described  
20 in this subsection are the following:

21 (1) ASSET BLOCKING.—The exercise of all pow-  
22 ers granted to the President by the International  
23 Emergency Economic Powers Act (50 U.S.C. 1701  
24 et seq.) to the extent necessary to block and prohibit  
25 all transactions in all property and interests in prop-

1 erty of a person described in subsection (a) if such  
2 property and interests in property are in the United  
3 States, come within the United States, or are or  
4 come within the possession or control of a United  
5 States person.

6 (2) ALIENS INELIGIBLE FOR VISAS, ADMISSION,  
7 OR PAROLE.—

8 (A) VISAS, ADMISSION, OR PAROLE.—An  
9 alien described in subsection (a) is—

10 (i) inadmissible to the United States;

11 (ii) ineligible to receive a visa or other

12 documentation to enter the United States;

13 and

14 (iii) otherwise ineligible to be admitted

15 or paroled into the United States or to re-

16 ceive any other benefit under the Immigra-

17 tion and Nationality Act (8 U.S.C. 1101 et

18 seq.).

19 (B) CURRENT VISAS REVOKED.—

20 (i) IN GENERAL.—The issuing con-

21 sular officer, the Secretary of State, or the

22 Secretary of Homeland Security (or a des-

23 ignee of one of such Secretaries) shall, in

24 accordance with section 221(i) of the Im-

25 migration and Nationality Act (8 U.S.C.

1           1201(i)), revoke any visa or other entry  
2           documentation issued to an alien who the  
3           Secretary of State or the Secretary of  
4           Homeland Security (or a designee of one of  
5           such Secretaries) determines is described  
6           in subsection (a), regardless of when the  
7           visa or other documentation is issued.

8                   (ii) EFFECT OF REVOCATION.—A rev-  
9           ocation under clause (i) shall take effect  
10          immediately and shall automatically cancel  
11          any other valid visa or entry documenta-  
12          tion that is in the alien's possession.

13                   (3) EXCEPTION TO COMPLY WITH UNITED NA-  
14          TIONS HEADQUARTERS AGREEMENT.—The authority  
15          to impose the sanctions described in paragraph  
16          (2)(B) shall not apply to an alien if admitting the  
17          alien into the United States is necessary to permit  
18          the United States to comply with the Agreement re-  
19          garding the Headquarters of the United Nations,  
20          signed at Lake Success June 26, 1947, and entered  
21          into force November 21, 1947, between the United  
22          Nations and the United States, or other applicable  
23          international obligations.

24                   (c) PERSONS DESCRIBED.—A person described in  
25          this section is one of the following:

1 (1) An individual who—

2 (A) is a national of the People's Republic  
3 of China or acting at the direction of a national  
4 or entity of the People's Republic of China; and

5 (B) is not a United States person.

6 (2) An entity that is—

7 (A) organized under the laws of the Peo-  
8 ple's Republic of China or of any jurisdiction  
9 within the People's Republic of China;

10 (B) owned or controlled by individuals who  
11 are nationals of the People's Republic of China;

12 or

13 (C) owned or controlled by an entity de-  
14 scribed in subparagraph (A) and is not a  
15 United States person.

16 (d) PENALTIES; IMPLEMENTATION.—

17 (1) PENALTIES.—A person that violates, at-  
18 tempts to violate, conspires to violate, or causes a  
19 violation of subsection (a) or any regulation, license,  
20 or order issued to carry out subsection (a) shall be  
21 subject to the penalties set forth in subsections (b)  
22 and (c) of section 206 of the International Emer-  
23 gency Economic Powers Act (50 U.S.C. 1705) to the  
24 same extent as a person that commits an unlawful  
25 act described in subsection (a) of that section.

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

6           (e) REPORT REQUIRED.—

7           (1) IN GENERAL.—Not later than 180 days  
8           after the date of the enactment of this Act, the  
9           President shall submit to the Committee on Foreign  
10          Affairs of the House of Representatives and the  
11          Committee on Foreign Relations of the Senate a re-  
12          port that specifies each person the President deter-  
13          mines meets the criteria described in subsection (a)  
14          for the imposition of sanctions.

15          (2) TERMINATION OF SANCTIONS.—The Presi-  
16          dent may terminate sanctions imposed under sub-  
17          section (a) with respect to a person if the President  
18          certifies to the Committee on Foreign Affairs of the  
19          House of Representatives and the Committee on  
20          Foreign Relations of the Senate that such person is  
21          no longer engaging in efforts to steal United States  
22          intellectual property.

23          (f) WAIVER.—The President may waive the imposi-  
24          tion of sanctions under subsection (a) on a case-by-case  
25          basis with respect to a person if the President—

1           (1) certifies to the Committee on Foreign Af-  
2           fairs and the Committee on the Judiciary of the  
3           House of Representatives and the Committee on  
4           Foreign Relations and the Committee on the Judici-  
5           ary of the Senate that such waiver is in the national  
6           security interests of the United States; and

7           (2) includes a justification for such certifi-  
8           cation.

9           (g) DEFINITIONS.—In this Act:

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

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

16                   (A) an individual who is a United States  
17                   citizen or an alien lawfully admitted for perma-  
18                   nent residence to the United States; or

19                   (B) an entity organized under the laws of  
20                   the United States or of any jurisdiction within  
21                   the United States.

22           **SEC. 802. PROHIBITION ON USE OF FUNDS.**

23           None of the funds authorized to be appropriated or  
24           otherwise made available to the United States Trade Rep-

1 representative may be used to support, allow, or facilitate the  
2 negotiation or approval of—

3 (1) the “Waiver from Certain Provisions of the  
4 TRIPS Agreement for the Prevention, Containment,  
5 and Treatment of COVID–19” put forth by India  
6 and South Africa; or

7 (2) any other measure at the World Trade Or-  
8 ganization to waive intellectual property rights.

9 **SEC. 803. PROHIBITION ON INDIVIDUALS WITH SECURITY**  
10 **CLEARANCES FROM BEING EMPLOYED BY**  
11 **CERTAIN ENTITIES.**

12 (a) PROHIBITION.—Section 3002 of the Intelligence  
13 Reform and Terrorism Prevention Act of 2004 (50 U.S.C.  
14 3343) is amended by adding at the end the following new  
15 subsection:

16 “(e) PROHIBITION ON CERTAIN EMPLOYMENT.—

17 “(1) PROHIBITION.—A covered person may not  
18 be employed by, contract with, or otherwise receive  
19 funding from, any covered entity during the fol-  
20 lowing periods:

21 “(A) A period in which the person holds a  
22 security clearance.

23 “(B) The 5-year period beginning on the  
24 date that the security clearance of a person be-  
25 comes inactive.

1           “(2) PENALTIES.—Any person who knowingly  
2 violates the prohibition in paragraph (1) shall be  
3 fined under title 18, United States Code, or impris-  
4 oned for not more than 5 years, or both.

5           “(3) NOTIFICATION.—A person who holds a se-  
6 curity clearance shall be notified of the prohibition  
7 in paragraph (1), including a list of the covered enti-  
8 ties, as follows:

9           “(A) At the time at which the person is  
10 issued the security clearance.

11           “(B) At the time at which the security  
12 clearance of the person is renewed.

13           “(C) At the time at which the security  
14 clearance of the person becomes inactive.

15           “(4) COVERED ENTITY.—

16           “(A) DEFINITION.—Subject to subpara-  
17 graph (B), in this subsection, the term ‘covered  
18 entity’ means any of the following entities (in-  
19 cluding any subsidiary or affiliate of such enti-  
20 ties):

21           “(i) Huawei Technologies Company.

22           “(ii) ZTE Corporation.

23           “(iii) Hytera Communications Cor-  
24 poration.



1                   “(iv) Hangzhou Hikvision Digital  
2                   Technology Company.

3                   “(v) Dahua Technology Company.

4                   “(vi) Kaspersky Lab.

5                   “(B) MODIFICATIONS.—The Director of  
6                   National Intelligence, in consultation with the  
7                   Secretary of Defense or the Director of the  
8                   Federal Bureau of Investigation, may add or  
9                   remove entities to the list of covered entities in  
10                  subparagraph (A) based on whether the Direc-  
11                  tor determines there is reasonable belief that  
12                  the entity is owned or controlled by, or other-  
13                  wise connected to or receiving financial support  
14                  from, the government of the People’s Republic  
15                  of China, the government of the Russian Fed-  
16                  eration, the government of the Islamic Republic  
17                  of Iran, or the government of the Democratic  
18                  People’s Republic of Korea.”.

19                  (b) APPLICATION.—

20                  (1) IN GENERAL.—Subsection (e) of section  
21                  3002 of the Intelligence Reform and Terrorism Pre-  
22                  vention Act of 2004 (50 U.S.C. 3343) shall apply  
23                  with respect to an individual who is employed by,  
24                  contracts with, or otherwise receives funding from,

1 any covered entity under such subsection on or after  
2 the date of the enactment of this Act.

3 (2) NOTIFICATION.—Not later than 30 days  
4 after the date of the enactment of this Act, each  
5 person who holds a security clearance as of such  
6 date shall be notified of the prohibition in such sub-  
7 section (e), including a list of the covered entities  
8 under such subsection.

9 **SEC. 804. RESTRICTION ON ISSUANCE OF VISAS.**

10 (a) RESTRICTION.—The Secretary of State may not  
11 issue a visa to, and the Secretary of Homeland Security  
12 shall deny entry to the United States of, each of the fol-  
13 lowing:

14 (1) Senior officials in the Chinese Communist  
15 Party, including the Politburo, the Central Com-  
16 mittee, and each delegate to the 19th National Con-  
17 gress of the Chinese Communist Party.

18 (2) The spouses and children of the senior offi-  
19 cials described in paragraph (1).

20 (3) Members of the cabinet of the Government  
21 of the People's Republic of China.

22 (4) Active duty members of the People's Libera-  
23 tion Army of China.

24 (b) APPLICABILITY.—The restriction under sub-  
25 section (a) shall not apply for any year in which the Direc-

1 tor of National Intelligence certifies to the Committees on  
2 the Judiciary of the House of Representatives and the  
3 Senate that the Government of the People’s Republic of  
4 China has ceased sponsoring, funding, facilitating, and ac-  
5 tively working to support efforts to infringe on the intellec-  
6 tual property rights of citizens and companies of the  
7 United States.

8 **SEC. 805. INTER PARTES REVIEW.**

9 (a) CLAIM CONSTRUCTION.—Section 316(a) of title  
10 35, United States Code, is amended—

11 (1) in paragraph (9), by inserting after “sub-  
12 stitute claims,” the following: “including the stand-  
13 ard for how substitute claims should be construed,”;

14 (2) in paragraph (12), by striking “; and” and  
15 inserting a semicolon;

16 (3) in paragraph (13), by striking the period at  
17 the end and inserting “; and”; and

18 (4) by adding at the end the following new  
19 paragraph:

20 “(14) providing that for all purposes under this  
21 chapter—

22 “(A) each challenged claim of a patent, or  
23 claim proposed in a motion to amend, shall be  
24 construed as the claim would be construed  
25 under section 282(b) in an action to invalidate

1 a patent, including by construing each such  
2 claim in accordance with—

3 “(i) the ordinary and customary  
4 meaning of the claim as understood by a  
5 person having ordinary skill in the art to  
6 which the claimed invention pertains; and

7 “(ii) the prosecution history per-  
8 taining to the patent; and

9 “(B) if a court has previously construed a  
10 challenged claim of a patent or a challenged  
11 claim term in a civil action to which the patent  
12 owner was a party, the Office shall consider  
13 that claim construction.”.

14 (b) BURDEN OF PROOF.—Section 316(e) of title 35,  
15 United States Code, is amended to read as follows:

16 “(e) EVIDENTIARY STANDARDS.—

17 “(1) PRESUMPTION OF VALIDITY.—The pre-  
18 sumption of validity under section 282(a) shall apply  
19 to a previously issued claim that is challenged dur-  
20 ing an inter partes review under this chapter.

21 “(2) BURDEN OF PROOF.—In an inter partes  
22 review instituted under this chapter, the petitioner  
23 shall have the burden of proving a proposition of  
24 unpatentability of a previously issued claim by clear  
25 and convincing evidence.”.

1 (c) STANDING.—Section 311 of title 35, United  
2 States Code, is amended by adding at the end the fol-  
3 lowing new subsection:

4 “(d) PERSONS THAT MAY PETITION.—

5 “(1) DEFINITION.—In this subsection, the term  
6 ‘charged with infringement’ means a real and sub-  
7 stantial controversy regarding infringement of a pat-  
8 ent exists such that the petitioner would have stand-  
9 ing to bring a declaratory judgment action in Fed-  
10 eral court.

11 “(2) NECESSARY CONDITIONS.—A person may  
12 not file with the Office a petition to institute an  
13 inter partes review of a patent unless the person, or  
14 a real party in interest or privy of the person, has  
15 been—

16 “(A) sued for infringement of the patent;

17 or

18 “(B) charged with infringement under the  
19 patent.”.

20 (d) LIMITATION ON REVIEWS.—Section 314(a) of  
21 title 35, United States Code, is amended to read as fol-  
22 lows:

23 “(a) THRESHOLD.—

24 “(1) LIKELIHOOD OF PREVAILING.—Subject to  
25 paragraph (2), the Director may not authorize an

1 inter partes review to be instituted unless the Direc-  
2 tor determines that the information presented in the  
3 petition filed under section 311 and any response  
4 filed under section 313 show that there is a reason-  
5 able likelihood that the petitioner would prevail with  
6 respect to at least one of the claims challenged in  
7 the petition.

8 “(2) PREVIOUS INSTITUTION.—The Director  
9 may not authorize an inter partes review to be insti-  
10 tuted on a claim challenged in a petition if the Di-  
11 rector has previously instituted an inter partes re-  
12 view or post-grant review with respect to that  
13 claim.”.

14 (e) REVIEWABILITY OF INSTITUTION DECISIONS.—  
15 Section 314 of title 35, United States Code, is amended  
16 by striking subsection (d) and inserting the following:

17 “(d) NO APPEAL.—

18 “(1) NONAPPEALABLE DETERMINATIONS.—

19 “(A) THRESHOLD DETERMINATION.—A  
20 determination by the Director on the reasonable  
21 likelihood that the petitioner will prevail under  
22 subsection (a)(1) shall be final and nonappeal-  
23 able.

24 “(B) DENIALS OF INSTITUTION.—A deter-  
25 mination by the Director not to institute an

1 inter partes review under this section shall be  
2 final and nonappealable.

3 “(2) APPEALABLE DETERMINATIONS.—Any as-  
4 pect of a determination by the Director to institute  
5 an inter partes review under this section, other than  
6 a determination described in paragraph (1)(A), may  
7 be reviewed during an appeal of a final written deci-  
8 sion issued under section 318(a).”.

9 (f) ELIMINATING REPETITIVE PROCEEDINGS.—Sec-  
10 tion 315(e) of title 35, United States Code, is amended  
11 to read as follows:

12 “(e) ESTOPPEL.—

13 “(1) PROCEEDINGS BEFORE THE OFFICE.—A  
14 person petitioning for an inter partes review of a  
15 claim in a patent under this chapter, or the real  
16 party in interest or privy of the petitioner, may not  
17 petition for a subsequent inter partes review before  
18 the Office with respect to that patent on any ground  
19 that the petitioner raised or reasonably could have  
20 raised in the initial petition, unless, after the filing  
21 of the initial petition, the petitioner, or the real  
22 party in interest or privy of the petitioner, is  
23 charged with infringement of additional claims of  
24 the patent.

1           “(2) CIVIL ACTIONS AND OTHER PRO-  
2           CEEDINGS.—A person petitioning for an inter partes  
3           review of a claim in a patent under this chapter that  
4           results in an institution decision under section 314,  
5           or the real party in interest or privy of the peti-  
6           tioner, may not assert either in a civil action arising  
7           in whole or in part under section 1338 of title 28  
8           or in a proceeding before the International Trade  
9           Commission under section 337 of the Tariff Act of  
10          1930 (19 U.S.C. 1337) that the claim is invalid  
11          based on section 102 or 103 of this title, unless the  
12          invalidity argument is based on allegations that the  
13          claimed invention was in public use, on sale, or oth-  
14          erwise available to the public before the effective fil-  
15          ing date of the claimed invention.”.

16          (g) REAL PARTY IN INTEREST.—

17                 (1) CLARIFICATION OF DEFINITION.—Section  
18                 315 of title 35, United States Code, is amended by  
19                 adding at the end the following new subsection:

20                 “(f) PETITIONER.—For purposes of this chapter, a  
21                 person that directly or through an affiliate, subsidiary, or  
22                 proxy makes a financial contribution to the preparation  
23                 for, or conduct during, an inter partes review on behalf  
24                 of the petitioner shall be considered a real party in interest  
25                 of the petitioner.”.



1           (2) DISCOVERY OF REAL PARTY IN INTER-  
2           EST.—Section 316(a)(5) of title 35, United States  
3           Code, is amended to read as follows:

4           “(5) setting forth standards and procedures for  
5           discovery of relevant evidence, including that such  
6           discovery shall be limited to—

7           “(A) the deposition of witnesses submitting  
8           affidavits or declarations;

9           “(B) evidence identifying the petitioner’s  
10          real parties in interest; and

11          “(C) what is otherwise necessary in the in-  
12          terest of justice;”.

13          (h) PRIORITY OF FEDERAL COURT VALIDITY DE-  
14          TERMINATIONS.—

15          (1) IN GENERAL.—Section 315 of title 35,  
16          United States Code, as amended by subsections (f)  
17          and (g), is further amended—

18                 (A) by redesignating subsections (c)  
19                 through (f) as subsections (d) through (g), re-  
20                 spectively; and

21                 (B) by inserting after subsection (b) the  
22                 following new subsection:

23          “(c) FEDERAL COURT VALIDITY DETERMINA-  
24          TIONS.—

1           “(1) INSTITUTION BARRED.—An inter partes  
2 review of a patent claim may not be instituted if, in  
3 a civil action arising in whole or in part under sec-  
4 tion 1338 of title 28 or in a proceeding before the  
5 International Trade Commission under section 337  
6 of the Tariff Act of 1930 (19 U.S.C. 1337), a court  
7 has entered a final judgment—

8           “(A) that decides the validity of the patent  
9 claim with respect to section 102 or 103; and

10           “(B) from which an appeal under section  
11 1295 of title 28 may be taken, or from which  
12 an appeal under section 1295 of title 28 was  
13 previously available but is no longer available.

14           “(2) STAY OF PROCEEDINGS.—

15           “(A) IN GENERAL.—If, in a civil action  
16 arising in whole or in part under section 1338  
17 of title 28 or in a proceeding before the Inter-  
18 national Trade Commission under section 337  
19 of the Tariff Act of 1930 (19 U.S.C. 1337), a  
20 court has entered a final judgment that decides  
21 the validity of a patent claim with respect to  
22 section 102 or 103 and from which an appeal  
23 under section 1295 of title 28 may be taken,  
24 the Patent Trial and Appeal Board shall stay

1 any ongoing inter partes review of that patent  
2 claim pending a final decision.

3 “(B) TERMINATION.—If the validity of a  
4 patent claim described in subparagraph (A) is  
5 finally upheld by a court or the International  
6 Trade Commission, as applicable, the Patent  
7 Trial and Appeal Board shall terminate the  
8 inter partes review.”.

9 (2) TECHNICAL AND CONFORMING AMEND-  
10 MENTS.—Chapter 31 of title 35, United States  
11 Code, is amended—

12 (A) in section 315(b), by striking “sub-  
13 section (c)” and inserting “subsection (d)”;

14 (B) in section 316(a)—

15 (i) in paragraph (11), by striking  
16 “section 315(c)” and inserting “section  
17 315(d)”;

18 (ii) in paragraph (12), by striking  
19 “section 315(c)” and inserting “section  
20 315(d)”;

21 (C) in section 317(a), by striking “section  
22 315(e)” and inserting “section 315(f)”.

23 **SEC. 806. POST-GRANT REVIEW.**

24 (a) CLAIM CONSTRUCTION.—Section 326(a) of title  
25 35, United States Code, is amended—

1           (1) in paragraph (9), by inserting after “sub-  
2           stitute claims,” the following: “including the stand-  
3           ard for how substitute claims should be construed,”;

4           (2) in paragraph (11), by striking “; and” and  
5           inserting a semicolon;

6           (3) in paragraph (12), by striking the period at  
7           the end and inserting “; and”; and

8           (4) by adding at the end the following new  
9           paragraph:

10           “(13) providing that for all purposes under this  
11           chapter—

12                   “(A) each challenged claim of a patent  
13                   shall be construed as the claim would be con-  
14                   strued under section 282(b) in an action to in-  
15                   validate a patent, including by construing each  
16                   challenged claim of the patent in accordance  
17                   with—

18                           “(i) the ordinary and customary  
19                           meaning of the claim as understood by a  
20                           person having ordinary skill in the art to  
21                           which the claimed invention pertains; and

22                                   “(ii) the prosecution history per-  
23                                   taining to the patent; and

24                           “(B) if a court has previously construed a  
25                           challenged claim of a patent or a challenged

1 claim term in a civil action to which the patent  
2 owner was a party, the Office shall consider  
3 that claim construction.”.

4 (b) BURDEN OF PROOF.—Section 326(e) of title 35,  
5 United States Code, is amended to read as follows:

6 “(e) EVIDENTIARY STANDARDS.—

7 “(1) PRESUMPTION OF VALIDITY.—The pre-  
8 sumption of validity under section 282(a) shall apply  
9 to a previously issued claim that is challenged dur-  
10 ing a proceeding under this chapter.

11 “(2) BURDEN OF PROOF.—In a post-grant re-  
12 view instituted under this chapter, the petitioner  
13 shall have the burden of proving a proposition of  
14 unpatentability of a previously issued claim by clear  
15 and convincing evidence.”.

16 (c) STANDING.—Section 321 of title 35, United  
17 States Code, is amended by adding at the end the fol-  
18 lowing new subsection:

19 “(d) PERSONS THAT MAY PETITION.—

20 “(1) DEFINITION.—In this subsection, the term  
21 ‘charged with infringement’ means a real and sub-  
22 stantial controversy regarding infringement of a pat-  
23 ent exists such that the petitioner would have stand-  
24 ing to bring a declaratory judgment action in Fed-  
25 eral court.

1           “(2) NECESSARY CONDITIONS.—A person may  
2 not file with the Office a petition to institute a post-  
3 grant review of a patent unless the person, or a real  
4 party in interest or privy of the person, dem-  
5 onstrates—

6           “(A) a reasonable possibility of being—

7           “(i) sued for infringement of the pat-  
8 ent; or

9           “(ii) charged with infringement under  
10 the patent; or

11           “(B) a competitive harm related to the va-  
12 lidity of the patent.”.

13       (d) LIMITATION ON REVIEWS.—Section 324(a) of  
14 title 35, United States Code, is amended to read as fol-  
15 lows:

16       “(a) THRESHOLD.—

17           “(1) LIKELIHOOD OF PREVAILING.—Subject to  
18 paragraph (2), the Director may not authorize a  
19 post-grant review to be instituted unless the Director  
20 determines that the information presented in the pe-  
21 tition filed under section 321, if such information is  
22 not rebutted, would demonstrate that it is more like-  
23 ly than not that at least one of the claims challenged  
24 in the petition is unpatentable.

1           “(2) PREVIOUS INSTITUTION.—The Director  
2           may not authorize a post-grant review to be insti-  
3           tuted on a claim challenged in a petition if the Di-  
4           rector has previously instituted an inter partes re-  
5           view or post-grant review with respect to that  
6           claim.”.

7           (e) REVIEWABILITY OF INSTITUTION DECISIONS.—  
8           Section 324 of title 35, United States Code, is amended  
9           by striking subsection (e) and inserting the following:

10          “(e) NO APPEAL.—

11               “(1) NON-APPEALABLE DETERMINATIONS.—

12                   “(A) THRESHOLD DETERMINATION.—A  
13                   determination by the Director on the likelihood  
14                   that the petitioner will prevail under subsection  
15                   (a)(1) shall be final and nonappealable.

16                   “(B) EXERCISE OF DISCRETION.—A deter-  
17                   mination by the Director not to institute a post-  
18                   grant review under this section shall be final  
19                   and nonappealable.

20               “(2) APPEALABLE DETERMINATIONS.—Any as-  
21               pect of a determination by the Director to institute  
22               a post-grant review under this section, other than a  
23               determination described in paragraph (1)(A), may be  
24               reviewed during an appeal of a final written decision  
25               issued under section 328(a).”.

1 (f) ELIMINATING REPETITIVE PROCEEDINGS.—Sec-  
2 tion 325(e)(1) of title 35, United States Code, is amended  
3 to read as follows:

4 “(1) PROCEEDINGS BEFORE THE OFFICE.—A  
5 person petitioning for a post-grant review of a claim  
6 in a patent under this chapter, or the real party in  
7 interest or privy of the petitioner, may not petition  
8 for a subsequent post-grant review before the Office  
9 with respect to that patent on any ground that the  
10 petitioner raised or reasonably could have raised in  
11 the initial petition, unless, after the filing of the ini-  
12 tial petition, the petitioner, or the real party in in-  
13 terest or privy of the petitioner, is charged with in-  
14 fringement of additional claims of the patent.”.

15 (g) REAL PARTY IN INTEREST.—

16 (1) CLARIFICATION OF DEFINITION.—Section  
17 325 of title 35, United States Code, is amended by  
18 adding at the end the following new subsection:

19 “(g) REAL PARTY IN INTEREST.—For purposes of  
20 this chapter, a person that directly or through an affiliate,  
21 subsidiary, or proxy, makes a financial contribution to the  
22 preparation for, or conduct during, a post-grant review on  
23 behalf of the petitioner shall be considered a real party  
24 in interest of the petitioner.”.



1           (2) DISCOVERY OF REAL PARTY IN INTER-  
2           EST.—Section 326(a)(5) of title 35, United States  
3           Code, is amended to read as follows:

4           “(5) setting forth standards and procedures for  
5           discovery of relevant evidence, including that such  
6           discovery shall be limited to—

7           “(A) the deposition of witnesses submitting  
8           affidavits or declarations;

9           “(B) evidence identifying the petitioner’s  
10          real parties in interest; and

11          “(C) what is otherwise necessary in the in-  
12          terest of justice;”.

13          (h) PRIORITY OF FEDERAL COURT VALIDITY DE-  
14          TERMINATIONS.—

15          (1) IN GENERAL.—Section 325 of title 35,  
16          United States Code, as amended by subsections (f)  
17          and (g), is further amended—

18                 (A) by redesignating subsections (c)  
19                 through (g) as subsections (d) through (h), re-  
20                 spectively; and

21                 (B) by inserting after subsection (b) the  
22                 following new subsection:

23          “(c) FEDERAL COURT VALIDITY DETERMINA-  
24          TIONS.—

1           “(1) INSTITUTION BARRED.—A post-grant re-  
2 view of a patent claim may not be instituted if, in  
3 a civil action arising in whole or in part under sec-  
4 tion 1338 of title 28 or in a proceeding before the  
5 International Trade Commission under section 337  
6 of the Tariff Act of 1930 (19 U.S.C. 1337), a court  
7 has entered a final judgment—

8           “(A) that decides the validity of the patent  
9 claim with respect to section 102 or 103; and

10           “(B) from which an appeal under section  
11 1295 of title 28 may be taken, or from which  
12 an appeal under section 1295 of title 28 was  
13 previously available but is no longer available.

14           “(2) STAY OF PROCEEDINGS.—

15           “(A) IN GENERAL.—If, in a civil action  
16 arising in whole or in part under section 1338  
17 of title 28 or in a proceeding before the Inter-  
18 national Trade Commission under section 337  
19 of the Tariff Act of 1930 (19 U.S.C. 1337), a  
20 court has entered a final judgment that decides  
21 the validity of a patent claim with respect to  
22 section 102 or 103 and from which an appeal  
23 under section 1295 of title 28 may be taken,  
24 the Patent Trial and Appeal Board shall stay

1 any ongoing post-grant review of that patent  
2 claim pending a final decision.

3 “(B) TERMINATION.—If the validity of a  
4 patent claim described in subparagraph (A) is  
5 finally upheld by a court or the International  
6 Trade Commission, as applicable, the Patent  
7 Trial and Appeal Board shall terminate the  
8 post-grant review.”.

9 (2) TECHNICAL AND CONFORMING AMEND-  
10 MENTS.—Chapter 32 of title 35, United States  
11 Code, is amended—

12 (A) in section 326(a)(11), by striking “sec-  
13 tion 325(c)” and inserting “section 325(d)”;  
14 and

15 (B) in section 327(a), by striking “section  
16 325(e)” and inserting “section 325(f)”.

17 **SEC. 807. COMPOSITION OF POST-GRANT REVIEW AND**  
18 **INTER PARTES REVIEW PANELS.**

19 Section 6(c) of title 35, United States Code, is  
20 amended to read as follows:

21 “(c) 3-MEMBER PANELS.—

22 “(1) IN GENERAL.—Each appeal, derivation  
23 proceeding, post-grant review, and inter partes re-  
24 view shall be heard by at least 3 members of the

1 Patent Trial and Appeal Board, who shall be des-  
2 ignated by the Director.

3 “(2) INELIGIBILITY TO HEAR REVIEW.—A  
4 member of the Patent Trial and Appeal Board who  
5 participates in the decision to institute a post-grant  
6 review or an inter partes review of a patent shall be  
7 ineligible to hear the review.

8 “(3) REHEARINGS.—Only the Patent Trial and  
9 Appeal Board may grant rehearings.”.

10 **SEC. 808. REEXAMINATION OF PATENTS.**

11 (a) REQUEST FOR REEXAMINATION.—Section 302 of  
12 title 35, United States Code, is amended to read as fol-  
13 lows:

14 **“§ 302. Request for reexamination**

15 “Any person at any time may file a request for reex-  
16 amination by the Office of any claim of a patent on the  
17 basis of any prior art cited under the provisions of section  
18 301. The request must be in writing and must be accom-  
19 panied by payment of a reexamination fee established by  
20 the Director pursuant to the provisions of section 41. The  
21 request must identify all real parties in interest and certify  
22 that reexamination is not barred under section 303(d).  
23 The request must set forth the pertinency and manner of  
24 applying cited prior art to every claim for which reexam-  
25 ination is requested. Unless the requesting person is the

1 owner of the patent, the Director promptly will send a  
2 copy of the request to the owner of record of the patent.”.

3 (b) REEXAMINATION BARRED BY CIVIL ACTION.—

4 Section 303 of title 35, United States Code, is amended  
5 by adding at the end the following new subsection:

6 “(d) An ex parte reexamination may not be instituted  
7 if the request for reexamination is filed more than 1 year  
8 after the date on which the requester or a real party in  
9 interest or privy of the requester is served with a com-  
10 plaint alleging infringement of the patent.”.

11 **SEC. 809. RESTORATION OF PATENTS AS PROPERTY**  
12 **RIGHTS.**

13 Section 283 of title 35, United States Code, is  
14 amended—

15 (1) by striking “The several courts” and insert-  
16 ing the following:

17 “(a) IN GENERAL.—The several courts”; and

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

19 “(b) INJUNCTION.—Upon a finding by a court of in-  
20 fringement of a patent not proven invalid or unenforce-  
21 able, the court shall presume that—

22 “(1) further infringement of the patent would  
23 cause irreparable injury; and

24 “(2) remedies available at law are inadequate to  
25 compensate for that injury.”.

1 **SEC. 810. INVENTOR PROTECTIONS.**

2 (a) INVENTOR-OWNED PATENT PROTECTIONS.—  
3 Chapter 32 of title 35, United States Code, is amended  
4 by adding at the end the following new section:

5 **“§ 330. Inventor protections**

6 “(a) PROTECTION FROM POST ISSUANCE PRO-  
7 CEEDINGS IN THE UNITED STATES PATENT AND TRADE-  
8 MARK OFFICE.—The United States Patent and Trade-  
9 mark Office shall not undertake a proceeding to reexam-  
10 ine, review, or otherwise make a determination about the  
11 validity of an inventor-owned patent without the consent  
12 of the patentee.

13 “(b) CHOICE OF VENUE.—Any civil action for in-  
14 fringement of an inventor-owned patent or any action for  
15 a declaratory judgment that an inventor-owned patent is  
16 invalid or not infringed may be brought in a judicial dis-  
17 trict—

18 “(1) in accordance with section 1400(b) of title  
19 28;

20 “(2) where the defendant has agreed or con-  
21 sented to be sued in the instant action;

22 “(3) where an inventor named on the patent in  
23 suit conducted research or development that led to  
24 the application for the patent in suit;

25 “(4) where a party has a regular and estab-  
26 lished physical facility that such party controls and

1 operates, not primarily for the purpose of creating  
2 venue, and has—

3 “(A) engaged in management of significant  
4 research and development of an invention  
5 claimed in a patent in suit prior to the effective  
6 filing date of the patent;

7 “(B) manufactured a tangible good that is  
8 alleged to embody an invention claimed in a  
9 patent in suit; or

10 “(C) implemented a manufacturing process  
11 for a tangible good in which the process is al-  
12 leged to embody an invention claimed in a pat-  
13 ent in suit; or

14 “(5) in the case of a foreign defendant that  
15 does not meet the requirements of section 1400(b)  
16 of title 28, in accordance with section 1391(c)(3) of  
17 such title.”.

18 **SEC. 811. REGISTRATION OF AGENT.**

19 (a) IN GENERAL.—Chapter 190 of title 28, United  
20 States Code, is amended by adding at the end the fol-  
21 lowing new section:

22 **“§ 5002. Registration of an agent for the service of**  
23 **process on covered entities**

24 “(a) IN GENERAL.—A covered entity conducting  
25 business in the United States shall register with the De-

1 partment of Commerce not less than one agent residing  
2 in the United States if the covered entity—

3           “(1) is owned by officers, members, or affiliates  
4           of the Chinese Communist Party, the People’s Lib-  
5           eration Army of China, or any governmental organ  
6           of the People’s Republic of China, including regional  
7           and local governments;

8           “(2) is traded in shares and such shares are  
9           held in majority by any individual or group of indi-  
10          viduals who are officers, members, or affiliates of  
11          the Chinese Communist Party, the People’s Libera-  
12          tion Army of China, or any governmental organ of  
13          the People’s Republic of China, including regional  
14          and local governments;

15          “(3) is owned by individuals or other entities  
16          who reside or are headquartered outside of the  
17          United States and the majority of business earnings  
18          of the covered entity are derived from commerce  
19          with entities owned by officers, members, or affili-  
20          ates of the Chinese Communist Party, the People’s  
21          Liberation Army of China, or any governmental  
22          organ of the People’s Republic of China, including  
23          regional and local governments of the Chinese Com-  
24          munist Party, of the People’s Liberation Army of  
25          China, or in the People’s Republic of China; or



1           “(4) is organized under the laws of, or has its  
2           principal place of business in, the People’s Republic  
3           of China.

4           “(b) FILING.—A registration required under sub-  
5           section (a) shall be filed with the Department of Com-  
6           merce not later than 30 days after—

7           “(1) the date of enactment of this Act, or

8           “(2) the departure of the previously registered  
9           agent from employment or contract with the covered  
10          entity.

11          “(c) PURPOSE OF REGISTERED AGENT.—

12          “(1) AVAILABILITY.—A covered entity shall en-  
13          sure that not less than one registered agent on  
14          whom process may be served is available at the busi-  
15          ness address of the registered agent each day from  
16          9 a.m. to 5 p.m. in the time zone of the business ad-  
17          dress, excluding Saturdays, Sundays, and Federal  
18          holidays.

19          “(2) COMMUNICATION.—The registered agent  
20          shall be required to be available to accept service of  
21          process on behalf of the covered entity under which  
22          the agent is registered by the means of any commu-  
23          nication included in the registration submitted to the  
24          Department of Commerce.

1       “(d) COOPERATION.—A registered agent shall co-  
2 operate in good faith with the United States Government  
3 and representatives of other individuals and entities.

4       “(e) REQUIRED INFORMATION.—The registration  
5 submitted to the Department of Commerce shall include  
6 the following information:

7           “(1) The name of the covered entity registering  
8 an agent under this section.

9           “(2) The name of the Chief Executive Officer,  
10 President, Partner, Chairman, or other controlling  
11 individual of the covered entity.

12           “(3) The name of the individual who is being  
13 registered as the agent for the service of process.

14           “(4) The business address of the covered entity  
15 registering an agent under this section.

16           “(5) The business address of the individual who  
17 is being registered as the agent for the service of  
18 process.

19           “(6) Contact information, including an email  
20 address and phone number for the individual who is  
21 being registered as the agent for the service of proc-  
22 ess.

23           “(7) The date on which the agent shall begin  
24 to accept service of process under this section.

1       “(f) WEBSITE.—The information submitted to the  
2 Department of Commerce pursuant to this section shall  
3 be made available on a publicly accessible database on the  
4 website of the Department of Commerce.

5       “(g) PERSONAL JURISDICTION.—A covered entity  
6 that registers an agent under this section thereby consents  
7 to the personal jurisdiction of the State or Federal courts  
8 of the State in which the registered agent is located for  
9 the purpose of any regulatory proceeding or civil action  
10 relating to such covered entity.

11       “(h) DEFINITIONS.—In this section:

12               “(1) COVERED ENTITY.—The term ‘covered en-  
13 tity’ means—

14                       “(A) a corporation, partnership, associa-  
15 tion, organization, or other combination of per-  
16 sons established for the purpose of commercial  
17 activities; or

18                       “(B) a trust or a fund established for the  
19 purpose of commercial activities.

20               “(2) DEPARTMENT OF COMMERCE.—The term  
21 ‘Department of Commerce’ means the United States  
22 Department of Commerce.”.

23       “(b) CLERICAL AMENDMENT.—The table of sections  
24 for chapter 190 of title 28, United States Code, is amend-  
25 ed by adding at the end the following:

“5002. Registration of an agent for the service of process on covered entities.”.

1 **SEC. 812. EXCEPTION TO SOVEREIGN IMMUNITY.**

2 Section 1603(b)(2) of title 28, United States Code,  
3 is amended by inserting “except the People’s Republic of  
4 China,” after “owned by a foreign state,”.

5 **SEC. 813. REDRESS OF THEFT OF TRADE SECRETS**  
6 **EXTRATERRITORIALLY.**

7 Section 1836 of title 18, United States Code, is  
8 amended by adding at the end the following new sub-  
9 section:

10 “(e) APPLICABILITY TO CONDUCT OUTSIDE UNITED  
11 STATES.—Notwithstanding any other provision of law,  
12 this section shall apply to conduct occurring outside the  
13 United States and impacting United States commerce, in-  
14 cluding conduct by an offender who is—

15 “(1) not a United States person or an alien  
16 lawfully admitted for permanent residence into the  
17 United States; or

18 “(2) an organization which is created or orga-  
19 nized under the laws of a foreign government or  
20 which has its principal place of business located out-  
21 side of the United States.”.

22 **SEC. 814. RESTRICTION ON FEDERAL GRANTS AND OTHER**  
23 **FORMS OF ASSISTANCE.**

24 (a) RESTRICTION.—

25 (1) IN GENERAL.—Notwithstanding any other  
26 provision of law, the head of each Federal depart-

1       ment or agency may not provide grants, awards, or  
2       other forms of assistance, that is currently author-  
3       ized in law, to a United States business to improve  
4       the resilience or competitiveness of a business unless  
5       such business agrees that it:

6               (A) will not engage in expanded coopera-  
7               tion activities with any Chinese entity, and

8               (B) will not expand its own activities with-  
9               in the People's Republic of China (including  
10              Hong Kong and Macau).

11             (2) INELIGIBILITY.—If a United States busi-  
12             ness that has received a grant or other form of as-  
13             sistance described in paragraph (1) engages in ex-  
14             panded cooperation activities with any Chinese enti-  
15             ty, or expands its own activities within the People's  
16             Republic of China, such business—

17               (A) shall provide reimbursement to the  
18               Federal Government in an amount equal to the  
19               amount of the grant or other form of assist-  
20               ance; and

21               (B) shall be ineligible for any other grants  
22               or other forms of assistance described in para-  
23               graph (1) from any Federal department or  
24               agency.

1 (b) REPORT.—The Secretary of the Treasury shall  
2 submit to Congress on an annual basis a report on invest-  
3 ments made by United States businesses that receive  
4 grants or other forms of assistance described in subsection  
5 (a) in—

6 (1) production in the People’s Republic of  
7 China; and

8 (2) production elsewhere by any Chinese entity.

9 (c) CHINESE ENTITY DEFINED.—In this section:

10 (1) CHINESE ENTITY.—The term “Chinese en-  
11 tity” means any entity organized under the laws of  
12 the People’s Republic of China or otherwise subject  
13 to the jurisdiction of the Government of the People’s  
14 Republic of China, and any entity owned or con-  
15 trolled by the Government of the People’s Republic  
16 of China, or an entity subject to the jurisdiction of  
17 the Government of the People’s Republic of China.

18 (2) EXPANDED COOPERATION ACTIVITIES.—  
19 The term “expanded cooperation activities”, with re-  
20 spect to a Chinese entity, means investments in, ex-  
21 ports of technology to, any activity that provides  
22 capital, technology, or expertise to the entity, or any  
23 other form of cooperation with, the entity.

1 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion shall be construed to authorize a new Federal grant  
3 or award program.

4 **SEC. 815. RESTRICTION ON NATIONAL SCIENCE FOUNDA-**  
5 **TION GRANTS AND OTHER FORMS OF ASSIST-**  
6 **ANCE TO CHINESE COMMUNIST MILITARY**  
7 **COMPANIES AND THEIR AFFILIATES.**

8 (a) IN GENERAL.—Notwithstanding any other provi-  
9 sion of law, the Director of the National Science Founda-  
10 tion may not provide grants or other forms of assistance  
11 to any individual or entity that is affiliated or otherwise  
12 has a relationship, including but not limited to a research  
13 partnership, joint venture, or contract with—

14 (1) an entity included on the list maintained  
15 and set forth in Supplement No. 4 to part 744 of  
16 the Export Administration Regulations; or

17 (2) a company on the list required by section  
18 1237 of the Strom Thurmond National Defense Au-  
19 thorization Act for Fiscal Year 1999 (Public Law  
20 105–261; 50 U.S.C. 1701 note), or required by sec-  
21 tion 1260H of the Mac Thornberry National De-  
22 fense Authorization Act for Fiscal Year 2021 (Pub-  
23 lic Law 116–283), or on the Non-SDN Chinese Mili-  
24 tary-Industrial Complex Companies List (NS-CMIC  
25 List) or any successor list; or

1           (3) any parent, subsidiary, affiliate of, or entity  
2           owned by or controlled by, an entity described in  
3           (a)(1) and (a)(2).

4           (b) EXPORT ADMINISTRATION REGULATIONS DE-  
5 FINED.—In this section, the term “Export Administration  
6 Regulations” means the regulations set forth in sub-  
7 chapter C of chapter VII of title 15, Code of Federal Reg-  
8 ulations, or successor regulations.

9   **SEC. 816. EXPANDING INADMISSIBILITY ON SECURITY AND**  
10                                   **RELATED GROUNDS.**

11           (a) IN GENERAL.—Section 212(a)(3)(A) of the Im-  
12 migration and Nationality Act (8 U.S.C. 1182(a)(3)(A))  
13 is amended to read as follows:

14                           “(A) IN GENERAL.—Any alien is inadmis-  
15 sible who a consular officer or the Secretary of  
16 Homeland Security knows, or has reasonable  
17 ground to believe—

18                                   “(i) engages, has engaged, or will en-  
19 gage in any activity—

20   “(I) in violation of any law of the  
21 United States relating to espionage or  
22 sabotage; or

23   “(II) that would violate any law  
24 of the United States relating to espio-



1           nage or sabotage if the activity oc-  
2           curred in the United States;

3           “(ii) engages, has engaged, or will en-  
4           gage in any activity in violation or evasion  
5           of any law prohibiting the export from the  
6           United States of goods, technology, or sen-  
7           sitive information;

8           “(iii) seeks to enter the United States  
9           to engage solely, principally, or incidentally  
10          in any other unlawful activity;

11          “(iv) seeks to enter the United States  
12          to engage solely, principally, or incidentally  
13          in any activity a purpose of which is the  
14          opposition to, or the control or overthrow  
15          of, the Government of the United States by  
16          force, violence, or other unlawful means; or

17          “(v) is the spouse or child of an alien  
18          who is inadmissible under this subpara-  
19          graph, if the activity causing the alien to  
20          be found inadmissible occurred within the  
21          last 5 years.”.

22          (b) WAIVER AUTHORITY.—Section 212(d)(3)(A) of  
23          the Immigration and Nationality Act (8 U.S.C.  
24          1182(d)(3)(A)) is amended—

1 (1) by striking “(3)(A)(i)(I), (3)(A)(ii),” each  
2 place such term appears; and

3 (2) by inserting “(3)(A)(iv),” after  
4 “(3)(A)(iii),” each place such term appears.

5 **TITLE IX—MATTERS RELATED**  
6 **TO FINANCIAL SERVICES**

7 **SEC. 901. OPPOSITION OF THE UNITED STATES TO AN IN-**  
8 **CREASE IN THE WEIGHT OF THE CHINESE**  
9 **RENMINBI IN THE SPECIAL DRAWING RIGHTS**  
10 **BASKET OF THE INTERNATIONAL MONETARY**  
11 **FUND.**

12 (1) The Secretary of the Treasury shall instruct  
13 the United States Governor of, and the United  
14 States Executive Director at, the International Mon-  
15 etary Fund to use the voice and vote of the United  
16 States to oppose any increase in the weight of the  
17 Chinese renminbi in the basket of currencies used to  
18 determine the value of Special Drawing Rights, un-  
19 less the Secretary of the Treasury has submitted to  
20 the Committee on Financial Services of the House of  
21 Representatives and the Committee on Banking,  
22 Housing, and Urban Affairs of the Senate a written  
23 report which includes a certification that—

1           (1) the People’s Republic of China is in compli-  
2           ance with all its obligations under Article VIII of the  
3           19 Articles of Agreement of the Fund;

4           (2) in the preceding 12 months, there has not  
5           been a report submitted under section 3005 of the  
6           Omnibus Trade and Competitiveness Act of 1988 or  
7           section 701 of the Trade Facilitation and Trade En-  
8           forcement Act of 2015 in which the People’s Repub-  
9           lic of China has been found to have manipulated its  
10          currency;

11          (3) the People’s Republic of China has insti-  
12          tuted and is implementing the policies and practices  
13          3 necessary to ensure that the renminbi is freely us-  
14          able (within the meaning of Article XXX(f) of the  
15          Articles of Agreement of the Fund); and

16          (4) the People’s Republic of China adheres to  
17          the rules and principles of the Paris Club and the  
18          OECD Arrangement on Officially Supported Export  
19          Credits.

20   **SEC. 902. SUNSET.**

21          Section 901 shall have no force or effect beginning  
22          10 years after the date of the enactment of this Act.

1 **SEC. 903. STRENGTHENING CONGRESSIONAL OVERSIGHT**  
2 **OF SPECIAL DRAWING RIGHTS AT THE IMF.**

3 Section 6 of the Special Drawing Rights Act (22  
4 U.S.C. 286q) is amended—

5 (1) in subsection (a)—

6 (A) by striking “each basic period” and in-  
7 serting “any 10-year period”; and

8 (B) by inserting “25 percent of” before  
9 “the United States quota”; and

10 (2) in subsection (b)—

11 (A) by inserting “, or consent to or acqui-  
12 esce in such an allocation,” before “without  
13 consultations”;

14 (B) by striking “90” and inserting “180”;  
15 and

16 (C) by inserting “Chairman and ranking  
17 minority members of” before “the appropriate  
18 subcommittees”.

19 **SEC. 904. PROHIBITION ON ALLOCATIONS FOR PERPETRA-**  
20 **TORS OF GENOCIDE AND STATE SPONSORS**  
21 **OF TERRORISM WITHOUT CONGRESSIONAL**  
22 **AUTHORIZATION.**

23 Section 6(b) of the Special Drawing Rights Act (22  
24 U.S.C. 286q(b)) is amended by adding at the end the fol-  
25 lowing:

1           “(3) Unless Congress by law authorizes such  
2           action, neither the President nor any person or  
3           agency shall on behalf of the United States vote to  
4           allocate Special Drawing Rights under article XVIII,  
5           sections 2 and 3, of the Articles of Agreement of the  
6           Fund to a member country of the Fund, if the  
7           President of the United States has found that the  
8           government of the member country—

9                   “(A) has committed genocide at any time  
10                   during the 10-year period ending with the date  
11                   of the vote; or

12                   “(B) has repeatedly provided support for  
13                   acts of international terrorism.”.

14 **SEC. 905. OPPOSITION TO QUOTA INCREASE FOR COUN-**  
15 **TRIES THAT UNDERMINE IMF PRINCIPLES.**

16           The Bretton Woods Agreements Act (22 U.S.C. 286–  
17 286zz) is amended—

18                   (1) by redesignating the 2nd section 73 (as  
19                   added by section 1901 of division P of Public Law  
20                   116–94) as section 74; and

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

22 **“SEC. 75. OPPOSITION TO QUOTA INCREASE FOR COUN-**  
23 **TRIES THAT UNDERMINE FUND PRINCIPLES.**

24                   “(a) IN GENERAL.—Not less than 7 days before con-  
25 sideration of any proposal to increase the quota of a for-

1 eign member of the Fund that is one of the 10 largest  
2 shareholders in the Fund, the Secretary of the Treasury  
3 shall submit a report to the Committee on Financial Serv-  
4 ices of the House and the Committee on Foreign Relations  
5 of the Senate that determines whether the foreign member  
6 meets the following criteria:

7           “(1) The member is in compliance with all obli-  
8 gations set forth in Article VIII of the Articles of  
9 Agreement of the Fund.

10           “(2) The member, in the preceding 12 months,  
11 was not found to have manipulated its currency, as  
12 determined in a report required by section 3005 of  
13 the Omnibus Trade and Competitiveness Act of  
14 1988 or section 701 of the Trade Facilitation and  
15 Trade Enforcement Act of 2015.

16           “(3) In the case of a member whose currency  
17 is included in the Special Drawing Rights basket of  
18 the Fund, the currency of the member is freely usa-  
19 ble (within the meaning of Article XXX(f) of the Ar-  
20 ticles of Agreement of the Fund) and the Secretary  
21 concurs with the determinations of the Fund de-  
22 scribed in that Article, and, in the preceding 12  
23 months, the member has demonstrated its commit-  
24 ment to ensuring that its currency is widely used  
25 and traded internationally.

1           “(4) The member is committed to the rules and  
2           principles of the Paris Club.

3           “(b) EFFECT OF DETERMINATION.—On determining  
4           that a member of the Fund has failed to meet any of the  
5           criteria set forth in subsection (a), the Secretary shall in-  
6           struct the Governor of the Fund to use the voice and vote  
7           of the United States to oppose the proposal to increase  
8           the quota of the member in the Fund.

9           “(c) WAIVER.—The President may waive subsection  
10          (b) with respect to a member of the Fund on reporting  
11          to the Committee on Financial Services of the House of  
12          Representatives and the Committee on Foreign Relations  
13          of the Senate that—

14                 “(1) the waiver is important to the national in-  
15                 terest of the United States, with an explanation of  
16                 the reasons therefor; or

17                 “(2) the member is attempting to rectify the  
18                 failure, with a description of the actions the member  
19                 is taking to fulfill any unmet criteria.

20          “(d) PROHIBITION.—Notwithstanding subsection (c),  
21          the Governor of the Fund may not use the voice or vote  
22          of the United States to support a proposal to increase the  
23          quota of a member in the Fund if the President of the  
24          United States determines that the government of the  
25          member interfered in a United States election for Federal

1 office (as defined in section 301 of the Federal Election  
2 Campaign Act of 1971) in the 4 years preceding consider-  
3 ation of the proposal.

4 “(e) PROPOSAL CONSIDERATION.—For the purposes  
5 of this section, consideration of a proposal to increase the  
6 quota of a foreign member of the Fund does not include  
7 consent to an amendment to the Articles of Agreement  
8 of the Fund that has been authorized by law.

9 “(f) SUNSET.—This section shall cease to have force  
10 or effect 10 years after the date of the enactment of this  
11 Act.”.

12 **SEC. 906. OPPOSITION OF THE UNITED STATES TO INTER-**  
13 **NATIONAL MONETARY FUND LOAN TO A**  
14 **COUNTRY WHOSE PUBLIC DEBT IS NOT LIKE-**  
15 **LY TO BE SUSTAINABLE IN THE MEDIUM**  
16 **TERM.**

17 (a) IN GENERAL.—Section 68(a) of the Bretton  
18 Woods Agreements Act (22 U.S.C. 286tt(a)) is amend-  
19 ed—

20 (1) in paragraph (2), by inserting after the  
21 comma the following: “or a staff analytical report of  
22 the Fund states that there is not a high probability  
23 that the public debt of the country is sustainable in  
24 the medium term,”; and

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



1           “(3) WAIVER AUTHORITY.—The Secretary of  
2           the Treasury may waive paragraph (2) on a case-by-  
3           case basis if the Secretary provides a written certifi-  
4           cation to the Committee on Financial Services of the  
5           House of Representatives and the Committee on  
6           Foreign Relations of the Senate that the waiver is  
7           important to the national interest of the United  
8           States, and includes with the certification a written  
9           statement 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. 907. CONGRESSIONAL NOTIFICATION WITH RESPECT**  
14                                 **TO EXCEPTIONAL ACCESS LENDING.**

15          (a) IN GENERAL.—The Bretton Woods Agreements  
16         Act (22 U.S.C. 286–286zz), as amended by section 2 of  
17         this Act, is amended by adding at the end the following:

18         **“SEC. 76. CONGRESSIONAL NOTIFICATION WITH RESPECT**  
19                                 **TO EXCEPTIONAL ACCESS LENDING.**

20                 “(a) IN GENERAL.—The United States Executive Di-  
21         rector at the International Monetary Fund may not sup-  
22         port any proposal that would alter the criteria used by  
23         the Fund for exceptional access lending if the proposal  
24         would permit a country that is ineligible, before the pro-  
25         posed alteration, to receive exceptional access lending, un-

1 less, not later than 15 days before consideration of the  
2 proposal by the Board of Executive Directors of the Fund,  
3 the Secretary of the Treasury has submitted to the Com-  
4 mittee on Financial Services of the House of Representa-  
5 tives and the Committee on Foreign Relations of the Sen-  
6 ate a report on the justification for the proposal and the  
7 effects of the proposed alteration on moral hazard and re-  
8 payment risk at the Fund.

9 “(b) WAIVER.—The President may reduce the appli-  
10 cable notice period required under subsection (a) to not  
11 less than 7 days on reporting to the Committee on Finan-  
12 cial Services of the House of Representatives and Com-  
13 mittee on Foreign Relations of the Senate that the reduc-  
14 tion is important to the national interest of the United  
15 States, with an explanation of the reasons therefor.”

16 (b) SUNSET.—This section shall cease to have force  
17 or effect 10 years after the date of the enactment of this  
18 Act.

19 **SEC. 908. CONDITION ON IMF QUOTA INCREASE FOR THE**  
20 **PEOPLE’S REPUBLIC OF CHINA.**

21 (a) IN GENERAL.—The United States Governor of  
22 the International Monetary Fund (in this section referred  
23 to as the “Fund”) shall use the voice and vote of the  
24 United States to oppose, and may not consent to, an in-  
25 crease in the quota of the People’s Republic of China in

1 the Fund, unless the Secretary of the Treasury reports  
2 to the Congress that—

3 (1) the Board of Governors of the Fund is con-  
4 sidering admission of Taiwan as a member of the  
5 Fund, pursuant to the recommendation of the Board  
6 of Executive Directors of the Fund; or

7 (2) Taiwan enjoys meaningful participation in  
8 the Fund, including through—

9 (A) participation in regular surveillance ac-  
10 tivities of the Fund with respect to the eco-  
11 nomic and financial policies of Taiwan, con-  
12 sistent with Article IV consultation procedures  
13 of the Fund;

14 (B) employment opportunities for Taiwan  
15 nationals, without regard to any consideration  
16 that, in the determination of the Secretary,  
17 does not generally restrict the employment of  
18 nationals of member countries of the Fund; and

19 (C) the ability to receive appropriate tech-  
20 nical assistance and training by the Fund.

21 (b) WAIVER.—The Secretary of the Treasury may  
22 waive subsection (a) of this section with respect to a pro-  
23 posal on reporting to the Congress that providing the  
24 waiver will substantially promote the objective of securing  
25 more equitable treatment of Taiwan at each international

1 financial institution (as defined in section 1701(c)(2) of  
2 the International Financial Institutions Act).

3 (c) SUNSET.—This section shall have no force or ef-  
4 fect beginning with the date that is 7 years after the date  
5 of the enactment of this Act.

6 **SEC. 909. ENSURING NON-DISCRIMINATION WITH RESPECT**  
7 **TO TRAVEL POLICIES AT THE INTER-**  
8 **NATIONAL FINANCIAL INSTITUTIONS.**

9 (a) IN GENERAL.—The Secretary shall instruct the  
10 United States Executive Director at each international fi-  
11 nancial institution to use the voice and vote of the United  
12 States to ensure that the travel policies and procedures  
13 of the respective institution with respect to Taiwan as a  
14 destination or transit point do not impose any administra-  
15 tive conditions, including through restrictions on logistical  
16 arrangements or meeting participants, that do not gen-  
17 erally apply to a member country of the institution as a  
18 destination or transit point, except as required temporarily  
19 for reasons of public safety or public health.

20 (b) DEFINITIONS.—In this section:

21 (1) INTERNATIONAL FINANCIAL INSTITU-  
22 TION.—The term “international financial institu-  
23 tion” has the meaning given the term in section  
24 1701(c)(2) of the International Financial Institu-  
25 tions Act.

1           (2) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Treasury.

3           (c) WAIVER.—The Secretary may waive subsection  
4 (a) with respect to an international financial institution  
5 for up to 1 year at a time on reporting to the Congress  
6 that providing the waiver—

7           (1) will substantially promote the objective of  
8           securing more equitable treatment of Taiwan at the  
9           international financial institution; or

10          (2) is in the national interest of the United  
11          States, with a detailed explanation of the reasons  
12          therefor.

13          (d) PROGRESS REPORT.—The Chairman of the Na-  
14          tional Advisory Council on International Monetary and Fi-  
15          nancial Policies shall submit to the Congress an annual  
16          report that describes the progress made in advancing the  
17          travel policies and procedures described in subsection (a),  
18          and may consolidate that report with the annual report  
19          required by section 1701 of the International Financial  
20          Institutions Act or any other report required to be sub-  
21          mitted to the Secretary.

22          (e) SUNSET.—This section shall have no force or ef-  
23          fect beginning with the earlier of—

24                 (1) the date that is 7 years after the date of the  
25                 enactment of this Act; or

1           (2) the date on which the Secretary reports to  
2           the Congress that each international financial insti-  
3           tution has adopted the travel policies and procedures  
4           described in subsection (a).

5 **SEC. 910. TESTIMONY REQUIREMENT.**

6           In each of the next 7 years in which the Secretary  
7           of the Treasury is required by section 1705(b) of the  
8           International Financial Institutions Act to present testi-  
9           mony, the Secretary shall include in the testimony a de-  
10          scription of the efforts of the United States to support  
11          the greatest participation practicable by Taiwan at each  
12          international financial institution (as defined in section  
13          1701(c)(2) of such Act).

14 **SEC. 911. STATEMENT OF UNITED STATES POLICY REGARD-**  
15 **ING THE DOLLAR.**

16          It is the policy of the United States to facilitate the  
17          position of the dollar as the primary global reserve cur-  
18          rency, including through vigorous support of—

19               (1) deep, open, and transparent financial mar-  
20          kets;

21               (2) continuous improvements to domestic and  
22          international payment methods that facilitate dollar  
23          transactions;

24               (3) sound macroeconomic governance and a  
25          rules-based system of international trade; and

1           (4) clear and realistic objectives in the deploy-  
2           ment of financial restrictions arising from national  
3           security considerations.

4 **SEC. 912. REPORT ON DOLLAR STRATEGY.**

5           (a) IN GENERAL.—The Secretary of the Treasury (in  
6           this section referred to as the “Secretary”) shall establish  
7           a strategy that implements the policy described in section  
8           2.

9           (b) CONSULTATION.—The Secretary shall, as appro-  
10          priate, consult with the Board of Governors of the Federal  
11          Reserve System when establishing the strategy pursuant  
12          to subsection (a).

13          (c) REPORT.—Not later than 180 days after the date  
14          of the enactment of this section, the Secretary shall sub-  
15          mit to the Committee on Financial Services of the House  
16          of Representatives and the Committee on Banking, Hous-  
17          ing, and Urban Affairs of the Senate a report that de-  
18          scribes—

19                (1) the strategy established by the Secretary  
20                pursuant to subsection (a);

21                (2) key measures taken by the Secretary to im-  
22                plement the strategy;

23                (3) any legislative recommendations that would  
24                strengthen the ability of the United States to ad-  
25                vance the policy described in section 2;

1           (4) a description of efforts by major foreign  
2           central banks, including the People’s Bank of China,  
3           to create an official digital currency, as well as any  
4           risks to the national interest of the United States  
5           posed by such efforts;

6           (5) the status of efforts to assess or develop an  
7           official United States digital currency by the Board  
8           of Governors of the Federal Reserve System; and

9           (6) any implications for the strategy established  
10          by the Secretary pursuant to subsection (a) arising  
11          from the relative state of development of an official  
12          digital currency by the United States and other na-  
13          tions, including the People’s Republic of China.

14          (d) RENMINBI ASSESSMENT.—The report described  
15          in subsection (c) shall—

16                (1) evaluate the role of the renminbi in inter-  
17                national payments and foreign exchange reserves;

18                (2) assess currency-related policies in China, in-  
19                cluding—

20                      (A) the provision of Chinese government-  
21                      backed assets;

22                      (B) the extension of credit abroad by the  
23                      Chinese government; and

24                      (C) the development of cross-border pay-  
25                      ment systems as tools to advance strategic ob-



1           jectives of the government of the People's Re-  
2           public of China; and

3           (3) recommend policy options aimed at miti-  
4           gating medium-term and long-term risks to the na-  
5           tional interest of the United States that may arise  
6           as a result of the internationalization of the  
7           renminbi.

8           (e) ANNUAL UPDATES.—After submitting an initial  
9           report in accordance with subsection (c), the Secretary  
10          shall submit, to the Committee on Financial Services of  
11          the House of Representatives and the Committee on  
12          Banking, Housing, and Urban Affairs of the Senate, an  
13          updated version of such report each year.

14       **SEC. 913. SUNSET.**

15          Section 912 shall have no force or effect after the  
16          date that is 7 years after the date of the enactment of  
17          this Act.

18                               **TITLE X—OFFSETS**

19       **SEC. 1001. RESCISSION OF CERTAIN FEDERAL FUNDS AP-**  
20                               **PROPRIATED FOR STATE, CITY, LOCAL, AND**  
21                               **TRIBAL GOVERNMENTS.**

22          Notwithstanding any other provision of law, the total  
23          amount of unobligated funds available under any of sec-  
24          tions 601 through 603 of title VI of the Social Security  
25          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 OF APPROPRIATIONS FOR**  
13                   **INDOPACOM UNFUNDED PRIORITIES.**

14           There is authorized to be appropriated to the Depart-  
15 ment of Defense each of the following amounts for the  
16 purpose specified:

17           (1) For the Guam Defense System,  
18           \$231,700,000.

19           (2) For the Mission Partner Environment,  
20           \$84,540,000.

21           (3) For the Pacific Multi-Domain Training and  
22           Experimentation Capability, \$114,410,000.

23           (4) For Homeland Defense Radar—Hawaii,  
24           \$75,000,000.

1 (5) For Military Information Support Oper-  
2 ations, \$28,000,000.

3 (6) For Wargaming Analytical Tools  
4 (STORMBREAKER), \$88,000,000.

5 (7) For the Joint Staff CE2T2/Joint Exercise  
6 Program, \$35,100,000.

7 (8) For Critical Manpower Positions,  
8 \$4,620,000.

9 (9) For the Pacific Movement Coordination  
10 Center, \$500,000.

11 (10) For MILCON: Planning and Design,  
12 \$68,200,000.

13 (11) For Future Fusion Centers, \$3,300,000.

14 (12) For Building Partnership Capacity,  
15 \$130,600,000.

16 (13) For Enhanced ISR Augmentation,  
17 \$41,000,000.

18 **SEC. 1103. AUTHORIZATION TO HIRE ADDITIONAL STAFF**  
19 **FOR THE OFFICE OF CUSTOMS AND BORDER**  
20 **PROTECTION FORCE LABOR ACTIVITIES.**

21 The Director of the Office of Trade is authorized to  
22 hire an additional 28 full time employees for carrying out  
23 section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

1 **SEC. 1104 AUTHORIZATION FOR THE DEPARTMENT OF JUSTICE'S CHINA INITIATIVE.**  
2

3 (a) **IN GENERAL.**—Not later than 90 days after the  
4 date of the enactment of this section, the Attorney General  
5 shall establish an initiative to be known as the “China Initiative”, which shall be carried out by Assistant Attorney  
6 General for National Security (hereinafter in this Act referred to as the “AAGNS”) to counter and deter the wide  
7 range of national security threats posed by the policies and  
8 practices of the People’s Republic of China (PRC) govern-  
9 ment.  
10  
11

12 (b) **STAFF.**—The Assistant Attorney General for National Security is authorized to direct employees assigned  
13 to the National Security Division of the Department of  
14 Justice to assist with the China Initiative and shall hire  
15 an additional 10 full-time employees to carry out activities  
16 of the China Initiative.  
17