

AMENDMENT RULES COMM. PRINT 117-54
OFFERED BY MR. MALINOWSKI OF NEW JERSEY

At the end of title LVIII, add the following:

1 **SEC. 58__ . PROHIBITION ON COMMERCIAL ACTIVITIES IN**
2 **THE UNITED STATES BY CERTAIN CHINESE**
3 **COMPANIES HELPING RUSSIA'S INVASION OF**
4 **UKRAINE.**

5 (a) ACTIONS AGAINST CHINESE COMPANIES.—

6 (1) ENTITY LIST.—The President shall, with
7 respect to the list published under subsection (b), in-
8 clude any such entity on the Entity List maintained
9 by the Bureau of Industry and Security and set
10 forth in Supplement No. 4 to part 744 of title 15,
11 Code of Federal Regulations, unless the Secretary
12 certifies that the entity is taking verifiable and
13 major actions to cease operating directly or indi-
14 rectly in Russia.

15 (2) MODIFICATION OF SANCTIONS DIRECTIVES
16 WITH RESPECT TO CERTAIN ENTITIES ASSISTING
17 THE RUSSIAN FEDERATION ECONOMY.—The Sec-
18 retary of Treasury is authorized to modify any direc-
19 tives issued pursuant to Executive Order 14024 (86
20 Fed. Reg. 20249; relating to blocking property with

1 respect to specified harmful foreign activities of the
2 Government of the Russian Federation), or any suc-
3 cessor directives, to ensure that the directive pro-
4 hibits the conduct by United States persons or per-
5 sons under the jurisdiction of the United States to
6 conduct all transactions in the property and inter-
7 ests in property of any entity that is on the list pub-
8 lished under subsection (b).

9 (3) PENALTIES.—

10 (A) RELATING TO PARAGRAPH (1).—A per-
11 son that violates, attempts to violate, or causes
12 a violation of paragraph (1) or any license,
13 order, or regulation issued to carry out para-
14 graph (1) shall be subject to the penalties set
15 forth in subsections (b) through (f) of section
16 1760 of the Export Control Reform Act of
17 2018 (50 U.S.C. 4819) to the same extent as
18 a person that commits an unlawful act de-
19 scribed in subsection (a) of that section.

20 (B) RELATING TO PARAGRAPH (2).—A per-
21 son that violates, attempts to violate, or causes
22 a violation of paragraph (2) or any license,
23 order, or regulation issued to carry out para-
24 graph (2) shall be subject to the penalties set
25 forth in subsections (b) and (c) of section 206

1 of the International Emergency Economic Pow-
2 ers Act (50 U.S.C. 1705) to the same extent as
3 a person that commits an unlawful act de-
4 scribed in subsection (a) of that section.

5 (b) LIST OF ENTITIES.—

6 (1) INITIAL DETERMINATION AND PUBLICA-
7 TION.—Not later than 90 days after the date of the
8 enactment of this Act, the Secretary of the Treasury
9 and the Secretary of Commerce, in consultation with
10 the heads of other Federal agencies as appropriate,
11 shall jointly—

12 (A) identify those entities that the Sec-
13 retary of the Treasury and the Secretary of
14 Commerce determine—

15 (i) are entities engaged in commercial
16 activities, the majority of whose employees,
17 manufacturing activities, commercial head-
18 quarters, or beneficial owners are located
19 in the People’s Republic of China, includ-
20 ing variable interest entities whose manu-
21 facturing or business operations are pri-
22 marily based in the People’s Republic of
23 China; and

24 (ii) operate directly or indirectly in—

1 (I) the United States or are list-
2 ed on United States financial ex-
3 changes; and

4 (II) the Russian Federation
5 and—

6 (aa) contribute to net posi-
7 tive capital flows into Russia;

8 (bb) contribute to the move-
9 ment of United States dollars
10 into Russia;

11 (cc) support Russian mili-
12 tary or intelligence operations;

13 (dd) conduct business with
14 any sanctioned Russian persons;
15 or

16 (ee) conduct business with
17 the defense industrial base of the
18 Russian Federation; and

19 (B) publish a list of those entities in the
20 Federal Register.

21 (2) REVISIONS TO LIST.—The Secretary of the
22 Treasury, the Secretary of Commerce, and the heads
23 of other Federal agencies as appropriate, shall make
24 additions or deletions to the list published under

1 paragraph (1) on an ongoing basis based on the lat-
2 est information available.

3 (3) CONGRESSIONAL INPUT TO LIST OF ENTI-
4 TIES.—

5 (A) IN GENERAL.—In publishing the list
6 required under paragraph (1) and making revi-
7 sions to the list required under paragraph (2),
8 the Secretary of Treasury and the Secretary of
9 Commerce shall consider information provided
10 by the chairperson or ranking member of an ap-
11 propriate congressional committee.

12 (B) PROCEDURES.—Not later than 60
13 days after receiving a request under subpara-
14 graph (A), the Secretary of Treasury and the
15 Secretary of Commerce shall—

16 (i) determine if the entity that is the
17 subject of the request meets the qualifica-
18 tions to be included on the list; and

19 (ii) submit a classified or unclassified
20 report to the chairperson and ranking
21 member of appropriate committees with re-
22 spect to that determination that includes a
23 statement of whether or not the President
24 has taken or intends to take the actions

1 under subsection (a)(1) with respect to the
2 entity.

3 (C) REQUEST DESCRIBED.—A request
4 under subparagraph (A) shall be submitted to
5 the Secretary of Commerce and Secretary of
6 Treasury in writing by the chairperson or rank-
7 ing member of an appropriate congressional
8 committee.

9 (D) APPROPRIATE CONGRESSIONAL COM-
10 MITTEES DEFINED.—In this paragraph, the
11 term “appropriate congressional committees”
12 means—

13 (i) Committee on Financial Services
14 and the Committee on Foreign Affairs of
15 the House of Representatives; and

16 (ii) the Committee on Banking, Hous-
17 ing, and Urban Affairs, the Committee on
18 Finance, and the Committee on Foreign
19 Relations of the Senate.

