

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO RULES COMM. PRINT 117-31
OFFERED BY MR. BANKS OF INDIANA**

Strike the text and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

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 and TikTok.

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. 217. 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 Communist Chinese 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 Communist Chinese 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:

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

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

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

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

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

1 percent and the United States' share has dropped to
2 24 percent.

3 (6) The growth of the People's Republic of Chi-
4 na's centrally controlled economy has been fueled
5 largely by tools of economic coercion, including intel-
6 lectual property theft and economic espionage of
7 U.S. companies. In 2019 alone, one in five North
8 American-based companies said that Chinese firms
9 had stolen their intellectual property (IP) within the
10 last year.

11 (7) Former Secretary of Defense Mark Esper
12 has stated that the People's Republic of China "is
13 perpetrating the greatest intellectual property theft
14 in human history".

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

23 (9) The foremost victims of the People's Repub-
24 lic of China and the Chinese Communist Party are

1 the Chinese people who continue to suffer under
2 communist authoritarian rule.

3 (10) The People's Republic of China continues
4 to perpetuate a genocide against the Uyghur Mus-
5 lims in Xinjiang province, in addition to brutal
6 crackdowns against the people of Tibet and Hong
7 Kong.

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

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

20 **SEC. 3. SEVERABILITY.**

21 If any provision of this Act, or an amendment made
22 by this Act, or the application of such provision or amend-
23 ment to any person or circumstance, is held to be invalid,
24 the remainder of this Act, the amendments made by this
25 Act, and the application of such provision and amend-

1 ments to other persons or circumstances, shall not be af-
2 fected.

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

6 **SEC. 101. IMPOSITION OF SANCTIONS WITH RESPECT TO**
7 **FOREIGN PERSONS THAT KNOWINGLY**
8 **SPREAD MALIGN DISINFORMATION AS PART**
9 **OF OR ON BEHALF OF A FOREIGN GOVERN-**
10 **MENT OR POLITICAL PARTY FOR PURPOSES**
11 **OF POLITICAL WARFARE.**

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

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

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

1 (b) SANCTIONS DESCRIBED.—

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

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

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

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

23 (I) inadmissible to the United
24 States;

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

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

9 (ii) CURRENT VISAS REVOKED.—

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

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

19 (aa) take effect immediately;
20 and

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

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

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

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

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

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

8 (e) REGULATORY AUTHORITY.—

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

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

20 (f) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

13 (C) any person in the United States.

14 (g) SUNSET.—

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

1 **SEC. 102. DETERMINATION WITH RESPECT TO THE IMPOSI-**
2 **TION OF SANCTIONS ON THE UNITED FRONT**
3 **WORK DEPARTMENT OF THE CHINESE COM-**
4 **MUNIST PARTY.**

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

- 13 (1) section 101 of this Act;
- 14 (2) section 1263 of the Global Magnitsky
15 Human Rights Accountability Act (subtitle F of title
16 XII of Public Law 114–328; 22 U.S.C. 2656 note);
- 17 (3) section 6 of the Uyghur Human Rights Pol-
18 icy Act of 2020 (Public Law 116–145; 22 U.S.C.
19 6901 note); or
- 20 (4) Executive Order 13694 (50 U.S.C. 1701
21 note; relating to blocking property of certain persons
22 engaged in significant malicious cyber-enabled activi-
23 ties).

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

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

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

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

14 **SEC. 103. AUTHORITIES TO REGULATE OR PROHIBIT MO-**
15 **BILE APPLICATIONS AND SOFTWARE PRO-**
16 **GRAMS THAT ENGAGE IN THEFT OR UNAU-**
17 **THORIZED TRANSMISSION OF USER DATA ON**
18 **BEHALF OF A COMMUNIST COUNTRY, FOR-**
19 **EIGN ADVERSARY, OR STATE SPONSOR OF**
20 **TERRORISM.**

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

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

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

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

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

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

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

13 “(A) A communist country.

14 “(B) A foreign adversary.

15 “(C) A state sponsor of terrorism.

16 “(3) In this subsection:

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

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

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

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

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

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

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

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

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

18 **SEC. 104. IMPOSITION OF SANCTIONS WITH RESPECT TO**
19 **MOBILE APPLICATIONS OR SOFTWARE PRO-**
20 **GRAMS THAT ENGAGE IN THEFT OR UNAU-**
21 **THORIZED TRANSMISSION OF USER DATA.**

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

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

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

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

10 (b) SANCTIONS DESCRIBED.—

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

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

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

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

7 (I) inadmissible to the United
8 States;

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

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

17 (ii) CURRENT VISAS REVOKED.—

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

1 (II) EFFECT OF REVOCATION.—

2 A revocation under subclause (I)
3 shall—

4 (aa) take effect immediately;

5 and

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

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

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

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

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

14 (d) IMPLEMENTATION AUTHORITY.—The President
15 may exercise all authorities provided to the President
16 under sections 203 and 205 of the International Emer-
17 gency Economic Powers Act (50 U.S.C. 1702 and 1704)
18 for purposes of carrying out this section. The exceptions
19 to the President’s authority described in section 203(b)
20 of the International Emergency Economic Powers Act, as
21 amended by section 1, shall not apply to the President’s
22 authority to exercise authorities under this section.

23 (e) REGULATORY AUTHORITY.—

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

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

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

11 (f) DEFINITIONS.—In this section:

12 (1) ADMITTED; ALIEN.—The terms “admitted”
13 and “alien” have the meanings given those terms in
14 section 101(3) of the Immigration and Nationality
15 Act (8 U.S.C. 1101(3)).

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

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

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

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

7 **SEC. 105. DETERMINATION WITH RESPECT TO THE IMPOSI-**
8 **TION OF SANCTIONS ON WECHAT AND**
9 **TIKTOK.**

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

18 (1) section 105 of this Act; or

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

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

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

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

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

14 **SEC. 106. PROHIBITING LOBBYING CONTACTS BY FORMER**
15 **MEMBERS OF CONGRESS ON BEHALF OF**
16 **COMMUNIST COUNTRIES.**

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

20 **“SEC. 5A. PROHIBITING LOBBYING CONTACTS BY FORMER**
21 **MEMBERS OF CONGRESS ON BEHALF OF**
22 **COMMUNIST COUNTRIES.**

23 “(a) PROHIBITION.—Notwithstanding any other pro-
24 vision of this section, a former Member of Congress may
25 not make a lobbying contact under this Act, or any com-

1 munication which would be a lobbying contact under this
2 Act if it were not disclosed under the Foreign Agents Reg-
3 istration Act of 1938, as amended (22 U.S.C. 611 et seq.),
4 on behalf of a client which, at the time of the lobbying
5 contact or communication, is a Communist country or an
6 entity owned or controlled by a Communist country.

7 “(b) PENALTY.—In addition to any other penalty 20
8 under this Act, any person who violates subsection (a)
9 shall be subject to a fine of not more than \$25,000 for
10 22 each such violation.

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

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

19 **SEC. 107. ANNUAL DISCLOSURE OF CONTRIBUTIONS FROM**
20 **FOREIGN GOVERNMENTS AND POLITICAL**
21 **PARTIES BY CERTAIN TAX-EXEMPT ORGANI-**
22 **ZATIONS.**

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

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

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

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

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

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

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

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

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

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

6 **SEC. 108. POSITION OF SANCTIONS WITH RESPECT TO SEN-**
7 **IOR OFFICIALS OF THE CHINESE COMMUNIST**
8 **PARTY.**

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

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

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

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

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

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

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

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

4 (b) SANCTIONS DESCRIBED.—

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

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

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

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

1 (I) inadmissible to the United
2 States;

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

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

11 (ii) CURRENT VISAS REVOKED.—

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

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

20 (aa) take effect immediately;
21 and

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

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

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

22 (c) WAIVER.—The President may, on a case-by-case
23 basis and for one period not to exceed one year, waive the
24 application of sanctions imposed with respect to a foreign
25 person under this section if the President certifies to the

1 appropriate congressional committees not later than 15
2 days before such waiver is to take effect that such waiver
3 is vital to the national security interests of the United
4 States.

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

12 (e) 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 (f) 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 regulations as necessary for the im-
21 plementation of this section.

22 (2) NOTIFICATION TO CONGRESS.—Not later
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 the provisions of this
2 section that such regulations are implementing.

3 (g) SUNSET.—

4 (1) IN GENERAL.—This section shall terminate
5 on January 1, 2025.

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

10 (h) DEFINITIONS.—In this section:

11 (1) ADMITTED.—The term “admitted” has the
12 meaning given such term in section 101(3) of the
13 Immigration and Nationality Act (8 U.S.C.
14 1101(3)).

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

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

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

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

5 **SEC. 109. DETERMINATION WITH RESPECT TO THE IMPOSI-**
6 **TION OF SANCTIONS ON MEMBERS OF THE**
7 **CCP POLITBURO.**

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

16 (1) Section 108 of this Act.

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

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

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

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

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 Committee on Fi-
11 nancial Services, and the Committee on the Judici-
12 ary of the House of Representatives; and

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

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

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

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

25 (1) Wu Yingjie.

1 (2) Wang Yang.

2 (3) Han Zheng.

3 (4) Xia Baolong.

4 **SEC. 111. CONTINUATION IN EFFECT OF CERTAIN EXPORT**

5 **CONTROLS.**

6 (a) HUAWEI TECHNOLOGIES CO. LTD.—The Sec-
7 retary of Commerce may not remove Huawei Technologies
8 Co. Ltd., or its subsidiaries and affiliates, from the entity
9 list or modify any of the licensing policies pursuant to its
10 designation on the entity list, including the foreign direct
11 product rule, unless the Secretary, with the concurrence
12 of the End-User Review Committee by a unanimous vote
13 of such Committee, certifies to the appropriate congres-
14 sional committees that Huawei Technologies Co. Ltd., and
15 its subsidiaries and affiliates—

16 (1) have not engaged in activities that are con-
17 trary to United States national security or foreign
18 policy interests and are unlikely to engage in such
19 activities in the future; and

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

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

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

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

5 (c) REPORT.—

6 (1) IN GENERAL.—Not later than 30 days after
7 the date of the enactment of this Act, and on a
8 monthly basis thereafter, the Secretary of Commerce
9 shall submit to the appropriate congressional com-
10 mittees a report that—

11 (A) identifies and describes all license ap-
12 plications received by the Department of Com-
13 merce to export, reexport, or transfer (in-coun-
14 try) items subject to the Export Administration
15 Regulations to—

16 (i) Huawei Technologies Co. Ltd., or
17 its subsidiaries and affiliates; or

18 (ii) Honor Device Co. Ltd; and

19 (B) identifies whether such license applica-
20 tions were approved or denied.

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

24 (d) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means the Committee on Foreign Affairs of
4 the House of Representatives and the Committee on
5 Banking, Housing, and Urban Affairs of the Senate.

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

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

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

18 **SEC. 112. EXCLUSION OF GOVERNMENT OF THE PEOPLE’S**
19 **REPUBLIC OF CHINA FROM CERTAIN CUL-**
20 **TURAL EXCHANGES.**

21 Subsection (a) of section 108A of the Mutual Edu-
22 cational and Cultural Exchange Act of 1961 (22 U.S.C.
23 2458a(a)) is amended by adding at the end the following
24 new paragraph:

1 “(3) For purposes of this section, the term ‘for-
2 foreign government’ does not include the Government
3 of the People’s Republic of China.”.

4 **SEC. 113. PROHIBITION ON ANY TSP FUND INVESTING IN**
5 **ENTITIES BASED IN THE PEOPLE’S REPUBLIC**
6 **OF CHINA.**

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

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

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

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

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

21 (1) review whether any sums in the Thrift Sav-
22 ings Fund are invested in violation of subsection (i)
23 of section 8438 of that title, as added by subsection
24 (a) of this section;

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

6 (3) reinvest any sums divested under paragraph
7 (2) in investments that do not violate subsection (i)
8 of section 8438 of that title, as added by subsection
9 (a) of this section.

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

15 “(E) A mutual fund accessible through a
16 mutual fund window authorized under this
17 paragraph may not include an investment in
18 any security of—

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

21 “(ii) any subsidiary that is owned or
22 operated by an entity described in clause
23 (i).”.

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

2 (a) IN GENERAL.—The provisions of Executive Order
3 13920 (85 Fed. Reg. 26595; relating to securing the
4 United States bulk-power system (May 1, 2020)) (as in
5 effect on May 1, 2020) are enacted into law.

6 (b) PUBLICATION.—In publishing this Act in slip
7 form and in the United States Statutes at Large pursuant
8 to section 112 of title 1, United States Code, the Archivist
9 of the United States shall include after the date of ap-
10 proval at the end an appendix setting forth the text of
11 the Executive order referred to in subsection (a) (as in
12 effect on May 1, 2020).

13 **SEC. 115. REVIEW BY COMMITTEE ON FOREIGN INVEST-**
14 **MENT IN THE UNITED STATES OF GREEN-**
15 **FIELD INVESTMENTS BY PEOPLE'S REPUBLIC**
16 **OF CHINA.**

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

20 (1) in subparagraph (A)—

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

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

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

1 “(iii) any transaction described in
2 subparagraph (B)(vi) proposed or pending
3 on or after the date of the enactment of
4 the Countering Communist China Act.”;
5 and

6 (2) in subparagraph (B), by adding at the end
7 the following:

8 “(vi) An investment by a foreign per-
9 son that—

10 “(I) involves—

11 “(aa) the completed or
12 planned purchase or lease by, or
13 a concession to, the foreign per-
14 son of private or public real es-
15 tate in the United States; and

16 “(bb) the establishment of a
17 United States business to operate
18 a factory or other facility on that
19 real estate; and

20 “(II) could result in control, in-
21 cluding through formal or informal
22 arrangements to act in concert, of
23 that United States business by—

24 “(aa) the Government of the
25 People’s Republic of China;

1 “(bb) a person owned or
2 controlled by, or acting on behalf
3 of, that Government;

4 “(cc) an entity in which that
5 Government has, directly or indi-
6 rectly, including through formal
7 or informal arrangements to act
8 in concert, a 5 percent or greater
9 interest;

10 “(dd) an entity in which
11 that Government has, directly or
12 indirectly, the right or power to
13 appoint, or approve the appoint-
14 ment of, any members of the
15 board of directors, board of su-
16 pervisors, or an equivalent gov-
17 erning body (including external
18 directors and other individuals
19 who perform the duties usually
20 associated with such titles) or of-
21 ficers (including the president,
22 senior vice president, executive
23 vice president, and other individ-
24 uals who perform duties normally
25 associated with such titles) of

1 any other entity that held, di-
2 rectly or indirectly, including
3 through formal or informal ar-
4 rangements to act in concert, a 5
5 percent or greater interest in the
6 entity in the preceding 3 years;
7 or

8 “(ee) an entity in which any
9 members or officers described in
10 item (dd) of any other entity
11 holding, directly or indirectly, in-
12 cluding through formal or infor-
13 mal arrangements to act in con-
14 cert, a 5 percent or greater inter-
15 est in the entity are members of
16 the Chinese Communist Party or
17 have been members of the Chi-
18 nese Communist Party in the
19 preceding 3 years.”.

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

23 (1) by redesignating paragraphs (8) through
24 (13) as paragraphs (9) through (14), respectively;
25 and

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

3 “(7) GOVERNMENT OF PEOPLE’S REPUBLIC OF
4 CHINA.—The term ‘Government of the People’s Re-
5 public of China’ includes the national and sub-
6 national governments within the People’s Republic of
7 China, including any departments, agencies, or in-
8 strumentalities of such governments.”.

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

13 “(DD) GREENFIELD
14 INVESTMENTS BY PEOPLE’S
15 REPUBLIC OF CHINA.—The
16 parties to a covered trans-
17 action described in sub-
18 section (a)(4)(B)(vi) shall
19 submit a declaration de-
20 scribed in subclause (I) with
21 respect to the transaction.”.

1 **SEC. 116. MODIFICATION OF AUTHORITIES TO REGULATE**
2 **OR PROHIBIT THE IMPORTATION OR EXPOR-**
3 **TATION OF INFORMATION OR INFORMA-**
4 **TIONAL MATERIALS CONTAINING SENSITIVE**
5 **PERSONAL DATA UNDER THE INTER-**
6 **NATIONAL EMERGENCY ECONOMIC POWERS**
7 **ACT.**

8 (a) IN GENERAL.—Section 203 of the International
9 Emergency Economic Powers Act (50 U.S.C. 1702) is
10 amended—

11 (1) in subsection (b)—

12 (A) in the matter preceding paragraph (1),
13 by striking “to regulate or prohibit, directly or
14 indirectly” and inserting “to directly regulate or
15 prohibit”; and

16 (B) in the first sentence of paragraph
17 (3)—

18 (i) by striking “but not limited to,”;
19 and

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

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

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

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

3 “(A) Financial data that could be used to
4 analyze or determine an individual’s financial
5 distress or hardship.

6 “(B) The set of data in a consumer report,
7 as defined under section 603 of the Fair Credit
8 Reporting Act (15 U.S.C. 1681a), unless such
9 data is obtained from a consumer reporting
10 agency for one or more purposes identified in
11 subsection (a) of such section.

12 “(C) The set of data in an application for
13 health insurance, long-term care insurance, pro-
14 fessional liability insurance, mortgage insur-
15 ance, or life insurance.

16 “(D) Data relating to the physical, mental,
17 or psychological health condition of an indi-
18 vidual.

19 “(E) Non-public electronic communica-
20 tions, including email, messaging, or chat com-
21 munications, between or among users of a
22 United States business’s products or services if
23 a primary purpose of such product or service is
24 to facilitate third-party user communications.

1 “(F) Geolocation data collected using posi-
2 tioning systems, cell phone towers, or WiFi ac-
3 cess points such as via a mobile application, ve-
4 hicle GPS, other onboard mapping tool, or
5 wearable electronic device.

6 “(G) Biometric enrollment data including
7 facial, voice, retina/iris, and palm/fingerprint
8 templates.

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

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

14 “(J) The set of data in an application for
15 a United States Government personnel security
16 clearance or an application for employment in a
17 position of public trust.

18 “(2) Genetic information, which includes the re-
19 sults of an individual’s genetic tests, including any
20 related genetic sequencing data, whenever such re-
21 sults, in isolation or in combination with previously
22 released or publicly available data, constitute identi-
23 fiable data. Such results shall not include data de-
24 rived from databases maintained by the United
25 States Government and routinely provided to private

1 parties for purposes of research. For purposes of
2 this paragraph, the term ‘genetic test’ has the mean-
3 ing provided in section 2791(d)(17) of the Public
4 Health Service Act (42 U.S.C. 300gg–91(d)(17)).”.

5 (b) EFFECTIVE DATE.—The amendments made by
6 this section—

7 (1) take effect on the date of the enactment of
8 this Act; and

9 (2) apply with respect to any exercise of the au-
10 thority granted to the President under section 203
11 of the International Emergency Economic Powers
12 Act on or after such date of enactment.

13 **SEC. 117. PROHIBITING THE PURCHASE OF AGRICULTURAL**
14 **LAND LOCATED IN THE UNITED STATES.**

15 The Secretary of Agriculture shall take such actions
16 as may be necessary to prohibit the purchase of agricul-
17 tural land located in the United States by companies
18 owned, in full or in part, by the People’s Republic of
19 China. Beginning on the date of the enactment of this Act,
20 agricultural land owned by the People’s Republic of China
21 or companies owned, in full or in part, by the People’s
22 Republic of China shall not be eligible for participation
23 in programs administered by the Secretary of Agriculture.

1 **TITLE II—MATTERS RELATING**
2 **TO CHINA’S ROLE IN COVID-19**

3 **SEC. 201. DECLASSIFICATION OF INFORMATION RELATED**
4 **TO THE ORIGIN OF COVID-19.**

5 Not later than 90 days after the date of the enact-
6 ment of this Act, the Director of National Intelligence
7 shall—

8 (1) declassify any and all information relating
9 to potential links between the Wuhan Institute of Vi-
10 rology and the origin of the Coronavirus Disease
11 2019 (COVID-19), including—

12 (A) activities performed by the Wuhan In-
13 stitute of Virology with or on behalf of the Peo-
14 ple’s Liberation Army;

15 (B) coronavirus research or other related
16 activities performed at the Wuhan Institute of
17 Virology prior to the outbreak of COVID-19;
18 and

19 (C) researchers at the Wuhan Institute of
20 Virology who fell ill in autumn 2019, including
21 for any such researcher—

22 (i) the researcher’s name;

23 (ii) the researcher’s symptoms;

24 (iii) the date of the onset of the re-
25 searcher’s symptoms;

1 (iv) the researcher's role at the
2 Wuhan Institute of Virology;

3 (v) whether the researcher was in-
4 volved with or exposed to coronavirus re-
5 search at the Wuhan Institute of Virology;

6 (vi) whether the researcher visited a
7 hospital while they were ill; and

8 (vii) a description of any other actions
9 taken by the researcher that may suggest
10 they were experiencing a serious illness at
11 the time; and

12 (2) submit to Congress an unclassified report
13 that contains—

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

16 (B) only such redactions as the Director
17 determines necessary to protect sources and
18 methods.

19 **SEC. 202. AMENDMENT TO DEPARTMENT OF STATE RE-**
20 **WARDS PROGRAM.**

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

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

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

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

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

15 **SEC. 203. EXECUTIVE STRATEGY TO SEEK REIMBURSE-**
16 **MENT FROM CHINA OF FUNDS MADE AVAIL-**
17 **ABLE BY THE UNITED STATES GOVERNMENT**
18 **TO ADDRESS COVID–19.**

19 (a) EXECUTIVE STRATEGY.—The President, in con-
20 sultation with the Secretary of the Treasury, and the Sec-
21 retary of State, shall develop and carry out a strategy to
22 seek reimbursement from the People’s Republic of China
23 of funds made available by the United States Government
24 to address COVID–19.

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

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

9 (1) the Committee on Appropriations, the Com-
10 mittee on the Budget, and the Committee on Ways
11 and Means of the House of Representatives;

12 (2) the Committee on Appropriations, the Com-
13 mittee on the Budget, and the Committee on Fi-
14 nance of the Senate; and

15 (3) the Joint Economic Committee.

16 **SEC. 204. PROHIBITION ON USE OF FUNDS TO SEEK MEM-**
17 **BERSHIP IN THE WORLD HEALTH ORGANIZA-**
18 **TION OR TO PROVIDE ASSESSED OR VOL-**
19 **UNTARY CONTRIBUTIONS TO THE WORLD**
20 **HEALTH ORGANIZATION.**

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

1 ganization until such time as the President certifies to
2 Congress that the World Health Organization meets the
3 conditions described in subsection (b).

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

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

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

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

16 (4) The World Health Organization grants ob-
17 server status to Taiwan.

18 (5) The World Health Organization does not di-
19 vert humanitarian or medical supplies to Iran, North
20 Korea, or Syria.

21 (6) The World Health Organization has put in
22 place mechanisms to increase transparency and ac-
23 countability in its operations and eliminate waste,
24 fraud, and abuse.

1 **SEC. 205. ESTABLISHMENT OF A JOINT SELECT COM-**
2 **MITTEE ON THE EVENTS AND ACTIVITIES**
3 **SURROUNDING CHINA’S HANDLING OF THE**
4 **2019 NOVEL CORONAVIRUS.**

5 There is hereby established in the Senate and the
6 House of Representatives a joint select committee to be
7 known as the “Joint Select Committee on the Events and
8 Activities Surrounding China’s Handling of the 2019
9 Novel Coronavirus” (hereafter referred to as the “Joint
10 Select Committee”).

11 **SEC. 206. MEMBERSHIP.**

12 (a) SELECTION AND APPOINTMENT.—

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

16 (A) 10 shall be Members of the House of
17 Representatives, of whom 5 shall be appointed
18 by the Speaker of the House of Representatives
19 and 5 shall be appointed by the minority leader
20 of the House of Representatives; and

21 (B) 10 shall be Senators, of whom 5 shall
22 be appointed by the majority leader of the Sen-
23 ate and 5 shall be appointed by the minority
24 leader of the Senate.

25 (2) TREATMENT OF DELEGATE AND RESIDENT
26 COMMISSIONER.—For purposes of this section, a

1 “Member” of the House of Representatives includes
2 a Delegate or Resident Commissioner to the Con-
3 gress.

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

7 (1) One shall be a Member of the House of
8 Representatives, who shall be appointed as co-chair
9 by the Speaker of the House of Representatives in
10 consultation with the majority leader of the Senate.

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

15 (c) VACANCIES.—A vacancy in the membership of the
16 Joint Select Committee (including a vacancy resulting be-
17 cause a member ceases to be a Member of the House of
18 Representatives or a Senator) shall not affect its powers,
19 and shall be filled not later than 14 calendar days after
20 the date on which the vacancy occurs in the same manner
21 as the original appointment was made.

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

1 **SEC. 207. INVESTIGATION AND REPORT ON THE EVENTS**
2 **SURROUNDING CHINA'S HANDLING OF THE**
3 **2019 NOVEL CORONAVIRUS.**

4 (a) INVESTIGATION AND REPORT.—The Joint Select
5 Committee is authorized and directed to conduct a full and
6 complete investigation of, and to issue a final report to
7 the House of Representatives and Senate regarding, the
8 following:

9 (1) The origins and causes of the 2019 novel
10 coronavirus.

11 (2) All policies, decisions, and activities by
12 China regarding the origins and causes of such
13 coronavirus.

14 (3) All policies, decisions, and activities by
15 China in response to the initial outbreak and spread
16 of such coronavirus.

17 (4) All policies, decisions, and activities by
18 China to suppress facts and information regarding
19 the spread, origins, causes, and transmission of such
20 coronavirus, including efforts to silence those mak-
21 ing early warnings, punish whistleblowers, and re-
22 strict freedom of information about such
23 coronavirus.

24 (5) All policies, decisions, and activities by
25 China to spread misinformation regarding the ori-
26 gins and causes of such coronavirus, including accu-

1 sations and misinformation that the coronavirus was
2 brought to the city of Wuhan by the United States
3 military.

4 (6) All policies, decisions, and activities by
5 China to sideline, deny, and suppress charitable
6 service organizations, institutions of civil society,
7 secular and faith-based non-governmental organiza-
8 tions, international humanitarian organizations, and
9 foreign governments offering to provide information,
10 expertise, resources, and assistance to China and the
11 Chinese people to combat such coronavirus.

12 (7) Accountability for policies, decisions and ac-
13 tivities related to influencing the World Health Or-
14 ganization's response to the outbreak of such
15 coronavirus, including individuals and entities re-
16 sponsible for those policies, decisions, and activities.

17 (8) All policies, decisions, and activities by
18 China to manufacture, produce, procure, possess, or
19 hoard personal protective equipment and critical
20 pharmaceutical components to manipulate or
21 weaponize the supply chain against the international
22 community, including the United States.

23 (9) Vulnerabilities in the United States domes-
24 tic and global supply chain to combat a global pan-
25 demic due to reliance on Chinese manufacturing and

1 recommendations for decreasing dependence on Chi-
2 nese manufacturing by improving and securing a do-
3 mestic supply chain for antibiotics, viral drugs, crit-
4 ical pharmaceutical components, masks, and other
5 personal protective equipment.

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

8 (11) Any other relevant issues relating to Chi-
9 na's actions that led to further spread of such
10 coronavirus, China's response to such coronavirus,
11 or the investigation by the Joint Select Committee
12 into China regarding such coronavirus.

13 (12) Any recommendations to Congress and the
14 executive branch regarding actions the United States
15 government should take in response to China's han-
16 dling of such coronavirus.

17 (b) TRANSFER OF RECORDS.—At the request of the
18 co-chairs of the Joint Select Committee, any standing
19 committee of the Senate or House of Representatives hav-
20 ing custody of records in any form relating to the matters
21 described in subsection (a) shall transfer such records to
22 the Joint Select Committee.

23 (c) INTERIM REPORTS.—In addition to the final re-
24 port issued under subsection (a), the Joint Select Com-

1 mittee may issue such interim reports as it considers nec-
2 essary.

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

6 (e) DEFINITIONS.—

7 (1) CHINA.—In this section, the term “China”
8 means the Government of the People’s Republic of
9 China and any of the following:

10 (A) An official of the Chinese Communist
11 Party.

12 (B) An official of the Government of the
13 People’s Republic of China.

14 (C) An agent or instrumentality of the
15 Government of the People’s Republic of China.

16 (D) Any other person owned or controlled
17 by or acting on behalf of any person described
18 in subparagraphs (A) through (C).

19 (2) 2019 NOVEL CORONAVIRUS.—In this sub-
20 section, the term “2019 novel coronavirus” means
21 the coronavirus disease (COVID–19) and severe
22 acute respiratory syndrome coronavirus 2 (SARS–
23 CoV–2).

1 **SEC. 208. POWERS.**

2 (a) HEARINGS AND OTHER ACTIVITIES.—For the
3 purpose of carrying out its duties, the Joint Select Com-
4 mittee may hold such hearings and undertake such other
5 activities as the Joint Select Committee determines to be
6 necessary to carry out its duties, whether the Congress
7 is in session, has recessed, or has adjourned.

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

12 (c) ACCESS TO LEGISLATIVE BRANCH SERVICES.—
13 The Joint Select Committee shall have access to the serv-
14 ices of the Government Accountability Office, the Congres-
15 sional Budget Office, and the Congressional Research
16 Service in the same manner and under the same terms
17 and conditions as any standing committee of the House
18 of Representatives or Senate.

19 (d) ADOPTION OF RULES.—Not later than 7 days
20 after all of its members have been appointed, the Joint
21 Select Committee shall adopt rules governing its oper-
22 ations, including rules governing the issuance of sub-
23 poenas and rules governing the use of official funds for
24 travel by members and staff, and shall submit such rules
25 to the Clerk of the House of Representatives and Sec-

1 retary of the Senate for publication in the Congressional
2 Record.

3 **SEC. 209. STAFF; FUNDING.**

4 (a) STAFF.—

5 (1) USE OF EXISTING STAFF.—To the greatest
6 extent practicable, the Joint Select Committee shall
7 utilize the services of staff of employing offices of
8 the Senate and House of Representatives.

9 (2) AUTHORITY TO APPOINT STAFF.—

10 (A) IN GENERAL.—Each of the co-chairs
11 of the Joint Select Committee may appoint,
12 prescribe the duties and responsibilities of, and
13 fix the pay of such staff as the co-chair con-
14 siders appropriate to assist the Joint Select
15 Committee in carrying out its duties, so long as
16 the number of staff appointed by one of the co-
17 chairs does not exceed the number of staff ap-
18 pointed by the other co-chair.

19 (B) DETAIL OF CONGRESSIONAL EMPLOY-
20 EES.—Upon the joint request of the co-chairs,
21 the head of an employing office of the House of
22 Representatives or Senate (including a joint
23 committee of the Congress) is authorized to de-
24 tail, without reimbursement, any of the staff of
25 the office to the Joint Select Committee to as-

1 sist the Joint Select Committee in carrying out
2 its duties.

3 (3) EXPERTS AND CONSULTANTS.—Section
4 202(i) of the Legislative Reorganization Act of 1946
5 (2 U.S.C. 4301(i)) shall apply with respect to the
6 Joint Select Committee in the same manner as such
7 section applies with respect to a standing committee
8 of the Senate, except that any consultant whose
9 services are procured by the Joint Select Committee
10 shall be selected jointly by the co-chairs of the Joint
11 Select Committee.

12 (b) FUNDING.—

13 (1) VOUCHERS.—Payments for expenses of the
14 Joint Select Committee shall be made using vouch-
15 ers authorized by the Joint Select Committee, signed
16 by co-chairs of the Joint Select Committee, and ap-
17 proved in a manner directed by the Committee on
18 Rules and Administration of the Senate and the
19 Committee on House Administration of the House of
20 Representatives.

21 (2) SOURCE OF FUNDS.—There are authorized
22 to be appropriated such sums as may be necessary
23 for the operation of the Joint Select Committee, of
24 which—

1 (A) 50 percent shall be derived from the
2 applicable accounts of the House of Representa-
3 tives; and

4 (B) 50 percent shall be derived from the
5 contingent fund of the Senate.

6 **SEC. 210. TERMINATION.**

7 (a) **TERMINATION DATE.**—The Joint Select Com-
8 mittee shall terminate 30 days after filing the final report
9 required under section 207.

10 (b) **TRANSFER OF RECORDS.**—Upon termination of
11 the Joint Select Committee, the records of the Joint Select
12 Committee shall be transferred to—

13 (1) such committee or committees of the House
14 of Representatives as may be designated by the
15 Speaker of the House of Representatives; and

16 (2) such committee or committees of the Senate
17 as my be designated by the President pro tempore
18 of the Senate.

19 **SEC. 211. STATEMENT OF POLICY.**

20 It shall be the policy of the United States to impose
21 sanctions against governments of foreign states, and take
22 other measures if the governments of such foreign states
23 engage in an act or acts of gross negligence with respect
24 to state owned, operated, or directed chemical or biological
25 programs.

1 **SEC. 212. AMENDMENTS TO THE CHEMICAL AND BIOLOGI-**
2 **CAL WEAPONS CONTROL AND WARFARE**
3 **ELIMINATION ACT OF 1991.**

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

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

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

13 (3) in paragraph (1)—

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

16 (B) by inserting “, or engage in an act or
17 acts of gross negligence with respect to a chem-
18 ical or biological program owned, controlled, or
19 directed by, or subject to the jurisdiction of the
20 government of a foreign state” after “nation-
21 als”; and

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

23 “(b) **DEFINITIONS.**—In this Act:

24 “(1) **GROSS NEGLIGENCE.**—The term ‘gross
25 negligence’, with respect to an act or acts of a gov-
26 ernment of a foreign state, includes the government

1 knew, or should have known, the act or acts would
2 result in injury or damages to another foreign state
3 or other such foreign states.

4 “(2) FOREIGN STATE.—The term ‘foreign
5 state’—

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

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

12 “(B) includes an entity that is—

13 “(i)(I) directly or indirectly owned,
14 controlled, or beneficially owned by, or in
15 an official or unofficial capacity acting as
16 an agent of or on behalf of, the govern-
17 ment of a foreign state; or

18 “(II) received significant material
19 support from the government of a foreign
20 state; and

21 “(ii) engaged in providing commercial
22 services, shipping, manufacturing, pro-
23 ducing, or exporting.”.

24 (b) DETERMINATIONS REGARDING USE OF CHEM-
25 ICAL OR BIOLOGICAL WEAPONS.—Section 506 of the

1 Chemical and Biological Weapons Control and Warfare
2 Elimination Act of 1991 (22 U.S.C. 5604) is amended—

3 (1) in subsection (a)—

4 (A) by redesignating paragraph (3) as
5 paragraph (4);

6 (B) by inserting after paragraph (2) the
7 following:

8 “(3) ADDITIONAL DETERMINATION BY THE
9 PRESIDENT.—

10 “(A) WHEN DETERMINATION REQUIRED;
11 NATURE OF DETERMINATION.—Whenever cred-
12 ible information becomes available to the execu-
13 tive branch indicating a substantial possibility
14 that, on or after January 1, 2020, the govern-
15 ment of a foreign country has engaged in an
16 act or acts of gross negligence with respect to
17 a chemical or biological program owned, con-
18 trolled, or directed by, or subject to the jurisdic-
19 tion of the government of a foreign state, the
20 President shall, within 60 days after the receipt
21 of such information by the executive branch, de-
22 termine whether that government, on or after
23 such date, has engaged in an act or acts of
24 gross negligence with respect to a chemical or
25 biological program owned, controlled, or di-

1 rected by, or subject to the jurisdiction of the
2 government of a foreign state. Section 507 ap-
3 plies if the President determines that that gov-
4 ernment has so engaged in such act or acts of
5 gross negligence.

6 “(B) MATTERS TO BE CONSIDERED.—In
7 making the determination under subparagraph
8 (A), the President shall consider the following:

9 “(i) All physical and circumstantial
10 evidence available bearing on the possibility
11 that the government in question engaged
12 in an act or acts of gross negligence with
13 respect to a chemical or biological program
14 owned, controlled, or directed by, or sub-
15 ject to the jurisdiction of the government
16 of a foreign state.

17 “(ii) Whether evidence exists that
18 such program or programs have civilian
19 and military purposes or applications.

20 “(iii) Whether the government in
21 question attempted to conceal or otherwise
22 withhold information from other govern-
23 ments or international organizations re-
24 garding an act or acts of gross negligence.

1 “(iv) Whether, and to what extent,
2 the government in question is compliant
3 with its obligations under the Biological
4 and Toxin Weapons Convention or Conven-
5 tion on the Prohibition of the Develop-
6 ment, Production, Stockpiling and Use of
7 Chemical Weapons and on their Destruc-
8 tion, as applicable.

9 “(v) Whether, and to what extent, the
10 government in question is providing or oth-
11 erwise voluntarily disclosing substantive in-
12 formation to relevant international organi-
13 zations.”; and

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

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

17 (ii) in the second sentence, by insert-
18 ing “under paragraph (1)” after “deter-
19 mination”; and

20 (iii) by adding at the end the fol-
21 lowing: “If the determination under para-
22 graph (3) is that a foreign government had
23 engaged in an act or acts of gross neg-
24 ligence with respect to a chemical or bio-
25 logical program owned, controlled, or di-

1 rected by, or subject to the jurisdiction of
2 the government of a foreign state, the re-
3 port shall specify the sanctions to be im-
4 posed pursuant to section 507A.”; and

5 (2) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) by striking “whether a particular
8 foreign government” and inserting the fol-
9 lowing: “whether—

10 “(A) a particular foreign government”;

11 (ii) by striking the period at the end
12 and inserting “; or”; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(B) a particular foreign government, on
16 or after January 1, 2020, has engaged in an
17 act of acts of gross negligence with respect to
18 a chemical or biological program owned, con-
19 trolled, or directed by, or subject to the jurisdic-
20 tion of the government of a foreign state.”; and

21 (B) in paragraph (2)—

22 (i) in the first sentence—

23 (I) by striking “whether the spec-
24 ified government” and inserting the
25 following: “whether—

1 “(A) the specified government”;

2 (II) by striking the period at the
3 end and inserting “; or”; and

4 (III) by adding at the end the
5 following:

6 “(B) the specified government, on or after
7 January 1, 2020, has engaged in an act or acts
8 of gross negligence with respect to a chemical
9 or biological program owned, controlled, or di-
10 rected by, or subject to the jurisdiction of the
11 government of a foreign state.”; and

12 (ii) in the second sentence—

13 (I) by inserting “or (3)(B), as
14 applicable” after “subsection (a)(2)”;
15 and

16 (II) by moving the margin of the
17 second sentence so it has the same
18 level of indentation as margin of the
19 matter preceding subparagraph (A) of
20 the first sentence.

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

1 **“SEC. 507A. SANCTIONS AGAINST FOREIGN STATES WITH**
2 **RESPECT TO CHEMICAL OR BIOLOGICAL**
3 **PROGRAMS.**

4 “(a) INITIAL SANCTIONS.—

5 “(1) IN GENERAL.—If the President makes a
6 determination pursuant to section 506(a)(3) with re-
7 spect to the government of a foreign state, the Presi-
8 dent shall, within 30 days of making such deter-
9 mination, impose the sanctions described in para-
10 graph (2) with respect to the foreign state.

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

13 “(A) The United States Government shall
14 suspend all scientific cooperative programs and
15 efforts with the government of the foreign state.

16 “(B) The President shall prohibit the ex-
17 port to the foreign state of any goods, services
18 or technology under Category 1 and Category 2
19 of the Commerce Control List.

20 “(C) The United States Government may
21 not procure, or enter into any contract for the
22 procurement of, any goods or services from any
23 person operating in the chemical or biological
24 sectors of the foreign state.

25 “(b) INTERMEDIATE APPLICATION OF SANCTIONS.—

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

7 “(A) such government has adequately ad-
8 dressed an act an act or acts of gross neg-
9 ligence with respect to a chemical or biological
10 program owned, controlled, or directed by, or
11 subject to the jurisdiction of the government of
12 a foreign state;

13 “(B) such government has developed or is
14 developing necessary measures to prevent any
15 future act or acts of gross negligence;

16 “(C) such government is providing or oth-
17 erwise voluntarily disclosing substantive infor-
18 mation to the United States and relevant inter-
19 national organizations; and

20 “(D) such government is compliant with
21 its obligations under the Biological and Toxin
22 Weapons Convention or the Convention on the
23 Prohibition of the Development, Production,
24 Stockpiling and Use of Chemical Weapons and
25 on their Destruction, as applicable.

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

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

10 “(A) The United States Government shall
11 terminate assistance to the government of the
12 foreign state under the Foreign Assistance Act
13 of 1961 (22 U.S.C. 2151 et seq.), except for ur-
14 gent humanitarian assistance and food or other
15 agricultural commodities or products.

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

21 “(C) No licenses for export of any item on
22 the United States Munitions List that include
23 the government of the foreign state as a party
24 to the license may be granted.

1 “(D) No exports of any goods or tech-
2 nologies controlled for national security reasons
3 under the Export Administration Regulations
4 may be made to the government of the foreign
5 state, except that such prohibition shall not
6 apply to any transaction subject to the report-
7 ing requirements of title V of the National Se-
8 curity Act of 1947 (50 U.S.C. 413 et seq.; re-
9 lating to congressional oversight of intelligence
10 activities).

11 “(E) The President may order the United
12 States Government not to issue any specific li-
13 cense and not to grant any other specific per-
14 mission or authority to export any goods or
15 technology to the government of the foreign
16 state under—

17 “(i) the Export Control Reform Act of
18 2018 (50 U.S.C. 4801 et seq.);

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

21 “(iii) the Atomic Energy Act of 1954
22 (42 U.S.C. 2011 et seq.); or

23 “(iv) any other statute that requires
24 the prior review and approval of the
25 United States Government as a condition

1 for the export or reexport of goods or serv-
2 ices.

3 “(c) FINAL APPLICATION OF SANCTIONS.—

4 “(1) DETERMINATION.—Not later than 210
5 days after making a determination pursuant to sec-
6 tion 506(a)(3) with respect to a government of a for-
7 eign state, the President shall submit to the appro-
8 priate congressional committees a determination as
9 to whether the government of the foreign state has
10 taken the actions described in subparagraphs (A),
11 (B), (C), and (D) of subsection (b)(1).

12 “(2) EFFECT OF DETERMINATION.—If the
13 President is unable to certify that a government of
14 a foreign state has taken the actions described in
15 subparagraphs (A), (B), (C), and (D) of subsection
16 (b)(1), the President shall impose the sanctions de-
17 scribed in paragraph (3) with respect to the govern-
18 ment of the foreign state.

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

21 “(A) The President shall, pursuant to such
22 regulations as the President may prescribe, pro-
23 hibit any transactions in foreign exchange that
24 are subject to the jurisdiction of the United

1 States and in which the government of the for-
2 eign state has any interest.

3 “(B) The President shall, pursuant to such
4 regulations as the President may prescribe, pro-
5 hibit any transfers of credit or payments be-
6 tween one or more financial institutions or by,
7 through, or to any financial institution, to the
8 extent that such transfers or payments are sub-
9 ject to the jurisdiction of the United States and
10 involve any interest of the government of the
11 foreign state.

12 “(d) REMOVAL OF SANCTIONS.—The President shall
13 remove the sanctions imposed with respect to the govern-
14 ment of a foreign state pursuant to this section if the
15 President determines and so certifies to the Congress,
16 after the end of the 12-month period beginning on the date
17 on which sanctions were initially imposed on that govern-
18 ment of a foreign state pursuant to subsection (a), that—

19 “(1) such government has adequately addressed
20 an act an act or acts of gross negligence with re-
21 spect to a chemical or biological program owned,
22 controlled, or directed by, or subject to the jurisdic-
23 tion of the government of a foreign state;

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

4 “(3) such government is providing or otherwise
5 voluntarily disclosing substantive information to the
6 United States and relevant international organiza-
7 tions;

8 “(4) such government is compliant with its obli-
9 gations under the Biological and Toxin Weapons
10 Convention or Convention on the Prohibition of the
11 Development, Production, Stockpiling and Use of
12 Chemical Weapons and on their Destruction, as ap-
13 plicable; and

14 “(5) such government is making restitution to
15 those affected by an act or acts of gross negligence
16 with respect to a chemical or biological program
17 owned, controlled, or directed by, or subject to the
18 jurisdiction of the government of a foreign state, in-
19 cluding United States persons.

20 “(e) WAIVER.—

21 “(1) IN GENERAL.—The President may, for pe-
22 riods not to exceed 180 days, waive the imposition
23 of sanctions under this section if the President cer-
24 tifies to the appropriate congressional committees

1 that such waiver is vital to the national security in-
2 terests of the United States.

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

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

10 “(1) the Committee on Foreign Affairs and the
11 Committee on Financial Services of the House of
12 Representatives; and

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

16 **SEC. 213. DETERMINATION REGARDING THE PEOPLE’S RE-**
17 **PUBLIC OF CHINA.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of the enactment of this Act, the President shall de-
20 termine whether reasonable grounds exist for concluding
21 that the Government of the People’s Republic of China
22 meets the criteria for engaging in an act or acts of gross
23 negligence with respect to a chemical or biological program
24 owned, controlled, or directed by, or subject to the juris-
25 diction of that government under section 506(a)(3) of the

1 Chemical and Biological Weapons Control and Warfare
2 Elimination Act of 1991, as amended by section 3 of this
3 Act.

4 (b) REPORT REQUIRED.—

5 (1) IN GENERAL.—Not later than 30 days after
6 making a determination under subsection (a), the
7 President shall submit to the appropriate congress-
8 sional committees a report that includes the reasons
9 for the determination.

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

13 **SEC. 214. REGULATORY AUTHORITY.**

14 (a) IN GENERAL.—The President shall, not later
15 than 180 days after the date of the enactment of this Act,
16 prescribe regulations as necessary for the implementation
17 of sections 212 and 213 of this Act and the amendments
18 made by this Act.

19 (b) NOTIFICATION TO CONGRESS.—Not later than 10
20 days before the prescription of regulations under sub-
21 section (a), the President shall notify the appropriate con-
22 gressional committees regarding the proposed regulations
23 and the provisions of this Act and the amendments made
24 by this Act that the regulations are implementing.

1 **SEC. 215. APPROPRIATE CONGRESSIONAL COMMITTEES**

2 **DEFINED.**

3 In this Act, the term “appropriate congressional com-
4 mittees” means—

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

8 (2) the Committee on Foreign Relations and
9 the Committee on Banking, Housing, and Urban Af-
10 fairs of the Senate.

11 **SEC. 216. LIMITATION ON RESEARCH BY THE NATIONAL**

12 **SCIENCE FOUNDATION AND NATIONAL INSTI-**

13 **TUTES OF HEALTH.**

14 Notwithstanding any other provision of law, none of
15 the activities authorized for the National Science Founda-
16 tion and National Institutes of Health may include, con-
17 duct, or support any research—

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

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

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

24 (4) in which a human embryo is intentionally
25 created or modified to include a heritable genetic
26 modification, or

1 (5) using any stem cell the derivation of which
2 would be inconsistent with the standards established
3 herein.

4 **SEC. 217. PROHIBITION ON CERTAIN HUMAN-ANIMAL CHI-**
5 **MERAS.**

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

8 **“CHAPTER 52—CERTAIN TYPES OF**
9 **HUMAN-ANIMAL CHIMERAS PROHIBITED**

“Sec.

“1131. Definitions.

“1132. Prohibition on certain human-animal chimeras.

10 **“§ 1131. Definitions**

11 “In this chapter the following definitions apply:

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

13 The term ‘prohibited human-animal chimera’
14 means—

15 “(A) a human embryo into which a
16 nonhuman cell or cells (or the component parts
17 thereof) have been introduced to render the em-
18 bryo’s membership in the species *Homo sapiens*
19 uncertain;

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

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

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

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

5 “(F) an embryo containing at least haploid
6 sets of chromosomes from both a human and a
7 nonhuman life form;

8 “(G) a nonhuman life form engineered
9 such that human gametes develop within the
10 body of a nonhuman life form;

11 “(H) a nonhuman life form engineered
12 such that it contains a human brain or a brain
13 derived wholly or predominantly from human
14 neural tissues;

15 “(I) a nonhuman life form engineered such
16 that it exhibits human facial features or other
17 bodily morphologies to resemble human fea-
18 tures; or

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

21 “(i) human gametes develop within
22 the body of the resultant organism;

23 “(ii) it contains a human brain or a
24 brain derived wholly or predominantly from
25 human neural tissues; or

1 “(iii) it exhibits human facial features
2 or other bodily morphologies to resemble
3 human features.

4 “(2) HUMAN EMBRYO.—The term ‘human em-
5 bryo’ means an organism of the species *Homo sapi-*
6 *ens* during the earliest stages of development, from
7 1 cell up to 8 weeks.

8 **“§ 1132. Prohibition on certain human-animal chi-**
9 **meras**

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

13 “(1) create or attempt to create a prohibited
14 human-animal chimera;

15 “(2) transfer or attempt to transfer a human
16 embryo into a nonhuman womb;

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

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

21 “(b) PENALTIES.—

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

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

6 “(c) RULE OF CONSTRUCTION.—This section does
7 not prohibit research involving the use of transgenic ani-
8 mal models containing human genes or transplantation of
9 human organs, tissues, or cells into recipient animals, if
10 such activities are not prohibited under subsection (a).”.

11 **SEC. 218. TECHNICAL AMENDMENT.**

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

**“52. Certain Types of Human-Animal Chimeras Prohib-
 ited 1131”.**

15 **TITLE III—MATTERS RELATING**
16 **TO MEDICAL AND NATIONAL**
17 **SECURITY SUPPLY CHAINS**

18 **SEC. 301. REPORT AND RECOMMENDATION ON BARRIERS**
19 **TO DOMESTIC MANUFACTURING OF MEDICAL**
20 **PRODUCTS.**

21 (a) REPORT TO CONGRESS.—Not later than 180 days
22 after the date of the enactment of this Act, the Secretary
23 of Health and Human Services (in this section referred
24 to as the “Secretary”), acting through the Commissioner

1 of Food and Drugs, shall submit to Congress a report on
2 barriers, including regulatory inefficiencies, to domestic
3 manufacturing of active pharmaceutical ingredients, fin-
4 ished drug products, and devices that are—

5 (1) imported from outside of the United States;

6 and

7 (2) critical to the public health during a public
8 health emergency declared by the Secretary under
9 section 319 of the Public Health Service Act (42
10 U.S.C. 247d).

11 (b) CONTENT.—Such report shall—

12 (1) identify factors that limit the manufac-
13 turing of active pharmaceutical ingredients, finished
14 drug products, and devices described in subsection
15 (a); and

16 (2) recommend specific strategies to overcome
17 the challenges identified under paragraph (1).

18 (c) IMPLEMENTATION.—The Secretary may, to the
19 extent appropriate, implement the strategies recommended
20 under subsection (b)(2).

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

1 **SEC. 302. TAX INCENTIVES FOR RELOCATING MANUFAC-**
2 **TURING OF PHARMACEUTICALS AND MED-**
3 **ICAL SUPPLIES AND DEVICES TO THE**
4 **UNITED STATES.**

5 (a) ACCELERATED DEPRECIATION FOR NONRESI-
6 DENTIAL REAL PROPERTY.—Section 168 of the Internal
7 Revenue Code of 1986 is amended by adding at the end
8 the following new subsection:

9 “(n) ACCELERATED DEPRECIATION FOR NONRESI-
10 DENTIAL REAL PROPERTY ACQUIRED IN CONNECTION
11 WITH THE RELOCATION OF MANUFACTURING OF PHAR-
12 MACEUTICALS AND MEDICAL SUPPLIES AND DEVICES TO
13 THE UNITED STATES.—

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

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

20 “(3) QUALIFIED NONRESIDENTIAL REAL PROP-
21 erty.—For purposes of this subsection, the term
22 ‘qualified nonresidential real property’ means non-
23 residential real property placed in service in the
24 United States by a qualified manufacturer if such
25 property is acquired by such qualified manufacturer

1 in connection with a qualified relocation of manufac-
2 turing.

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

8 “(5) QUALIFIED MEDICAL PRODUCT.—For pur-
9 poses of this subsection, the term ‘qualified medical
10 product’ means any pharmaceutical, medical device,
11 or medical supply.

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

14 “(A) IN GENERAL.—The term ‘qualified
15 relocation of manufacturing’ means, with re-
16 spect to any qualified manufacturer, the reloca-
17 tion of the manufacturing of a qualified medical
18 product from a foreign country to the United
19 States.

20 “(B) RELOCATION OF PROPERTY NOT RE-
21 QUIRED.—For purposes of subparagraph (A),
22 manufacturing shall not fail to be treated as re-
23 located merely because property used in such
24 manufacturing was not relocated.

1 “(C) RELOCATION OF NOT LESS THAN
2 EQUIVALENT PRODUCTIVE CAPACITY RE-
3 QUIRED.—For purposes of subparagraph (A),
4 manufacturing shall not be treated as relocated
5 unless the property manufactured in the United
6 States is substantially identical to the property
7 previously manufactured in a foreign country
8 and the increase in the units of production of
9 such property in the United States by the quali-
10 fied manufacturer is not less than the reduction
11 in the units of production of such property in
12 such foreign country by such qualified manufac-
13 turer.

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

18 (b) EXCLUSION OF GAIN ON DISPOSITION OF PROP-
19 ERTY IN CONNECTION WITH QUALIFIED RELOCATION OF
20 MANUFACTURING.—

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

1 **“SEC. 139I. EXCLUSION OF GAIN ON DISPOSITION OF PROP-**
2 **ERTY IN CONNECTION WITH QUALIFIED RE-**
3 **LOCATION OF MANUFACTURING.**

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

7 “(b) QUALIFIED RELOCATION DISPOSITION PROP-
8 ERTY.—For purposes of this section, the term ‘qualified
9 relocation disposition property’ means any property
10 which—

11 “(1) is sold or exchanged by a qualified manu-
12 facturer in connection with a qualified relocation of
13 manufacturing, and

14 “(2) was used by such qualified manufacturer
15 in the trade or business of manufacturing a qualified
16 medical product in the foreign country from which
17 such manufacturing is being relocated.

18 “(c) OTHER TERMS.—Terms used in this section
19 which are also used in subsection (n) of section 168 shall
20 have the same meaning when used in this section as when
21 used in such subsection.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions for part III of subchapter B of chapter 1 of
24 such Code is amended by inserting after the item re-
25 lating to section 139H the following new item:

“Sec. 139I. Exclusion of gain on disposition of property in connection with qualified relocation of manufacturing.”.

1 (c) EFFECTIVE DATES.—

2 (1) ACCELERATED DEPRECIATION.—The
3 amendment made by subsection (a) shall apply to
4 property placed in service after the date of the en-
5 actment of this Act.

6 (2) EXCLUSION OF GAIN.—The amendments
7 made by subsection (b) shall apply to sales and ex-
8 changes after the date of the enactment of this Act.

9 **SEC. 303. PRINCIPAL NEGOTIATING OBJECTIVES OF THE**
10 **UNITED STATES RELATING TO TRADE IN**
11 **COVERED PHARMACEUTICAL PRODUCTS.**

12 Section 102(b) of the Bipartisan Congressional Trade
13 Priorities and Accountability Act of 2015 (19 U.S.C.
14 4201(b)) is amended by adding at the end the following:

15 “(23) TRADE IN COVERED PHARMACEUTICAL
16 PRODUCTS.—

17 “(A) IN GENERAL.—It is the objective of
18 the United States to negotiate a plurilateral
19 agreement among trusted allies relating to
20 trade in covered pharmaceutical products to
21 which section 103(b) will apply, for which the
22 principal negotiating objectives of the United
23 States are the following:

1 “(i) To ensure that a party to the
2 agreement adopts and maintains measures
3 to eliminate the imposition or reimposition
4 of tariffs on imports of such products, par-
5 ticularly in the event of a declared emer-
6 gency.

7 “(ii) To ensure that a party to the
8 agreement—

9 “(I) will reduce or eliminate reg-
10 ulatory and other technical barriers in
11 the pharmaceutical sector;

12 “(II) will promote expedited ap-
13 proval of facilities for the production
14 of such products being built by busi-
15 ness enterprises that operate one or
16 more such facilities in the territory of
17 the party;

18 “(III) will promote the use of
19 good regulatory practices and stream-
20 lined regulatory review and approval
21 processes for the production of such
22 products in the territory of the party;

23 “(IV) will eliminate duplicated
24 actions and other barriers to reduce

1 the time for approvals of both facili-
2 ties and such products; and

3 “(V) will expand transparency
4 and cooperation with other parties
5 and their manufacturers, working col-
6 laboratively, to ensure regulatory
7 processes are streamlined and har-
8 monized among other parties to the
9 maximum extent possible.

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

13 “(iv) With respect to use of sub-
14 sidies—

15 “(I) to encourage the coordinated
16 provision of those types of subsidies
17 that are classified under World Trade
18 Organization rules as ‘non-prohibited’,
19 such as subsidies that are not contin-
20 gent on exports or import-substi-
21 tution, to incentivize manufacturing of
22 such products, including the provision
23 of grants, loans, tax incentives, and
24 guaranteed price and volume con-
25 tracts;

1 “(II) to explicitly permit, among
2 parties to the agreement, the use of
3 production subsidies to build pharma-
4 ceutical manufacturing capacity;

5 “(III) to affirm that subsidies
6 provided by parties are not intended
7 to be used primarily for export or to
8 distort trade;

9 “(IV) to affirm parties’ commit-
10 ments under the Antidumping Agree-
11 ment and the Agreement on Subsidies
12 and Countervailing Measures, includ-
13 ing the recognition that ‘dumping, by
14 which products of one country are in-
15 troduced into the commerce of an-
16 other country at less than the normal
17 value of the products, is to be con-
18 demned if it causes or threatens mate-
19 rial injury to an established industry
20 in the territory of a contracting party
21 or materially retards the establish-
22 ment of a domestic industry’; and

23 “(V) to encourage notification
24 and consultation among parties as
25 they are considering pharmaceutical

1 14 manufacturing subsidies to in-
2 crease coordination and avoid creating
3 conditions such as oversupply or mar-
4 ket inefficiencies among the parties.

5 “(v) With respect to government pro-
6 curement—

7 “(I) to provide reciprocal access
8 to government procurements for such
9 products in parties to the agreement;

10 “(II) to increase coordination be-
11 tween participant countries and facili-
12 tate the involvement of participant
13 countries’ companies in bids to supply
14 such products; and

15 “(III) to ensure that any partici-
16 pant in the agreement that is not al-
17 ready so designated, becomes des-
18 ignated for purposes of section 301 of
19 the Trade Agreements Act of 1979
20 (19 U.S.C. 2511).

21 “(vi) With respect to trade in serv-
22 ices—

23 “(I) to obtain fair, open, and
24 transparent access to supply chain
25 services in the markets of parties to

1 the agreement, such as distribution,
2 logistics, and transportation services;

3 “(II) to ensure any restrictions
4 or regulatory requirements maintained
5 on such services are adopted and
6 maintained in a transparent and effi-
7 cient manner; and

8 “(III) to require parties to estab-
9 lish an internal process for identifying
10 restrictions or regulatory require-
11 ments that could be waived in the
12 event of a declared emergency.

13 “(vii) With respect to transparency
14 and trade facilitation—

15 “(I) to obtain commitments
16 among parties to the agreement to de-
17 velop mechanisms for sharing infor-
18 mation on pharmaceutical supply
19 chain constraints and coordinate ap-
20 proaches with parties to minimize
21 risks that could lead to supply chain
22 failures; and

23 “(II) to the extent they have not
24 done so yet, to obtain commitments
25 from parties that they will fully imple-

1 ment the obligations under the World
2 Trade Organization’s Agreement on
3 Trade Facilitation prior to the date
4 the agreement enters into force.

5 “(viii) With respect to enforcement—

6 “(I) to ensure that benefits under
7 the agreement can only be obtained by
8 parties that are fully meeting their ob-
9 ligations under the agreement;

10 “(II) to ensure that parties will
11 not bring a dispute under another
12 agreement for actions that are con-
13 sistent with the agreement; and

14 “(III) to provide a dispute settle-
15 ment mechanism comparable to the
16 dispute settlement provisions of the
17 Agreement between the United States
18 of America, the United Mexican
19 States, and Canada.

20 “(ix) To minimize the ability of par-
21 ties to the agreement to undermine the ef-
22 fectiveness of the agreement by abusing ex-
23 ceptions in the agreement by including ad-
24 ditional procedural requirements, such as
25 notification of intent to rely on an excep-

1 tion at the time an inconsistent action is
2 taken, and limiting the duration that par-
3 ticipants may rely on an exception.

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

5 “ (i) ACTIVE PHARMACEUTICAL INGRE-
6 DIENT.—The term ‘active pharmaceutical
7 ingredient’—

8 “ (I) means any component that
9 is intended to furnish pharmacological
10 activity or other direct effect in the
11 diagnosis, cure, mitigation, treatment,
12 or prevention of a disease, or to affect
13 the structure or any function of the
14 body of a human or animal; and

15 “ (II) does not include—

16 “ (aa) intermediates used in
17 the synthesis of a drug product;
18 or

19 “ (bb) components that may
20 undergo chemical change in the
21 manufacture of a drug product
22 and be present in a drug product
23 in a modified form that is in-
24 tended to furnish such activity or
25 effect.

1 “(ii) AGREEMENT ON SUBSIDIES AND
2 COUNTERVAILING MEASURES.—The term
3 ‘Agreement on Subsidies and Counter-
4 vailing Measures’ means the agreement re-
5 ferred to in section 101(d)(12) of the Uru-
6 guay Round Agreements Act (19 U.S.C.
7 3511(d)(12)).

8 “(iii) ANTIDUMPING AGREEMENT.—
9 The term ‘Antidumping Agreement’ means
10 the Agreement on Implementation of Arti-
11 cle VI of the General Agreement on Tariffs
12 and Trade 1994 referred to in section
13 101(d)(7) of the Uruguay Round Agree-
14 ments Act (19 U.S.C. 3511(d)(7)).

15 “(iv) BIOLOGICAL PRODUCT.—The
16 term ‘biological product’ has the meaning
17 given to such term in section 351(i) of the
18 Public Health Service Act (42 U.S.C.
19 262(i)).

20 “(v) COVERED PHARMACEUTICAL
21 PRODUCT.—The term ‘covered pharma-
22 ceutical product’ means—

23 “(I) a drug (including a biologi-
24 cal product); or

1 “(II) an active pharmaceutical
2 ingredient.”.

3 **SEC. 304. REAUTHORIZATION OF TRADE AGREEMENTS AU-**
4 **THORITY.**

5 Section 103 of the Bipartisan Congressional Trade
6 Priorities and Accountability Act of 2015 (19 U.S.C.
7 4202) is amended—

8 (1) in subsection (a)—

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

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

13 (2) in subsection (b)—

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

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

18 (3) in subsection (c)—

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

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

23 (C) in paragraph (1)(B), by striking “July
24 1, 2021” and inserting “July 1, 2026”;

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

3 (E) in paragraph (3), by striking “June 1,
4 2018” and inserting “June 1, 2023”.

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

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

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

11 (2) by inserting after paragraph (2) the fol-
12 lowing:

13 “(3) authorities under this Act should be used
14 when appropriate to ensure the availability of med-
15 ical materials essential to national defense, including
16 through measures designed to secure the drug sup-
17 ply chain, and taking into consideration the impor-
18 tance of United States competitiveness, scientific
19 leadership and cooperation, and innovative capac-
20 ity;”.

21 (b) STRENGTHENING DOMESTIC CAPABILITY.—Sec-
22 tion 107 of the Defense Production Act of 1950 (50
23 U.S.C. 4517) is amended—

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

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

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

10 **“SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR**
11 **MEDICAL MATERIALS.**

12 “(a) IN GENERAL.—Not later than 180 days after
13 the date of the enactment of this section, the President,
14 in consultation with the Secretary of Health and Human
15 Services, the Secretary of Commerce, the Secretary of
16 Homeland Security, and the Secretary of Defense, shall
17 transmit a strategy to the appropriate Members of Con-
18 gress that includes the following:

19 “(1) A detailed plan to use the authorities
20 under this title and title III, or any other provision
21 of law, to ensure the supply of medical materials (in-
22 cluding drugs, devices, and biological products (as
23 that term is defined in section 351 of the Public
24 Health Service Act (42 U.S.C. 262)) to diagnose,
25 cure, mitigate, treat, or prevent disease) essential to

1 national defense, to the extent necessary for the pur-
2 poses of this Act.

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

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

9 “(4) A discussion of—

10 “(A) any significant effects resulting from
11 the plan and measures described in this sub-
12 section on the production, cost, or distribution
13 of biological products (as that term is defined
14 in section 351 of the Public Health Service Act
15 (42 U.S.C. 262)) or any other devices or drugs
16 (as defined under the Federal Food, Drug, and
17 Cosmetic Act (21 U.S.C. 301 et seq.));

18 “(B) a timeline to ensure that essential
19 components of the supply chain for medical ma-
20 terials are not under the exclusive control of a
21 foreign government in a manner that the Presi-
22 dent determines could threaten the national de-
23 fense of the United States; and

24 “(C) efforts to mitigate any risks resulting
25 from the plan and measures described in this

1 subsection to United States competitiveness,
2 scientific leadership, and innovative capacity,
3 including efforts to cooperate and proactively
4 engage with United States allies.

5 “(b) PROGRESS REPORT.—Following submission of
6 the strategy under subsection (a), the President shall sub-
7 mit to the appropriate Members of Congress an annual
8 progress report until September 30, 2025, evaluating the
9 implementation of the strategy, and may include updates
10 to the strategy as appropriate. The strategy and progress
11 reports shall be submitted in unclassified form but may
12 contain a classified annex.

13 “(c) APPROPRIATE MEMBERS OF CONGRESS.—The
14 term ‘appropriate Members of Congress’ means the
15 Speaker, majority leader, and minority leader of the
16 House of Representatives, the majority leader and minor-
17 ity leader of the Senate, the Chairman and Ranking Mem-
18 ber of the Committee on Financial Services of the House
19 of Representatives, and the Chairman and Ranking Mem-
20 ber of the Committee on Banking, Housing, and Urban
21 Affairs of the Senate.”.

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

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

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

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

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

12 “(A) is organized under the laws of the
13 United States or any jurisdiction within the
14 United States; and

15 “(B) produces—

16 “(i) one or more critical components;

17 “(ii) critical technology; or

18 “(iii) one or more products or raw
19 materials for the security of supply chains
20 or supply chain activities.

21 “(3) DEFINITIONS.—In this subsection, the
22 terms ‘supply chain’ and ‘supply chain activities’
23 have the meanings given those terms by the Presi-
24 dent by regulation.”.

25 (b) REGULATIONS.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, the President
3 shall prescribe regulations setting forth definitions
4 for the terms “supply chain” and “supply chain ac-
5 tivities” for the purposes of section 303(h) of the
6 Defense Production Act of 1950 (50 U.S.C.
7 4533(h)), as added by subsection (a).

8 (2) SCOPE OF DEFINITIONS.—The definitions
9 required by paragraph (1)—

10 (A) shall encompass—

11 (i) the organization, people, activities,
12 information, and resources involved in the
13 delivery and operation of a product or serv-
14 ice used by the Government; or

15 (ii) critical infrastructure as defined
16 in Presidential Policy Directive 21 (Feb-
17 ruary 12, 2013; relating to critical infra-
18 structure security and resilience); and

19 (B) may include variations as determined
20 necessary and appropriate by the President for
21 purposes of national defense.

1 **SEC. 307. PERMIT PROCESS FOR PROJECTS RELATING TO**
2 **EXTRACTION, RECOVERY, OR PROCESSING**
3 **OF CRITICAL MATERIALS.**

4 (a) DEFINITION OF COVERED PROJECT.—Section
5 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A))
6 is amended—

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

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

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

12 “(iii) is related to the extraction, re-
13 covery, or processing from coal, coal waste,
14 coal processing waste, pre- or post-combus-
15 tion coal byproducts, or acid mine drainage
16 from coal mines of one of the following
17 materials:

18 “(I) Critical minerals (as such
19 term is defined in section 7002 of the
20 Energy Act of 2020).

21 “(II) Rare earth elements.

22 “(III) Microfine carbon or carbon
23 from coal.”.

24 (b) REPORT.—Not later than 6 months after the date
25 of enactment of this Act, the Secretary of the Interior
26 shall submit to the Committees on Energy and Natural

1 Resources and Commerce, Science, and Transportation of
2 the Senate and the Committees on Transportation and In-
3 frastructure, Natural Resources, and Energy and Com-
4 merce of the House of Representatives a report evaluating
5 the timeliness of implementation of reforms of the permit-
6 ting process required as a result of the amendments made
7 by this Act on the following:

8 (1) The economic and national security of the
9 United States.

10 (2) Domestic production and supply of critical
11 minerals, rare earths, and microfine carbon or car-
12 bon from coal.

13 **TITLE IV—MATTERS RELATING**
14 **TO RESEARCH AND DEVELOP-**
15 **MENT**

16 **SEC. 401. PERMANENT FULL EXPENSING FOR QUALIFIED**
17 **PROPERTY.**

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

21 “(6) APPLICABLE PERCENTAGE.—For purposes
22 of this subsection, the term ‘applicable percentage’
23 means, in the case of property placed in service (or,
24 in the case of a specified plant described in para-

1 graph (5), a plant which is planted or grafted) after
2 September 27, 2017, 100 percent.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 168(k) of the Internal Revenue
5 Code of 1986 is amended—

6 (A) in paragraph (2)—

7 (i) in subparagraph (A)—

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

10 (II) in clause (ii), by striking
11 “clause (ii) of subparagraph (E),
12 and” and inserting “clause (i) of sub-
13 paragraph (E).”; and

14 (III) by striking clause (iii);

15 (ii) in subparagraph (B)—

16 (I) in clause (i)—

17 (aa) by striking subclauses

18 (II) and (III); and

19 (bb) by redesignating sub-

20 clauses (IV) through (VI) as sub-

21 clauses (II) through (IV), respec-

22 tively;

23 (II) by striking clause (ii); and

1 (III) by redesignating clauses
2 (iii) and (iv) as clauses (ii) and (iii),
3 respectively;

4 (iii) in subparagraph (C)—

5 (I) in clause (i), by striking “and
6 subclauses (II) and (III) of subpara-
7 graph (B)(i)”;

8 (II) in clause (ii), by striking
9 “subparagraph (B)(iii)” and inserting
10 “subparagraph (B)(ii)”;

11 (iv) in subparagraph (E)—

12 (I) by striking clause (i); and

13 (II) by redesignating clauses (ii)
14 and (iii) as clauses (i) and (ii), respec-
15 tively; and

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

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

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in section
3 13201 of Public Law 115–97.

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

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

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

8 **“(a) TREATMENT AS EXPENSES.—**

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

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

16 **“(A) WITHOUT CONSENT.—**A taxpayer
17 may, without the consent of the Secretary,
18 adopt the method provided in this subsection
19 for his first taxable year for which expenditures
20 described in paragraph (1) are paid or incurred.

21 **“(B) WITH CONSENT.—**A taxpayer may,
22 with the consent of the Secretary, adopt at any
23 time the method provided in this subsection.

24 **“(3) SCOPE.—**The method adopted under this
25 subsection shall apply to all expenditures described

1 in paragraph (1). The method adopted shall be ad-
2 hered to in computing taxable income for the taxable
3 year and for all subsequent taxable years unless,
4 with the approval of the Secretary, a change to a
5 different method is authorized with respect to part
6 or all of such expenditures.

7 “(b) AMORTIZATION OF CERTAIN RESEARCH AND
8 EXPERIMENTAL EXPENDITURES.—

9 “(1) IN GENERAL.—At the election of the tax-
10 payer, made in accordance with regulations pre-
11 scribed by the Secretary, research or experimental
12 expenditures which are—

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

15 “(B) not treated as expenses under sub-
16 section (a), and

17 “(C) chargeable to capital account but not
18 chargeable to property of a character which is
19 subject to the allowance under section 167 (re-
20 lating to allowance for depreciation, etc.) or sec-
21 tion 611 (relating to allowance for depletion),

22 may be treated as deferred expenses. In computing
23 taxable income, such deferred expenses shall be al-
24 lowed as a deduction ratably over such period of not
25 less than 60 months as may be selected by the tax-

1 payer (beginning with the month in which the tax-
2 payer first realizes benefits from such expenditures).
3 Such deferred expenses are expenditures properly
4 chargeable to capital account for purposes of section
5 1016(a)(1) (relating to adjustments to basis of prop-
6 erty).

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

22 “(c) LAND AND OTHER PROPERTY.—This section
23 shall not apply to any expenditure for the acquisition or
24 improvement of land, or for the acquisition or improve-
25 ment of property to be used in connection with the re-

1 search or experimentation and of a character which is sub-
2 ject to the allowance under section 167 (relating to allow-
3 ance for depreciation, etc.) or section 611 (relating to al-
4 lowance for depletion); but for purposes of this section al-
5 lowances under section 167, and allowances under section
6 611, shall be considered as expenditures.

7 “(d) EXPLORATION EXPENDITURES.—This section
8 shall not apply to any expenditure paid or incurred for
9 the purpose of ascertaining the existence, location, extent,
10 or quality of any deposit of ore or other mineral (including
11 oil and gas).

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

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

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

20 (c) CONFORMING AMENDMENTS.—

21 (1) Section 41(d)(1)(A) of such Code is amend-
22 ed by striking “specified research or experimental
23 expenditures under section 174” and inserting “ex-
24 penses under section 174”.

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

3 “(c) CREDIT FOR INCREASING RESEARCH ACTIVI-
4 TIES.—

5 “(1) IN GENERAL.—No deduction shall be al-
6 lowed for that portion of the qualified research ex-
7 penses (as defined in section 41(b)) or basic re-
8 search expenses (as defined in section 41(e)(2)) oth-
9 erwise allowable as a deduction for the taxable year
10 which is equal to the amount of the credit deter-
11 mined for such taxable year under section 41(a).

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

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

17 “(B) the amount allowable as a deduction
18 for such taxable year for qualified research ex-
19 penses or basic research expenses (determined
20 without regard to paragraph (1)),

21 the amount chargeable to capital account for the
22 taxable year for such expenses shall be reduced by
23 the amount of such excess.

24 “(3) ELECTION OF REDUCED CREDIT.—

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

4 “(i) paragraphs (1) and (2) shall not
5 apply, and

6 “(ii) the amount of the credit under
7 section 41(a) shall be the amount deter-
8 mined under subparagraph (B).

9 “(B) AMOUNT OF REDUCED CREDIT.—The
10 amount of credit determined under this sub-
11 paragraph for any taxable year shall be the
12 amount equal to the excess of—

13 “(i) the amount of credit determined
14 under section 41(a) without regard to this
15 paragraph, over

16 “(ii) the product of—

17 “(I) the amount described in
18 clause (i), and

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

21 “(C) ELECTION.—An election under this
22 paragraph for any taxable year shall be made
23 not later than the time for filing the return of
24 tax for such year (including extensions), shall
25 be made on such return, and shall be made in

1 such manner as the Secretary may prescribe.

2 Such an election, once made, shall be irrev-
3 ocable.

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

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

10 **SEC. 403. REPEAL AND CODIFICATION OF CERTAIN EXECU-**
11 **TIVE ORDERS.**

12 (a) REPEAL.—The Executive order relating to the
13 revocation of certain Executive orders concerning Federal
14 regulation, signed on January 20, 2021, is hereby re-
15 scinded.

16 (b) CODIFICATION OF EXECUTIVE ORDERS.—The
17 following Executive orders shall have the force and effect
18 of law:

19 (1) Executive Order 13771 (82 Fed. Reg.
20 12866; relating to reducing regulation and control-
21 ling regulatory costs).

22 (2) Executive Order 13777 (82 Fed. Reg.
23 12285; relating to enforcing the regulatory reform
24 agenda).

1 (3) Executive Order 13891 (84 Fed. Reg.
2 55235; relating to improving agency guidance docu-
3 ments).

4 (4) Executive Order 13892 (84 Fed. Reg.
5 55239; relating to transparency in administrative
6 enforcement and adjudication).

7 (5) Executive Order 13893 (84 Fed. Reg.
8 55487; relating to accountability for administrative
9 actions).

10 **SEC. 404. EDUCATIONAL ASSISTANCE EXCLUSION FROM**
11 **GROSS INCOME INCREASED.**

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

14 “(2) MAXIMUM EXCLUSION.—

15 “(A) IN GENERAL.—If but for this para-
16 graph, this section would exclude from gross in-
17 come more than the maximum amount of edu-
18 cational assistance furnished to an individual
19 during a calendar year, this section shall apply
20 only to the maximum amount of such assistance
21 so furnished.

22 “(B) MAXIMUM AMOUNT.—For purposes
23 of subparagraph (B), the term ‘maximum
24 amount’ means, for any calendar year, an
25 amount equal to the applicable dollar amount

1 for elective deferrals described in section
2 402(g)(1)(B) (as such amount is adjusted for
3 inflation for such calendar year).”.

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

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

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

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

11 **“(a) TREATMENT AS EXPENSES.—**

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

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

19 **“(A) WITHOUT CONSENT.—**A taxpayer
20 may, without the consent of the Secretary,
21 adopt the method provided in this subsection
22 for his first taxable year for which expenditures
23 described in paragraph (1) are paid or incurred.

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

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

12 “(b) AMORTIZATION OF CERTAIN RESEARCH AND
13 EXPERIMENTAL EXPENDITURES.—

14 “(1) IN GENERAL.—At the election of the tax-
15 payer, made in accordance with regulations pre-
16 scribed by the Secretary, research or experimental
17 expenditures which are—

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

20 “(B) not treated as expenses under sub-
21 section (a), and

22 “(C) chargeable to capital account but not
23 chargeable to property of a character which is
24 subject to the allowance under section 167 (re-

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

13 “(2) TIME FOR AND SCOPE OF ELECTION.—The
14 election provided by paragraph (1) may be made for
15 any taxable year, but only if made not later than the
16 time prescribed by law for filing the return for such
17 taxable year (including extensions thereof). The
18 method so elected, and the period selected by the
19 taxpayer, shall be adhered to in computing taxable
20 income for the taxable year for which the election is
21 made and for all subsequent taxable years unless,
22 with the approval of the Secretary, a change to a
23 different method (or to a different period) is author-
24 ized with respect to part or all of such expenditures.
25 The election shall not apply to any expenditure paid

1 or incurred during any taxable year before the tax-
2 able year for which the taxpayer makes the election.

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

13 “(d) EXPLORATION EXPENDITURES.—This section
14 shall not apply to any expenditure paid or incurred for
15 the purpose of ascertaining the existence, location, extent,
16 or quality of any deposit of ore or other mineral (including
17 oil and gas).

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

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

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

1 (c) CONFORMING AMENDMENTS.—

2 (1) Section 41(d)(1)(A) of such Code is amend-
3 ed by striking “specified research or experimental
4 expenditures under section 174” and inserting “ex-
5 penses under section 174”.

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

8 “(c) CREDIT FOR INCREASING RESEARCH ACTIVI-
9 TIES.—

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

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

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

22 “(B) the amount allowable as a deduction
23 for such taxable year for qualified research ex-
24 penses or basic research expenses (determined
25 without regard to paragraph (1)),

1 the amount chargeable to capital account for the
2 taxable year for such expenses shall be reduced by
3 the amount of such excess.

4 “(3) ELECTION OF REDUCED CREDIT.—

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

8 “(i) paragraphs (1) and (2) shall not
9 apply, and

10 “(ii) the amount of the credit under
11 section 41(a) shall be the amount deter-
12 mined under subparagraph (B).

13 “(B) AMOUNT OF REDUCED CREDIT.—The
14 amount of credit determined under this sub-
15 paragraph for any taxable year shall be the
16 amount equal to the excess of—

17 “(i) the amount of credit determined
18 under section 41(a) without regard to this
19 paragraph, over

20 “(ii) the product of—

21 “(I) the amount described in
22 clause (i), and

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

1 “(C) ELECTION.—An election under this
2 paragraph for any taxable year shall be made
3 not later than the time for filing the return of
4 tax for such year (including extensions), shall
5 be made on such return, and shall be made in
6 such manner as the Secretary may prescribe.
7 Such an election, once made, shall be irrev-
8 ocable.

9 “(4) CONTROLLED GROUPS.—Paragraph (3) of
10 subsection (b) shall apply for purposes of this sub-
11 section.”.

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

15 **TITLE V—MATTERS RELATED TO**
16 **EDUCATION**

17 **Subtitle A—Restrictions Relating**
18 **to Foreign Funding of Edu-**
19 **ational Institutions**

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

22 (a) FUNDING RESTRICTED.—An institution of higher
23 education or other post-secondary educational institution
24 shall not be eligible to receive Federal funds (except funds
25 under title IV of the Higher Education Act of 1965 (20

1 U.S.C. 1070 et seq.) or other Department of Education
2 funds that are provided directly to students) if such insti-
3 tution:

4 (1) has a contractual partnership in effect with
5 an entity that is owned or controlled, directly or in-
6 directly, by the Government of the People's Republic
7 of China;

8 (2) has a contractual partnership in effect with
9 an entity that is organized under the laws of the
10 People's Republic of China; or

11 (3) employs a CCP-funded instructor.

12 (b) RESTORING ELIGIBILITY.—An institution ineli-
13 gible to receive Federal funds under subsection (a) may
14 reestablish eligibility by—

15 (1) in the case of a contractual partnership
16 with an entity described in subsection (a)(1) or
17 (a)(2):

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

21 (B) providing to the Secretary of Edu-
22 cation sufficient evidence that such partnerships
23 have been terminated; or

24 (2) in the case of the employment of a CCP-
25 funded instructor as described in subsection (a)(3),

1 by demonstrating, to the satisfaction of the Sec-
2 retary of Education, that the institution no longer
3 employs a CCP-funded instructor.

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

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

9 (2) received funds, directly or indirectly, from
10 the Chinese Communist Party while employed by
11 such institution.

12 (d) EFFECTIVE DATE.—The restrictions under this
13 section shall take effect 180 days after the date of the
14 enactment of this Act.

15 **SEC. 502. LIMITING EXEMPTION FROM FOREIGN AGENT**
16 **REGISTRATION REQUIREMENT FOR PERSONS**
17 **ENGAGING IN ACTIVITIES IN FURTHERANCE**
18 **OF CERTAIN PURSUITS TO ACTIVITIES NOT**
19 **PROMOTING POLITICAL AGENDA OF FOR-**
20 **EIGN GOVERNMENTS.**

21 (a) LIMITATION ON EXEMPTION.—Section 3(e) of the
22 Foreign Agents Registration Act of 1938 (22 U.S.C.
23 613(e)) is amended by striking the semicolon at the end
24 and inserting the following: “, but only if the activities

1 do not promote the political agenda of a government of
2 a foreign country;”.

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

6 **SEC. 503. REPORTING EXCHANGE VISITOR CHANGE IN**
7 **FIELD OF STUDY.**

8 With respect to a principal nonimmigrant exchange
9 visitor admitted into the United States in the J–1 classi-
10 fication under section 101(a)(15)(J) of the Immigration
11 and Nationality Act (8 U.S.C. 1101(a)(15)(J)) in order
12 to study, the Secretary of State shall take such action as
13 may be necessary to ensure that the applicable program
14 sponsor is required to use the Student and Exchange Vis-
15 itor Information System to report any change to the non-
16 immigrant’s primary field of study. In carrying out this
17 section, the Secretary of State shall take into account the
18 record keeping and reporting requirements of the Sec-
19 retary of Homeland Security with regard to non-
20 immigrants admitted into the United States in the F–1
21 and M–1 classifications under subparagraphs (F) and (M)
22 of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

1 **SEC. 504. REPORTING CERTAIN RESEARCH PROGRAM PAR-**
2 **TICIPATION.**

3 (a) IN GENERAL.—With respect to a principal non-
4 immigrant admitted into the United States in the J–1
5 classification under section 101(a)(15)(J) of the Immigra-
6 tion and Nationality Act (8 U.S.C. 1101(a)(15)(J)), in the
7 F–1 classification under section 101(a)(15)(F) of such
8 Act, or in the M–1 classification under section
9 101(a)(15)(M) of such Act, the Secretary of State and the
10 Secretary of Homeland Security shall take such action as
11 may be necessary to ensure that the applicable program
12 sponsor or academic or nonacademic institution is re-
13 quired to use the Student and Exchange Visitor Informa-
14 tion System to report when the nonimmigrant is partici-
15 pating in a research program funded in whole or in part
16 through a grant, contract, or other similar form of support
17 provided by the Federal Government, as well as program
18 identification information.

19 (b) NOTIFICATIONS.—

20 (1) SECRETARY.—In the case of a non-
21 immigrant described in subsection (a), the Secretary
22 of Homeland Security shall notify the appropriate
23 program manager at an Executive agency (as de-
24 fined in section 105 of title 5, United States Code)
25 if and when the Secretary obtains information that
26 the nonimmigrant is participating in a research pro-

1 gram funded in whole or in part through a grant,
2 contract, or other similar form of support provided
3 by such agency prior to the commencement of that
4 nonimmigrant's participation and not later than 21
5 days after authorizing such participation.

6 (2) SPONSOR OR INSTITUTION.—In the case of
7 a nonimmigrant described in subsection (a), the ap-
8 plicable program sponsor or academic or nonaca-
9 demic institution shall notify the appropriate pro-
10 gram manager at an Executive agency (as defined in
11 section 105 of title 5, United States Code) if and
12 when the sponsor or institution obtains information
13 that the nonimmigrant is participating in a research
14 program funded in whole or in part through a grant,
15 contract, or other similar form of support provided
16 by such agency prior to the commencement of that
17 nonimmigrant's participation and not later than 21
18 days after authorizing such participation.

19 **SEC. 505. REVIEW AND REVOCATION OF CERTAIN NON-**
20 **IMMIGRANT VISAS.**

21 (a) IN GENERAL.—The Secretary of Homeland Secu-
22 rity shall have the authority to review and revoke a non-
23 immigrant visa granted under subparagraph (F), (J), or
24 (M) of section 101(a)(15) of the Immigration and Nation-

1 ality Act (8 U.S.C. 1101(a)(15)) if, in consultation with
2 the Attorney General, the Secretary finds that—

3 (1) the visa holder has misrepresented his or
4 her intention to pursue a certain program or field of
5 study;

6 (2) following a change to the nonimmigrant's
7 primary field of study as described under section
8 504, that the new primary field of study would have
9 triggered a higher level of scrutiny during the visa
10 application process, and that the visa holder poses a
11 risk to the homeland security of the United States,
12 the national security of the United States, or re-
13 search integrity at their applicable program sponsor
14 or institution;

15 (3) the visa holder's enrollment in a research
16 program funded in whole or in part through a grant,
17 contract, or other similar form of support provided
18 by the Federal Government poses a risk to the
19 homeland security of the United States, the national
20 security of the United States, or research integrity
21 at their applicable program sponsor or institution; or

22 (4) the visa was granted to an alien who is a
23 citizen of the People's Republic of China if the Sec-
24 retary of State determines that the alien seeks to
25 enter the United States to participate in graduate-

1 level or post-graduate-level coursework or academic
2 research in a field of science, technology, engineer-
3 ing, or mathematics at an institution of higher edu-
4 cation.

5 (b) NOTICE.—Thirty days before the commencement
6 of a review under subsection (a), the Secretary of Home-
7 land Security shall provide the applicable program sponsor
8 or institution with a notice containing the specific basis
9 of the forthcoming review. During this 30-day period, the
10 program sponsor or institution may take corrective action
11 to alleviate any concerns raised by the Secretary. At the
12 conclusion of the 30-day period, the Secretary shall deter-
13 mine whether the program sponsor or institution has satis-
14 factorily addressed the concerns or a review remains nec-
15 essary.

16 (c) ADMINISTRATIVE AND JUDICIAL REVIEW.—

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

21 (2) ADMINISTRATIVE REVIEW.—

22 (A) SINGLE LEVEL OF ADMINISTRATIVE
23 APPELLATE REVIEW.—The Secretary of Home-
24 land Security shall establish an appellate au-

1 thority to provide for a single level of adminis-
2 trative appellate review of such a determination.

3 (B) STANDARD FOR REVIEW.—Such ad-
4 ministrative appellate review shall be based
5 solely upon the administrative record estab-
6 lished at the time of the determination and
7 upon such additional or newly discovered evi-
8 dence as may not have been available at the
9 time of the determination.

10 (3) JUDICIAL REVIEW.—

11 (A) LIMITATION TO REVIEW OF RE-
12 MOVAL.—There shall be judicial review of a de-
13 termination to revoke a visa under this section
14 only in the judicial review of an order of re-
15 moval under section 242 of the Immigration
16 and Nationality Act (8 U.S.C. 1252).

17 (B) STANDARD FOR JUDICIAL REVIEW.—
18 Such judicial review shall be based solely upon
19 the administrative record established at the
20 time of the review by the appellate authority
21 and the findings of fact and determinations
22 contained in such record shall be conclusive un-
23 less the applicant can establish abuse of discre-
24 tion or that the findings are directly contrary to

1 clear and convincing facts contained in the
2 record considered as a whole.

3 **SEC. 506. ANNUAL REPORT.**

4 (a) IN GENERAL.—The Secretary of Homeland Secu-
5 rity shall require the Academic Institutions Subcommittee
6 of the Homeland Security Advisory Council of the Depart-
7 ment of Homeland Security to provide an annual report
8 to the Committee on the Judiciary, the Committee on
9 Homeland Security, and the Committee on Foreign Af-
10 fairs of the House of Representatives, and the Committee
11 on the Judiciary, the Committee on Homeland Security
12 and Governmental Affairs, and the Committee on Foreign
13 Relations of the Senate, on—

14 (1) the implementation and execution of any
15 visa reviews and revocations undertaken under sec-
16 tion 506;

17 (2) the number of alien students enrolled at
18 academic or nonacademic institutions in the United
19 States, disaggregated by—

20 (A) program of study;

21 (B) previous and current nationality; and

22 (C) participation in a research program
23 (which may or may not be classified) funded in
24 whole or in part through a grant, contract, or
25 other similar form of support provided by the

1 Federal Government, differentiated by agency,
2 sub-agency, and program; and

3 (3) the number of alien students who have
4 changed their field of study, including their original
5 and subsequent field of study, disaggregated by the
6 information described in subparagraphs (A), (B),
7 and (C) of paragraph (2).

8 (b) APPENDIX.—Each report under subsection (a)
9 shall include an appendix containing any feedback pro-
10 vided on a voluntary basis by any program sponsor or in-
11 stitution affected by a visa review or revocation under-
12 taken under section 506.

13 **Subtitle B—Protecting Our**
14 **Universities Act**

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

16 (a) SENSITIVE RESEARCH PROJECT LIST.—The Of-
17 fice of the Director of National Intelligence shall, in con-
18 sultation with the National Security Advisor shall actively
19 maintain a list of sensitive research projects. Such list
20 shall—

21 (1) be referred to as the Sensitive Research
22 Projects List; and

23 (2) for each project included on the list, indi-
24 cate—

1 (A) the qualified funding agency that is
2 funding the project;

3 (B) whether the project is open to student
4 participation; and

5 (C) whether the project is related to—

6 (i) an item listed on the Commerce
7 Control List (CCL) maintained by the De-
8 partment of Commerce;

9 (ii) an item listed on the United
10 States Munitions List maintained by the
11 Department of State; or

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

15 (b) REPORT TO CONGRESS.—Not later than one year
16 after the date of enactment of this Act, and every six
17 months thereafter, the interagency working group de-
18 scribed in section 1746 of the National Defense Authoriza-
19 tion Act for Fiscal Year 2020 (42 U.S.C. 6601 note) shall
20 provide a report to the Committee on Education and
21 Labor, the Committee on Armed Services, and the Perma-
22 nent Select Committee on Intelligence of the House of
23 Representatives, and to the Committee on Health, Edu-
24 cation, Labor, and Pensions, the Committee on Armed
25 Services, and the Select Committee on Intelligence of the

1 Senate, regarding the threat of espionage at institutions
2 of higher education. In each such briefing, the interagency
3 working group shall identify actions that may be taken
4 to reduce espionage carried out through student participa-
5 tion in sensitive research projects. The interagency work-
6 ing group shall also include in this report an assessment
7 of whether the current licensing regulations relating to the
8 International Traffic in Arms Regulations and the Export
9 Administration Regulations are sufficient to protect the
10 security of the projects listed on the Sensitive Research
11 Project List.

12 **SEC. 512. FOREIGN STUDENT PARTICIPATION IN SENSITIVE**
13 **RESEARCH PROJECTS.**

14 (a) APPROVAL OF FOREIGN STUDENT PARTICIPA-
15 TION REQUIRED.—Beginning on the date that is one year
16 after the date of enactment of this Act, for each project
17 on the Sensitive Research Project List that is open to stu-
18 dent participation, the head of such project at the institu-
19 tion of higher education at which the project is being car-
20 ried out shall ensure that each student participating in
21 such project shall be required to provide proof of citizen-
22 ship before the student is permitted to participate in such
23 project. A student who is a citizen of a country identified
24 in subsection (b) shall be permitted to participate in such
25 a project only if—

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

6 (2) in the case of such a project that is related
7 to an item or technology described in subparagraph
8 (C) of section 3(c)(2), the student applies for, and
9 receives approval from, the head of the qualified
10 funding agency, to participate in such project.

11 (b) LIST OF CITIZENSHIP REQUIRING APPROVAL.—
12 Approval under subsection (a) shall be required for any
13 student who is a citizen of a country that is one of the
14 following:

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

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

17 (3) The Russian Federation.

18 (4) The Islamic Republic of Iran.

19 (5) Any country identified by the head of the
20 qualified funding agency as requiring approval for
21 the purposes of this section.

22 **SEC. 513. FOREIGN ENTITIES.**

23 (a) LIST OF FOREIGN ENTITIES THAT POSE AN IN-
24 TELLIGENCE THREAT.—Not later than one year after the
25 date of the enactment of this Act, the Director of National

1 Intelligence shall identify foreign entities, including gov-
2 ernments, corporations, non-profit and for-profit organiza-
3 tions, and any subsidiary or affiliate of such an entity,
4 that the Director determines pose a threat of espionage
5 with respect to sensitive research projects, and shall de-
6 velop and maintain a list of such entities. The Director
7 may add or remove entities from such list at any time.
8 The initial list developed by the Director shall include the
9 following entities (including any subsidiary or affiliate):

10 (1) Huawei Technologies Company.

11 (2) ZTE Corporation.

12 (3) Hytera Communications Corporation.

13 (4) Hangzhou Hikvision Digital Technology
14 Company.

15 (5) Dahua Technology Company.

16 (6) Kaspersky Lab.

17 (7) Any entity that is owned or controlled by,
18 or otherwise has demonstrated financial ties to, the
19 government of a country identified under section
20 4(b).

21 (b) NOTICE TO INSTITUTIONS OF HIGHER EDU-
22 CATION.—The Director of National Intelligence shall
23 make the initial list required under subsection (a), and
24 any changes to such list, available to the Secretary of Edu-
25 cation, the interagency working group, and the head of

1 each qualified funding agency as soon as practicable. The
2 Secretary of Education shall provide such initial list and
3 subsequent amendments to each institution of higher edu-
4 cation at which a project on the Sensitive Research Project
5 List is being carried out.

6 (c) PROHIBITION ON USE OF CERTAIN TECH-
7 NOLOGIES.—Beginning on the date that is one year after
8 the date of the enactment of this Act, the head of each
9 sensitive research project shall, as a condition of receipt
10 of funds from a qualified funding agency, provide an as-
11 surance to such qualified funding agency that, beginning
12 on the date that is two years after the date of the enact-
13 ment of this Act, any technology developed by an entity
14 included on the list maintained under subsection (a) shall
15 not be utilized in carrying out the sensitive research
16 project.

17 **SEC. 514. ENFORCEMENT.**

18 The head of each qualified funding agency shall take
19 such steps as may be necessary to enforce the provisions
20 of sections 510 and 511 of this Act. Upon determination
21 that the head of a sensitive research project has failed to
22 meet the requirements of either section 510 or section
23 511, the head of a qualified funding agency may determine
24 the appropriate enforcement action, including—

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

4 (2) reducing or otherwise limiting the funding
5 for such project until the violation has been rem-
6 edied;

7 (3) permanently cancelling the funding for such
8 project; or

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

11 **SEC. 515. DEFINITIONS.**

12 In this subtitle:

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

17 (2) **INSTITUTION OF HIGHER EDUCATION.**—The
18 term “institution of higher education” means an in-
19 stitution described in section 102 of the Higher
20 Education Act of 1965 (20 U.S.C. 1002) that re-
21 ceives Federal funds in any amount and for any pur-
22 pose.

23 (3) **INTELLIGENCE COMMUNITY.**—The term
24 “intelligence community” has the meaning given

1 that term in section 3 of the National Security Act
2 of 1947 (50 U.S.C. 3003).

3 (4) QUALIFIED FUNDING AGENCY.—The term
4 “qualified funding agency”, with respect to a sen-
5 sitive research project, means—

6 (A) the Department of Defense, if the sen-
7 sitive research project is funded in whole or in
8 part by the Department of Defense;

9 (B) the Department of Energy, if the sen-
10 sitive research project is funded in whole or in
11 part by the Department of Energy; or

12 (C) an element of the intelligence commu-
13 nity, if the sensitive research project is funded
14 in whole or in part by the element of the intel-
15 ligence community.

16 (5) SENSITIVE RESEARCH PROJECT.—The term
17 “sensitive research project” means a research
18 project at an institution of higher education that is
19 funded by a qualified funding agency, except that
20 such term shall not include any research project that
21 is classified or that requires the participants in such
22 project to obtain a security clearance.

23 (6) STUDENT PARTICIPATION.—The term “stu-
24 dent participation” shall not include student activity
25 in—

1 (A) a research project that is required for
2 completion of a course in which the student is
3 enrolled at an institution of higher education;
4 or

5 (B) a research project for which the stu-
6 dent is conducting unpaid research.

7 **Subtitle C—Other Matters**

8 **SEC. 521. REPORT ON CHINA BENEFITTING FROM UNITED** 9 **STATES TAXPAYER-FUNDED RESEARCH.**

10 (a) IN GENERAL.—Not later than one year after the
11 date of enactment of the Act, the Attorney General, in
12 consultation with the Secretary of the Treasury, the Sec-
13 retary of Commerce, the Secretary of State, and the Direc-
14 tor of National Intelligence, shall submit to the Committee
15 on the Judiciary of the House of Representatives and the
16 Committee on the Judiciary of the Senate a report on the
17 extent to which China has benefitted from United States
18 taxpayer-funded research.

19 (b) ELEMENTS.—The report under subsection (a)
20 shall include the following:

21 (1) The extent to which United States tax-
22 payer-funded research has benefitted China, includ-
23 ing a list of United States Government-funded enti-
24 ties, such as research institutions, laboratories, and
25 institutions of higher education, which have hired

1 Chinese nationals or allowed Chinese nationals to
2 conduct research, including an estimate in the num-
3 ber of nationals hired or involved in research
4 projects.

5 (2) A list of United States Government pro-
6 grams, grants, and other forms of research funding
7 in the fields of science, technology, engineering, and
8 math (STEM) fields that have directly or indirectly
9 cooperated or affiliated with research institutions in
10 China or Chinese Communist Party entities.

11 (3) The extent to which China's funding of
12 United States taxpayer-funded research institutions
13 has benefitted China.

14 (4) How the Government of China and the Chi-
15 nese Communist Party have used United States tax-
16 payer-funded research, including as part of China's
17 efforts to support "civil-military fusion" and human
18 rights abuses.

19 (c) DEFINITION.—In this section, the term "United
20 States taxpayer-funded research" means research—

21 (1) funded by a grant from the Federal Govern-
22 ment or a State government; or

23 (2) conducted at an institution that receives
24 funding from the Federal Government or a State
25 government.

1 **SEC. 522. CONDITIONS ON FEDERAL RESEARCH GRANTS.**

2 As a condition of receiving a Federal research and
3 development grant in a field of science, technology, engi-
4 neering, or mathematics, a grant recipient shall certify
5 that the recipient—

6 (1) is not—

7 (A) a citizen of the People's Republic of
8 China; or

9 (B) a participant in a foreign talent re-
10 cruitment program of the People's Republic of
11 China listed by the Secretary of State in ac-
12 cordance with section 521; and

13 (2) will not knowingly employ to carry out ac-
14 tivities funded by the Federal research and develop-
15 ment grant—

16 (A) a citizen of the People's Republic of
17 China; or

18 (B) a participant in a foreign talent re-
19 cruitment program of the People's Republic of
20 China listed by the Secretary of State in ac-
21 cordance with section 521.

22 **SEC. 523. PROTECTING INSTITUTIONS, LABORATORIES,**
23 **AND RESEARCH INSTITUTES.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
25 sion of law, the head of each Federal agency shall ensure
26 that any institution of higher education, laboratory, or re-

1 search institute receiving Federal assistance agrees, as a
2 condition of such assistance, to not knowingly employ any
3 individual who is a participant in a foreign talent recruit-
4 ment program of the People’s Republic of China.

5 (b) PROGRAM PARTICIPATION AGREEMENTS.—Sec-
6 tion 487(a) of the Higher Education Act of 1965 (20
7 U.S.C. 1094(a)) is amended by adding at the end the fol-
8 lowing:

9 “(30) The institution will not knowingly employ
10 any individual who is a participant in a foreign tal-
11 ent recruitment program of the People’s Republic of
12 China listed by the Secretary of State in accordance
13 with section 7 of the SECURE CAMPUS Act of
14 2021.”.

15 **SEC. 524. REGISTRATION OF PARTICIPANTS IN FOREIGN**
16 **TALENT RECRUITMENT PROGRAMS OF THE**
17 **PEOPLE’S REPUBLIC OF CHINA AS AGENTS**
18 **OF THE GOVERNMENT OF THE PEOPLE’S RE-**
19 **PUBLIC OF CHINA.**

20 Notwithstanding section 3 of the Foreign Agents
21 Registration Act of 1938 (22 U.S.C. 613), any individual
22 in the United States who is associated with a foreign tal-
23 ent recruitment program of the People’s Republic of
24 China, either as a recruiter or as a recruit—

1 (1) shall be deemed to be an agent of a foreign
2 principal (as defined in section 1(c) of such Act (22
3 U.S.C. 611(c)); and

4 (2) shall comply with the registration require-
5 ments set forth in section 2 of such Act (22 U.S.C.
6 612) not later than 30 days after the later of—

7 (A) the date of the enactment of this Act;

8 or

9 (B) the date on which the individual en-
10 tered the United States.

11 **SEC. 525. ECONOMIC ESPIONAGE.**

12 Section 1839(1) of title 18, United States Code, is
13 amended—

14 (1) by inserting “education, research,” after
15 “commercial,”; and

16 (2) by inserting “or otherwise incorporated or
17 substantially located in or composed of citizens of
18 countries subject to compulsory political or govern-
19 mental representation within corporate leadership”
20 after “foreign government”.

21 **SEC. 526. DEPARTMENT OF STATE LIST OF FOREIGN TAL-**
22 **ENT RECRUITMENT PROGRAMS OF THE PEO-**
23 **PLE’S REPUBLIC OF CHINA.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of the enactment of this Act, the Secretary of State,

1 in consultation with the Attorney General, the Secretary
2 of Defense, and the Director of National Intelligence, shall
3 compile and publish in the Federal Register a list of for-
4 eign talent recruitment programs of the People's Republic
5 of China.

6 (b) ANNUAL REVIEW AND REVISION.—Not less fre-
7 quently than annually, the Secretary of State shall—

8 (1) review and revise the list compiled under
9 subsection (a); and

10 (2) publish the revised list in the Federal Reg-
11 ister.

12 **SEC. 527. DEFINITIONS.**

13 For purposes of sections 521 through 526:

14 (1) FOREIGN TALENT RECRUITMENT PROGRAM
15 OF THE PEOPLE'S REPUBLIC OF CHINA.—The term
16 “foreign talent recruitment program of the People's
17 Republic of China” means any effort organized,
18 managed, funded, or otherwise controlled by the
19 Government of the People's Republic of China or the
20 Chinese Communist Party to employ, contract, or
21 otherwise compensate 1 or more individuals to con-
22 duct research, development, testing, or any other
23 science or technology activity for the direct or indi-
24 rect benefit of the People's Republic of China.

1 (2) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education” has the
3 meaning given the term in section 101(a) of the
4 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

5 **SEC. 528. DISCLOSURE ON CERTAIN VISA APPLICATIONS.**

6 (a) DISCLOSURE REQUIREMENT FOR F AND M
7 VISAS.—Not later than 180 days after the date of the en-
8 actment of this Act, the Secretary of Homeland Security
9 shall update Form I–20, or a successor form with respect
10 to eligibility for nonimmigrant student status, to require
11 an alien submitting such form to report—

12 (1) whether the alien has received or plans to
13 receive certain funds;

14 (2) the amount of any certain funds received by
15 the alien; and

16 (3) a description of the entity providing any
17 certain funds to the alien.

18 (b) DISCLOSURE REQUIREMENT FOR J VISAS.—Not
19 later than 180 days after the date of the enactment of
20 this Act, the Secretary of State shall update Form DS–
21 2019, or a successor form with respect to eligibility for
22 a exchange visitor status, to require an alien submitting
23 such form to report—

24 (1) whether the alien has received or plans to
25 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 (c) UPDATED DISCLOSURE REQUIREMENT.—

6 (1) IN GENERAL.—An alien who receives cer-
7 tain funds after receiving a visa under subparagraph
8 (F), (J), or (M) of section 101(a)(15) of the Immig-
9 ration and Nationality Act (8 U.S.C. 1101(a)(15))
10 shall report to the Secretary of Homeland Security
11 and the Secretary of State the receipt of such funds
12 not more than 90 days after the date on which such
13 funds are received.

14 (2) PROVISIONAL REVOCATION BASED ON FAIL-
15 URE TO COMPLY WITH DISCLOSURE REQUIRE-
16 MENT.—An alien who receives certain funds and
17 does not report such receipt pursuant to paragraph
18 (1) is subject to revocation of any visa or other entry
19 documentation regardless of when the visa or other
20 entry documentation was issued.

21 (d) DISCLOSURE FOR ALIEN SPOUSE AND MINOR
22 CHILDREN.—The disclosure requirements under sub-
23 sections (a) through (c) shall apply to an alien spouse or
24 any minor children applying for or receiving a visa under
25 subparagraph (F), (J), or (M) of section 101(a)(15) of

1 the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(15)).

3 (e) APPLICABILITY.—Not later than 180 days after
4 the date of the enactment of this Act, an alien, alien
5 spouse, or any minor children who have a valid visa under
6 subparagraph (F), (J), or (M) of section 101(a)(15) of
7 the Immigration and Nationality Act (8 U.S.C.
8 1101(a)(15)) on the date of the enactment of this Act,
9 shall report to the Secretary of Homeland Security—

10 (1) whether such alien has received or plans to
11 receive certain funds;

12 (2) the amount of any certain funds received by
13 the alien; and

14 (3) a description of the entity providing any
15 certain funds to the alien.

16 (f) CERTAIN FUNDS DEFINED.—In this section, the
17 term “certain funds” includes any amount of money pro-
18 vided to an alien from—

19 (1) the Government of the People’s Republic of
20 China;

21 (2) the Chinese Communist Party; or

22 (3) any entity owned or controlled by the Gov-
23 ernment of the People’s Republic of China or the
24 Chinese Communist Party.

1 **SEC. 529. REVIEW BY COMMITTEE ON FOREIGN INVEST-**
2 **MENT IN THE UNITED STATES OF CERTAIN**
3 **FOREIGN GIFTS TO AND CONTRACTS WITH**
4 **INSTITUTIONS OF HIGHER EDUCATION.**

5 (a) AMENDMENTS TO DEFENSE PRODUCTION ACT
6 OF 1950.—

7 (1) DEFINITION OF COVERED TRANSACTION.—

8 Subsection (a)(4) of section 721 of the Defense Pro-
9 duction Act of 1950 (50 U.S.C. 4565) is amended—

10 (A) in subparagraph (A)—

11 (i) in clause (i), by striking “; and”
12 and inserting a semicolon;

13 (ii) in clause (ii), by striking the pe-
14 riod at the end and inserting “; and”; and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(iii) any transaction described in
18 subparagraph (B)(vi) proposed or pending
19 after the date of the enactment of the
20 China Strategic Competition Act of
21 2021.”;

22 (B) in subparagraph (B), by adding at the
23 end the following:

24 “(vi) Any gift to an institution of
25 higher education from a foreign person, or

1 the entry into a contract by such an insti-
2 tution with a foreign person, if—

3 “(I)(aa) the value of the gift or
4 contract equals or exceeds
5 \$1,000,000; or

6 “(bb) the institution receives, di-
7 rectly or indirectly, more than one gift
8 from or enters into more than one
9 contract, directly or indirectly, with
10 the same foreign person for the same
11 purpose the aggregate value of which,
12 during the period of 2 consecutive cal-
13 endar years, equals or exceeds
14 \$1,000,000; and

15 “(II) the gift or contract—

16 “(aa) relates to research, de-
17 velopment, or production of crit-
18 ical technologies and provides the
19 foreign person potential access to
20 any material nonpublic technical
21 information (as defined in sub-
22 paragraph (D)(ii)) in the posses-
23 sion of the institution; or

24 “(bb) is a restricted or con-
25 ditional gift or contract (as de-

1 fined in section 117(h) of the
2 Higher Education Act of (20
3 U.S.C. 1011f(h)) that estab-
4 lishes control.”; and

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

6 “(G) FOREIGN GIFTS TO AND CONTRACTS
7 WITH INSTITUTIONS OF HIGHER EDUCATION.—

8 For purposes of subparagraph (B)(vi):

9 “(i) CONTRACT.—The term ‘contract’
10 means any agreement for the acquisition
11 by purchase, lease, or barter of property or
12 services by a foreign person, for the direct
13 benefit or use of either of the parties.

14 “(ii) GIFT.—The term ‘gift’ means
15 any gift of money or property.

16 “(iii) INSTITUTION OF HIGHER EDU-
17 CATION.—The term ‘institution of higher
18 education’ means any institution, public or
19 private, or, if a multicampus institution,
20 any single campus of such institution, in
21 any State—

22 “(I) that is legally authorized
23 within such State to provide a pro-
24 gram of education beyond secondary
25 school;

1 “(II) that provides a program for
2 which the institution awards a bach-
3 elor’s degree (or provides not less
4 than a 2-year program which is ac-
5 ceptable for full credit toward such a
6 degree) or a more advanced degree;

7 “(III) that is accredited by a na-
8 tionally recognized accrediting agency
9 or association; and

10 “(IV) to which the Federal Gov-
11 ernment extends Federal financial as-
12 sistance (directly or indirectly through
13 another entity or person), or that re-
14 ceives support from the extension of
15 Federal financial assistance to any of
16 the institution’s subunits.”.

17 (2) MANDATORY DECLARATIONS.—Subsection
18 (b)(1)(C)(v)(IV)(aa) of such section is amended by
19 adding at the end the following: “Such regulations
20 shall require a declaration under this subclause with
21 respect to a covered transaction described in sub-
22 section (a)(4)(B)(vi)(II)(aa).”.

23 (3) FACTORS TO BE CONSIDERED.—Subsection
24 (f) of such section is amended—

1 (A) in paragraph (10), by striking “; and”
2 and inserting a semicolon;

3 (B) by redesignating paragraph (11) as
4 paragraph (12); and

5 (C) by inserting after paragraph (10) the
6 following:

7 “(11) as appropriate, and particularly with re-
8 spect to covered transactions described in subsection
9 (a)(4)(B)(vi), the importance of academic freedom at
10 institutions of higher education in the United States;
11 and”.

12 (4) MEMBERSHIP OF CFIUS.—Subsection (k) of
13 such section is amended—

14 (A) in paragraph (2)—

15 (i) by redesignating subparagraphs
16 (H), (I), and (J) as subparagraphs (I),
17 (J), and (K), respectively; and

18 (ii) by inserting after subparagraph
19 (G) the following:

20 “(H) In the case of a covered transaction
21 involving an institution of higher education (as
22 defined in subsection (a)(4)(G)), the Secretary
23 of Education.”; and

24 (B) by adding at the end the following:

1 “(8) INCLUSION OF OTHER AGENCIES ON COM-
2 MITTEE.—In considering including on the Com-
3 mittee under paragraph (2)(K) the heads of other
4 executive departments, agencies, or offices, the
5 President shall give due consideration to the heads
6 of relevant research and science agencies, depart-
7 ments, and offices, including the Secretary of Health
8 and Human Services, the Director of the National
9 Institutes of Health, and the Director of the Na-
10 tional Science Foundation.”.

11 (5) CONTENTS OF ANNUAL REPORT RELATING
12 TO CRITICAL TECHNOLOGIES.—Subsection (m)(3) of
13 such section is amended—

14 (A) in subparagraph (B), by striking “;
15 and” and inserting a semicolon;

16 (B) in subparagraph (C), by striking the
17 period at the end and inserting a semicolon;
18 and

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

20 “(D) an evaluation of whether there are
21 foreign malign influence or espionage activities
22 directed or directly assisted by foreign govern-
23 ments against institutions of higher education
24 (as defined in subsection (a)(4)(G)) aimed at

1 obtaining research and development methods or
2 secrets related to critical technologies; and

3 “(E) an evaluation of, and recommenda-
4 tion for any changes to, reviews conducted
5 under this section that relate to institutions of
6 higher education, based on an analysis of dislo-
7 sure reports submitted to the chairperson under
8 section 117(a) of the Higher Education Act of
9 1965 (20 U.S.C. 1011f(a)).”.

10 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
11 ments made by subsection (a) shall—

12 (1) take effect on the date of the enactment of
13 this Act, subject to the requirements of subsections
14 (d) and (e); and

15 (2) apply with respect to any covered trans-
16 action the review or investigation of which is initi-
17 ated under section 721 of the Defense Production
18 Act of 1950 on or after the date that is 30 days
19 after the publication in the Federal Register of the
20 notice required under subsection (e)(2).

21 (c) REGULATIONS.—

22 (1) IN GENERAL.—The Committee on Foreign
23 Investment in the United States (in this section re-
24 ferred to as the “Committee”), which shall include
25 the Secretary of Education for purposes of this sub-

1 section, shall prescribe regulations as necessary and
2 appropriate to implement the amendments made by
3 subsection (a).

4 (2) ELEMENTS.—The regulations prescribed
5 under paragraph (1) shall include—

6 (A) regulations accounting for the burden
7 on institutions of higher education likely to re-
8 sult from compliance with the amendments
9 made by subsection (a), including structuring
10 penalties and filing fees to reduce such burdens,
11 shortening timelines for reviews and investiga-
12 tions, allowing for simplified and streamlined
13 declaration and notice requirements, and imple-
14 menting any procedures necessary to protect
15 academic freedom; and

16 (B) guidance with respect to—

17 (i) which gifts and contracts described
18 in described in clause (vi)(II)(aa) of sub-
19 section (a)(4)(B) of section 721 of the De-
20 fense Production Act of 1950, as added by
21 subsection (a)(1), would be subject to filing
22 mandatory declarations under subsection
23 (b)(1)(C)(v)(IV) of that section; and

24 (ii) the meaning of “control”, as de-
25 fined in subsection (a) of that section, as

1 that term applies to covered transactions
2 described in clause (vi) of paragraph
3 (4)(B) of that section, as added by sub-
4 section (a)(1).

5 (3) ISSUANCE OF FINAL RULE.—The Com-
6 mittee shall issue a final rule to carry out the
7 amendments made by subsection (a) after assessing
8 the findings of the pilot program required by sub-
9 section (e).

10 (d) PILOT PROGRAM.—

11 (1) IN GENERAL.—Beginning on the date that
12 is 30 days after the publication in the Federal Reg-
13 ister of the matter required by paragraph (2) and
14 ending on the date that is 570 days thereafter, the
15 Committee shall conduct a pilot program to assess
16 methods for implementing the review of covered
17 transactions described in clause (vi) of section
18 721(a)(4)(B) of the Defense Production Act of
19 1950, as added by subsection (a)(1).

20 (2) PROPOSED DETERMINATION.—Not later
21 than 270 days after the date of the enactment of
22 this Act, the Committee shall, in consultation with
23 the Secretary of Education, publish in the Federal
24 Register—

1 (A) a proposed determination of the scope
2 of and procedures for the pilot program re-
3 quired by paragraph (1);

4 (B) an assessment of the burden on insti-
5 tutions of higher education likely to result from
6 compliance with the pilot program;

7 (C) recommendations for addressing any
8 such burdens, including shortening timelines for
9 reviews and investigations, structuring penalties
10 and filing fees, and simplifying and stream-
11 lining declaration and notice requirements to
12 reduce such burdens; and

13 (D) any procedures necessary to ensure
14 that the pilot program does not infringe upon
15 academic freedom.

16 (3) REPORT ON FINDINGS.—Upon conclusion of
17 the pilot program required by paragraph (1), the
18 Committee shall submit to Congress a report on the
19 findings of that pilot program that includes—

20 (A) a summary of the reviews conducted
21 by the Committee under the pilot program and
22 the outcome of such reviews;

23 (B) an assessment of any additional re-
24 sources required by the Committee to carry out

1 this section or the amendments made by sub-
2 section (a);

3 (C) findings regarding the additional bur-
4 den on institutions of higher education likely to
5 result from compliance with the amendments
6 made by subsection (a) and any additional rec-
7 ommended steps to reduce those burdens; and

8 (D) any recommendations for Congress to
9 consider regarding the scope or procedures de-
10 scribed in this section or the amendments made
11 by subsection (a).

12 **SEC. 530. DISCLOSURES OF FOREIGN GIFTS AND CON-**
13 **TRACTS AT INSTITUTIONS OF HIGHER EDU-**
14 **CATION.**

15 (a) DISCLOSURES OF FOREIGN GIFTS.—Section 117
16 of the Higher Education Act of 1965 (20 U.S.C. 1011f)
17 is amended to read as follows:

18 **“SEC. 117. DISCLOSURES OF FOREIGN GIFTS AND AGREE-**
19 **MENTS.**

20 “(a) DISCLOSURE REPORTS.—

21 “(1) AGGREGATE GIFTS AND CONTRACT DIS-
22 CLOSURES.—An institution shall file a disclosure re-
23 port described in subsection (b) with the Secretary
24 and the Secretary of the Treasury (in the capacity
25 of the Secretary as the chairperson of the Committee

1 on Foreign Investment in the United States under
2 section 721(k)(3) of the Defense Production Act of
3 1950 (50 U.S.C. 4565(k)(3))) not later than March
4 31 immediately following any calendar year in which
5 the institution receives a gift from, or enters into a
6 contract with, a foreign source, the value of which
7 is \$50,000 or more, considered alone or in combina-
8 tion with all other gifts from, or contracts with, that
9 foreign source within the calendar year.

10 “(2) DISCLOSURE OF CONTRACTS WITH UNDE-
11 TERMINED MONETARY VALUE.—An institution shall
12 file a disclosure report described in subsection (b)
13 with the Secretary and the Secretary of the Treas-
14 ury (in the capacity of the Secretary as the chair-
15 person of the Committee on Foreign Investment in
16 the United States under section 721(k)(3) of the
17 Defense Production Act of 1950 (50 U.S.C.
18 4565(k)(3))) not later than March 31 immediately
19 following any calendar year in which the institution
20 enters into a contract with a foreign source that has
21 an undetermined monetary value.

22 “(3) FOREIGN SOURCE OWNERSHIP OR CON-
23 TROL DISCLOSURES.—In the case of an institution
24 that is owned or controlled by a foreign source, the
25 institution shall file a disclosure report described in

1 subsection (b) with the Secretary and the Secretary
2 of the Treasury (in the capacity of the Secretary as
3 the chairperson of the Committee on Foreign Invest-
4 ment in the United States under section 721(k)(3)
5 of the Defense Production Act of 1950 (50 U.S.C.
6 4565(k)(3))) not later than March 31 of every year.

7 “(b) CONTENTS OF REPORT.—Each report to the
8 Secretary required by subsection (a) shall contain the fol-
9 lowing:

10 “(1)(A) In the case of an institution required to
11 file a report under paragraph (1) or (2) of sub-
12 section (a)—

13 “(i) for gifts received from or contracts en-
14 tered into with a foreign government, the aggre-
15 gate amount of such gifts and contracts re-
16 ceived from each foreign government, including
17 the content of each such contract; and

18 “(ii) for gifts received from or contracts
19 entered into with a foreign source other than a
20 foreign government, the aggregate dollar
21 amount of such gifts and contracts attributable
22 to a particular country and the legal or formal
23 name of the foreign source, and the content of
24 each such contract.

1 “(B) For purposes of this paragraph, the coun-
2 try to which a gift is attributable is—

3 “(i) the country of citizenship, or if un-
4 known, the principal residence, for a foreign
5 source who is a natural person; or

6 “(ii) the country of incorporation, or if un-
7 known, the principal place of business, for a
8 foreign source which is a legal entity.

9 “(2) In the case of an institution required to
10 file a report under subsection (a)(3)—

11 “(A) the information described in para-
12 graph (1)(A) (without regard to any gift or con-
13 tract threshold described in subsection (a)(1));

14 “(B) the identity of the foreign source that
15 owns or controls the institution;

16 “(C) the date on which the foreign source
17 assumed ownership or control; and

18 “(D) any changes in program or structure
19 resulting from the change in ownership or con-
20 trol.

21 “(3) An assurance that the institution will
22 maintain a true copy of each gift or contract agree-
23 ment subject to the disclosure requirements under
24 this section, until the latest of—

1 “(A) the date that is 4 years after the date
2 of the agreement;

3 “(B) the date on which the agreement ter-
4 minates; or

5 “(C) the last day of any period that appli-
6 cable State public record law requires a true
7 copy of such agreement to be maintained.

8 “(4) An assurance that the institution will
9 produce true copies of gift and contract agreements
10 subject to the disclosure requirements under this
11 section upon request of the Secretary during a com-
12 pliance audit or other institutional investigation and
13 shall ensure all gifts and contracts from the foreign
14 source are translated into English by a third party
15 unaffiliated with the foreign source or institution for
16 this purpose.

17 “(c) ADDITIONAL DISCLOSURES FOR RESTRICTED
18 AND CONDITIONAL GIFTS AND CONTRACTS.—Notwith-
19 standing the provisions of subsection (b), whenever any
20 institution receives a restricted or conditional gift or con-
21 tract from a foreign source, the institution shall disclose
22 the following to the Department translated into English
23 by a third party unaffiliated with the foreign source or
24 institution:

1 “(1) For such gifts received from or contracts
2 entered into with a foreign source other than a for-
3 eign government, the amount, the date, and a de-
4 scription of such conditions or restrictions. The re-
5 port shall also disclose the country of citizenship, or
6 if unknown, the principal residence for a foreign
7 source which is a natural person, and the country of
8 incorporation, or if unknown, the principal place of
9 business for a foreign source which is a legal entity.

10 “(2) For gifts received from or contracts en-
11 tered into with a foreign government, the amount,
12 the date, a description of such conditions or restric-
13 tions, and the name of the foreign government.

14 “(d) RELATION TO OTHER REPORTING REQUIRE-
15 MENTS.—

16 “(1) STATE REQUIREMENTS.—If an institution
17 that is required to file a disclosure report under sub-
18 section (a) is within a State which has enacted re-
19 quirements for public disclosure of gifts from or con-
20 tracts with a foreign source that includes all infor-
21 mation required under this section for the same or
22 an equivalent time period, a copy of the disclosure
23 report filed with the State may be filed with the Sec-
24 retary and the Secretary of the Treasury in lieu of
25 the report required under such subsection. The State

1 in which the institution is located shall provide to
2 the Secretaries such assurances as the Secretaries
3 may require to establish that the institution has met
4 the requirements for public disclosure under State
5 law if the State report is filed.

6 “(2) USE OF OTHER FEDERAL REPORTS.—If an
7 institution receives a gift from, or enters into a con-
8 tract with, a foreign source, where any other depart-
9 ment, agency, or bureau of the executive branch re-
10 quires a report containing all the information re-
11 quired under this section for the same or an equiva-
12 lent time period, a copy of the report may be filed
13 with the Secretary and the Secretary of the Treas-
14 ury in lieu of a report required under subsection (a).

15 “(e) CONFUCIUS INSTITUTE AGREEMENTS.—

16 “(1) DEFINED TERM.—In this subsection, the
17 term ‘Confucius Institute’ means a cultural institute
18 directly or indirectly funded by the Government of
19 the People’s Republic of China.

20 “(2) DISCLOSURE REQUIREMENT.—Any institu-
21 tion that has entered into an agreement with a Con-
22 fucius Institute shall immediately make the full text
23 of such agreement available—

24 “(A) on the publicly accessible website of
25 the institution;

1 “(B) to the Department of Education;

2 “(C) to the Committee on Health, Edu-
3 cation, Labor, and Pensions of the Senate; and

4 “(D) to the Committee on Education and
5 Labor of the House of Representatives.

6 “(3) In subsection (i), as redesignated—

7 “(A) in paragraph (2), by amending sub-
8 paragraph (A) to read as follows:

9 ““(A) a foreign government, including—

10 ““(i) any agency of a foreign govern-
11 ment, and any other unit of foreign gov-
12 ernmental authority, including any foreign
13 national, State, local, and municipal gov-
14 ernment;

15 ““(ii) any international or multi-
16 national organization whose membership is
17 composed of any unit of foreign govern-
18 ment described in clause (i); and

19 ““(iii) any agent or representative of
20 any such unit or such organization, while
21 acting as such;’; and

22 “(B) in paragraph (3), by inserting before
23 the semicolon at the end the following: ‘, or the
24 fair market value of an in-kind gift’.

1 “(f) PUBLIC DISCLOSURE AND MODIFICATION OF
2 REPORTS.—

3 “(1) IN GENERAL.—Not later than 30 days
4 after receiving a disclosure report under this section,
5 the Secretary shall make such report electronically
6 available to the public for downloading on a search-
7 able database under which institutions can be indi-
8 vidually identified and compared.

9 “(2) MODIFICATIONS.—The Secretary shall in-
10 corporate a process permitting institutions to revise
11 and update previously filed disclosure reports under
12 this section to ensure accuracy, compliance, and abil-
13 ity to cure.

14 “(g) SANCTIONS FOR NONCOMPLIANCE.—

15 “(1) IN GENERAL.—As a sanction for non-
16 compliance with the requirements under this section,
17 the Secretary may impose a fine on an institution
18 that in any year knowingly or willfully violates this
19 section, that is—

20 “(A) in the case of a failure to disclose a
21 gift or contract with a foreign source as re-
22 quired under this section or to comply with the
23 requirements of subsection (b)(4), in an amount
24 that is not less than \$250 but not more than

1 the amount of the gift or contract with the for-
2 eign source; or

3 “(B) in the case of any violation of the re-
4 quirements of subsection (a)(3), in an amount
5 that is not more than 25 percent of the total
6 amount of funding received by the institution
7 under this Act.

8 “(2) REPEATED FAILURES.—

9 “(A) KNOWING AND WILLFUL FAIL-
10 URES.—In addition to a fine for a violation in
11 any year in accordance with paragraph (1) and
12 subject to subsection (e)(2), the Secretary shall
13 impose a fine on an institution that knowingly
14 and willfully fails in 3 consecutive years to com-
15 ply with the requirements of this section, that
16 is—

17 “(i) in the case of a failure to disclose
18 a gift or contract with a foreign source as
19 required under this section or to comply
20 with the requirements of subsection (b)(4),
21 in an amount that is not less than
22 \$100,000 but not more than twice the
23 amount of the gift or contract with the for-
24 eign source; or

1 “(ii) in the case of any violation of the
2 requirements of subsection (a)(3), in an
3 amount that is not more than 25 percent
4 of the total amount of funding received by
5 the institution under this Act.

6 “(B) ADMINISTRATIVE FAILURES.—The
7 Secretary shall impose a fine on an institution
8 that fails to comply with the requirements of
9 this section in 3 consecutive years, in an
10 amount that is not less than \$250 but not more
11 than the amount of the gift or contract with the
12 foreign source.

13 “(C) COMPLIANCE PLAN REQUIREMENT.—
14 An institution that fails to file a disclosure re-
15 port for a receipt of a gift from or contract with
16 a foreign source in 2 consecutive years, shall be
17 required to submit a compliance plan to Sec-
18 retary.

19 “(h) COMPLIANCE OFFICER.—Any institution that is
20 required to report a gift or contract under this section
21 shall designate and maintain a compliance officer who—

22 “(1) shall be a current employee or legally au-
23 thorized agent of such institution; and

24 “(2) shall be responsible, on behalf of the insti-
25 tution, for compliance with the foreign gift reporting

1 requirement under this section and section 124, if
2 applicable.

3 “(i) SINGLE POINT OF CONTACT.—The Secretary
4 shall maintain a single point of contact to—

5 “(1) receive and respond to inquiries and re-
6 quests for technical assistance from institutions of
7 higher education regarding compliance with the re-
8 quirements of this section; and

9 “(2) coordinate the disclosure of information on
10 the searchable database, and process for modifica-
11 tions of disclosures and ability to cure, as described
12 in subsection (e).

13 “(j) TREATMENT OF CERTAIN PAYMENTS AND
14 GIFTS.—

15 “(1) EXCLUSIONS.—The following shall not be
16 considered a gift from a foreign source under this
17 section:

18 “(A) Any payment of one or more elements
19 of a student’s cost of attendance (as defined in
20 section 472) to an institution by, or scholarship
21 from, a foreign source who is a natural person,
22 acting in their individual capacity and not as an
23 agent for, at the request or direction of, or on
24 behalf of, any person or entity (except the stu-
25 dent), made on behalf of no more than 15 stu-

1 dents that is not made under contract with
2 such foreign source, except for the agreement
3 between the institution and such student cov-
4 ering one or more elements of such student's
5 cost of attendance.

6 “(B) Assignment or license of registered
7 industrial and intellectual property rights, such
8 as patents, utility models, trademarks, or copy-
9 rights, or technical assistance, that are not
10 identified as being associated with a national
11 security risk or concern by the Federal Re-
12 search Security Council as described under sec-
13 tion 7902 of title 31, United States Code, as
14 added by section 4493 of the Securing Amer-
15 ica's Future Act.

16 “(2) INCLUSIONS.—Any gift to, or contract
17 with, an entity or organization, such as a research
18 foundation, that operates substantially for the ben-
19 efit or under the auspices of an institution shall be
20 considered a gift to or with respectively, such insti-
21 tution.

22 “(k) DEFINITIONS.—In this section—

23 “(1) the term ‘contract’—

24 “(A) means any—

1 “(i) agreement for the acquisition by
2 purchase, lease, or barter of property or
3 services by the foreign source, for the di-
4 rect benefit or use of either of the parties,
5 except as provided in subparagraph (B); or

6 “(ii) affiliation, agreement, or similar
7 transaction with a foreign source and is
8 based on the use or exchange of an institu-
9 tion’s name, likeness, time, services, or re-
10 sources, except as provided in subpara-
11 graph (B); and

12 “(B) does not include any agreement made
13 by an institution located in the United States
14 for the acquisition, by purchase, lease, or bar-
15 ter, of property or services from a foreign
16 source;

17 “(2) the term ‘foreign source’ means—

18 “(A) a foreign government, including an
19 agency of a foreign government;

20 “(B) a legal entity, governmental or other-
21 wise, created under the laws of a foreign state
22 or states;

23 “(C) an individual who is not a citizen or
24 a national of the United States or a trust terri-
25 tory or protectorate thereof; and

1 “(D) an agent, including a subsidiary or
2 affiliate of a foreign legal entity, acting on be-
3 half of a foreign source;

4 “(3) the term ‘gift’ means any gift of money,
5 property, resources, staff, or services;

6 “(4) the term ‘institution’ means an institution
7 of higher education, as defined in section 102, or, if
8 a multicampus institution, any single campus of
9 such institution, in any State; and

10 “(5) the term ‘restricted or conditional gift or
11 contract’ means any endowment, gift, grant, con-
12 tract, award, present, or property of any kind which
13 includes provisions regarding—

14 “(A) the employment, assignment, or ter-
15 mination of faculty;

16 “(B) the establishment of departments,
17 centers, institutes, instructional programs, re-
18 search or lecture programs, or new faculty posi-
19 tions;

20 “(C) the selection or admission of stu-
21 dents; or

22 “(D) the award of grants, loans, scholar-
23 ships, fellowships, or other forms of financial
24 aid restricted to students of a specified country,

1 religion, sex, ethnic origin, or political opin-
2 ion.”.

3 (b) POLICY REGARDING CONFLICTS OF INTEREST
4 FROM FOREIGN GIFTS AND CONTRACTS.—Part B of title
5 I of the Higher Education Act of 1965 (20 U.S.C. 1011
6 et seq.) is amended by adding at the end the following:

7 **“SEC. 124. INSTITUTIONAL POLICY REGARDING FOREIGN**
8 **GIFTS AND CONTRACTS TO FACULTY AND**
9 **STAFF.**

10 “(a) REQUIREMENT TO MAINTAIN POLICY AND
11 DATABASE.—Each institution of higher education de-
12 scribed in subsection (b) shall—

13 “(1) maintain a policy requiring faculty, profes-
14 sional staff, and other staff engaged in research and
15 development (as determined by the institution) em-
16 ployed at such institution to disclose to such institu-
17 tion any gifts received from, or contracts entered
18 into with, a foreign source;

19 “(2) maintain a searchable database of infor-
20 mation disclosed in paragraph (1) for the previous
21 five years, except an institution shall not be required
22 to include in the database gifts or contracts received
23 or entered into before the date of enactment of the
24 Securing America’s Future Act; and

1 “(3) maintain a plan to effectively identify and
2 manage potential information gathering by foreign
3 sources through espionage targeting faculty, profes-
4 sional staff, and other staff engaged in research and
5 development (as determined by the institution) that
6 may arise from gifts received from, or contracts en-
7 tered into with, a foreign source, including through
8 the use of periodic communications and enforcement
9 of the policy described in paragraph (1).

10 “(b) INSTITUTIONS.—An institution of higher edu-
11 cation shall be subject to the requirements of this section
12 if such institution—

13 “(1) is an institution of higher education as de-
14 fined under section 102; and

15 “(2) had more than \$5,000,000 in research and
16 development expenditures in any of the previous five
17 years.

18 “(c) SANCTIONS FOR NONCOMPLIANCE.—

19 “(1) IN GENERAL.—As a sanction for non-
20 compliance with the requirements under this section,
21 the Secretary may impose a fine on an institution
22 that in any year knowingly or willfully violates this
23 section, in an amount that is not less than \$250 but
24 not more than \$1,000.

1 “(2) SECOND FAILURE.—In addition to a fine
2 for a violation in accordance with paragraph (1), the
3 Secretary shall impose a fine on an institution that
4 knowingly, willfully, and repeatedly fails to comply
5 with the requirements of this section in a second
6 consecutive year in an amount that is not less than
7 \$1,000 but not more than \$25,000.

8 “(3) THIRD AND ADDITIONAL FAILURES.—In
9 addition to a fine for a violation in accordance with
10 paragraph (1) or (2), the Secretary shall impose a
11 fine on an institution that knowingly, willfully, and
12 repeatedly fails to comply with the requirements of
13 this section in a third consecutive year, or any con-
14 secutive year thereafter, in an amount that is not
15 less than \$25,000 but not more than \$50,000.

16 “(4) ADMINISTRATIVE FAILURES.—The Sec-
17 retary shall impose a fine on an institution that fails
18 in 3 consecutive years to comply with the require-
19 ments of this section in an amount that is not less
20 than \$250 but not more than \$25,000.

21 “(5) COMPLIANCE PLAN REQUIREMENT.—An
22 institution that fails to comply with the require-
23 ments under this section for 2 consecutive years
24 shall be required to submit a compliance plan to the
25 Secretary.

1 “(d) DEFINITIONS.—In this section—

2 “(1) the terms ‘foreign source’ and ‘gift’ have
3 the meaning given the terms in section 117;

4 “(2) the term ‘contract’ means any—

5 “(A) agreement for the acquisition by pur-
6 chase, lease, or barter of property or services by
7 the foreign source, for the direct benefit or use
8 of either of the parties; or

9 “(B) affiliation, agreement, or similar
10 transaction with a foreign source based on the
11 use or exchange of the name, likeness, time,
12 services, or resources of faculty, professional
13 staff, and other staff engaged in research and
14 development (as determined by the institution);
15 and

16 “(3) the term ‘professional staff’ means profes-
17 sional employees, as defined in section 3 of the Fair
18 Labor Standards Act of 1938 (29 U.S.C. 203).”.

19 (c) REGULATIONS.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this Act, the Secretary of
22 Education shall begin the negotiated rulemaking
23 process under section 492 of the Higher Education
24 Act of 1965 (20 U.S.C. 1098a) to carry out the
25 amendments made by subsections (a) and (b).

1 (2) ISSUES.—Regulations issued pursuant to
2 paragraph (1) to carry out the amendment made by
3 subsection (a) shall, at a minimum, address the fol-
4 lowing issues:

5 (A) Instructions on reporting structured
6 gifts and contracts.

7 (B) The inclusion in institutional reports
8 of gifts received from, and contracts entered
9 into with, foreign sources by entities and orga-
10 nizations, such as research foundations, that
11 operate substantially for the benefit or under
12 the auspices of the institution.

13 (C) Procedures to protect confidential or
14 proprietary information included in gifts and
15 contracts.

16 (D) The alignment of such regulations
17 with the reporting and disclosure of foreign
18 gifts or contracts required by other Federal
19 agencies.

20 (E) The treatment of foreign gifts or con-
21 tracts involving research or technologies identi-
22 fied as being associated with a national security
23 risk or concern by the Federal Research Secu-
24 rity Council as described under section 7902 of

1 title 31, United States Code, as added by sec-
2 tion 4493 of this Act.

3 (3) EFFECTIVE DATE.—The amendments made
4 by subsections (a) and (b) shall take effect on the
5 date on which the regulations issued under para-
6 graph (1) take effect.

7 **TITLE VI—MATTERS RELATED**
8 **TO DEMOCRACY, HUMAN**
9 **RIGHTS AND TAIWAN**

10 **SEC. 601. SUPPORTING A FREE AND DEMOCRATIC CHINA.**

11 It is the policy of the United States to support a free
12 and democratic China which respects the human rights
13 and civil liberties of the people of China.

14 **SEC. 602. AMERICAN INSTITUTE IN TAIWAN.**

15 The position of Director of the American Institute in
16 Taiwan's Taipei office shall be subject to the advice and
17 consent of the Senate, and effective upon enactment of
18 this Act shall have the title of Representative.

19 **SEC. 603. PROHIBITIONS AGAINST UNDERMINING UNITED**
20 **STATES POLICY REGARDING TAIWAN.**

21 (a) FINDING.—Congress finds that the efforts by the
22 Government of the People's Republic of China (PRC) and
23 the Chinese Communist Party to compel private United
24 States businesses, corporations, and nongovernmental en-
25 tities to use PRC-mandated language to describe the rela-

1 tionship between Taiwan and China are an intolerable at-
2 tempt to enforce political censorship globally and should
3 be considered an attack on the fundamental underpinnings
4 of all democratic and free societies, including the constitu-
5 tionally protected right to freedom of speech.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the United States Government, in coordination
8 with United States businesses and nongovernmental enti-
9 ties, should formulate a code of conduct for interacting
10 with the Government of the People’s Republic of China
11 and the Chinese Communist Party and affiliated entities,
12 the aim of which is—

13 (1) to counter PRC sharp power operations,
14 which threaten free speech, academic freedom, and
15 the normal operations of United States businesses
16 and nongovernmental entities; and

17 (2) to counter PRC efforts to censor the way
18 the world refers to issues deemed sensitive to the
19 Government of the People’s Republic of China and
20 Chinese Communist Party leaders, including issues
21 related to Taiwan, Tibet, the Tiananmen Square
22 Massacre, and the mass internment of Uyghurs and
23 other Turkic Muslims, among many other issues.

24 (c) PROHIBITION ON RECOGNITION OF PRC CLAIMS
25 TO SOVEREIGNTY OVER TAIWAN.—

1 (1) SENSE OF CONGRESS.—It is the sense of
2 Congress that—

3 (A) issues related to the sovereignty of
4 Taiwan are for the people of Taiwan to decide
5 through the democratic process they have estab-
6 lished;

7 (B) the dispute between the People’s Re-
8 public of China and Taiwan must be resolved
9 peacefully and with the assent of the people of
10 Taiwan;

11 (C) the primary obstacle to peaceful reso-
12 lution is the authoritarian nature of the PRC
13 political system under one-party rule of the Chi-
14 nese Communist Party, which is fundamentally
15 incompatible with Taiwan’s democracy; and

16 (D) any attempt to coerce the people of
17 Taiwan to accept a political arrangement that
18 would subject them to direct or indirect rule by
19 the PRC, including a “one country, two sys-
20 tems” framework, would constitute a grave
21 challenge to United States security interests in
22 the region.

23 (2) STATEMENT OF POLICY.—It is the policy of
24 the United States to oppose any attempt by the

1 PRC authorities to unilaterally impose a timetable
2 or deadline for unification on Taiwan.

3 (3) PROHIBITION ON RECOGNITION OF PRC
4 CLAIMS WITHOUT ASSENT OF PEOPLE OF TAIWAN.—
5 No department or agency of the United States Gov-
6 ernment may formally or informally recognize PRC
7 claims to sovereignty over Taiwan without the assent
8 of the people of Taiwan, as expressed directly
9 through the democratic process.

10 (4) TREATMENT OF TAIWAN GOVERNMENT.—

11 (A) IN GENERAL.—The Department of
12 State and other United States Government
13 agencies shall treat the democratically elected
14 government of Taiwan as the legitimate rep-
15 resentative of the people of Taiwan and end the
16 outdated practice of referring to the govern-
17 ment in Taiwan as the “authorities”. Notwith-
18 standing the continued supporting role of the
19 American Institute in Taiwan in carrying out
20 United States foreign policy and protecting
21 United States interests in Taiwan, the United
22 States Government shall not place any restric-
23 tions on the ability of officials of the Depart-
24 ment of State and other United States Govern-
25 ment agencies from interacting directly and

1 routinely with counterparts in the Taiwan gov-
2 ernment.

3 (B) RULE OF CONSTRUCTION.—Nothing in
4 this paragraph shall be construed as entailing
5 restoration of diplomatic relations with the Re-
6 public of China, which were terminated on Jan-
7 uary 1, 1979, or altering the United States
8 Government’s position on Taiwan’s inter-
9 national status.

10 (d) STRATEGY TO PROTECT UNITED STATES BUSI-
11 NESSES AND NONGOVERNMENTAL ENTITIES FROM COER-
12 CION.—Not later than 90 days after the date of the enact-
13 ment of this Act, the Secretary of State, in consultation
14 with the Secretary of Commerce, the Secretary of the
15 Treasury, and the heads of other relevant Federal agen-
16 cies, shall submit an unclassified report, with a classified
17 annex if necessary, to protect United States businesses
18 and nongovernmental entities from sharp power oper-
19 ations, including coercion and threats that lead to censor-
20 ship or self-censorship, or which compel compliance with
21 political or foreign policy positions of the Government of
22 the People’s Republic of China and the Chinese Com-
23 munist Party. The strategy shall include the following ele-
24 ments:

1 (1) Information on efforts by the Government
2 of the People's Republic of China to censor the
3 websites of United States airlines, hotels, and other
4 businesses regarding the relationship between Tai-
5 wan and the People's Republic of China.

6 (2) Information on efforts by the Government
7 of the People's Republic of China to target United
8 States nongovernmental entities through sharp
9 power operations intended to weaken support for
10 Taiwan.

11 (3) Information on United States Government
12 efforts to counter the threats posed by Chinese
13 state-sponsored propaganda and disinformation, in-
14 cluding information on best practices, current suc-
15 cesses, and existing barriers to responding to this
16 threat.

17 (4) Details of any actions undertaken to create
18 a code of conduct pursuant to subsection (b) and a
19 timetable for implementation.

20 **SEC. 604. NEGOTIATION OF A FREE TRADE AGREEMENT**
21 **WITH TAIWAN.**

22 Subject to section 605, the President is authorized
23 to enter into an agreement with Taiwan consistent with
24 the policy described in section 603, and the provisions of
25 section 151(c) of the Trade Act of 1974 (19 U.S.C.

1 2191(c)) shall apply with respect to a bill to implement
2 such agreement.

3 **SEC. 605. INTRODUCTION AND FAST TRACK CONSIDER-**
4 **ATION OF IMPLEMENTING BILL.**

5 (a) INTRODUCTION IN HOUSE OF REPRESENTATIVES
6 AND SENATE.—Whenever the President submits to Con-
7 gress a bill to implement a trade agreement described in
8 section 604, the bill shall be introduced (by request) in
9 the House of Representatives and in the Senate as de-
10 scribed in section 151(c) of the Trade Act of 1974 (19
11 U.S.C. 2191(c)).

12 (b) PERMISSIBLE CONTENT IN IMPLEMENTING LEG-
13 ISLATION.—A bill to implement a trade agreement de-
14 scribed in section 604 shall contain provisions that are
15 necessary to implement the trade agreement, and shall in-
16 clude trade-related labor and environmental protection
17 standards, but may not include amendments to title VII
18 of the Tariff Act of 1930, title II of the Trade Act of
19 1974, or any antitrust law of the United States.

20 (c) APPLICABILITY OF FAST TRACK PROCEDURES.—
21 Section 151 of the Trade Act of 1974 (19 U.S.C. 2191)
22 is amended—

23 (1) in subsection (b)(1), by inserting “section
24 604 of the Countering Communist China Act,” after

1 “section 282 of the Uruguay Round Agreements
2 Act,”; and

3 (2) in subsection (c)(1), by inserting “section
4 604 of the Countering Communist China Act,” after
5 “the Uruguay Round Agreements Act,”.

6 **SEC. 606. STRATEGY TO ADDRESS GENOCIDE IN THE**
7 **XINJIANG UYGHUR AUTONOMOUS REGION.**

8 (a) STRATEGY REQUIRED.—Not later than 60 days
9 after the date of the enactment of this Act, the President
10 shall submit to the appropriate congressional committees
11 a report that includes a strategy specifically describing—

12 (1) the steps already taken to tangibly address
13 atrocity crimes occurring in the Xinjiang Uyghur
14 Autonomous Region, especially during the period fol-
15 lowing the January 19, 2021, determination that
16 genocide and crimes against humanity were occur-
17 ring in the Xinjiang Uyghur Autonomous Region;
18 and

19 (2) a strategy for ending the atrocity crimes oc-
20 ccurring in the Xinjiang Uyghur Autonomous Region,
21 including by—

22 (A) holding accountable persons or entities
23 responsible for committing such atrocity crimes
24 by addressing, through existing or new export
25 controls or import restrictions, the issues of

1 mass biometric surveillance and forced labor
2 programs in China;

3 (B) gaining access for United Nations,
4 United States, and other diplomats and foreign
5 journalists to the Xinjiang Uyghur Autonomous
6 Region; and

7 (C) protecting Uyghurs, Kazakhs, Kyrgyz,
8 and other ethnic minorities affected by the
9 atrocities committed by the Government of the
10 People's Republic of China.

11 (b) FORM AND PUBLICATION.—The report required
12 under subsection (b) shall be submitted in unclassified
13 form and shall be made publicly available, but may include
14 a classified annex.

15 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—
16 In this section, the term “appropriate congressional com-
17 mittees” means—

18 (1) The Committee on Foreign Affairs, the
19 Committee on Armed Services, and the Committee
20 on Appropriations of the House of Representatives.

21 (2) The Committee on Foreign Relations, the
22 Committee on Armed Services, and the Committee
23 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 COM-**
5 **MUNIST CHINESE 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 States 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 **EXTRATERRITORIALY.**

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 COMMUNIST CHINESE 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;

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—

24 (A) the People’s Republic of China is in
25 compliance with all its obligations under Article

1 VIII of the 19 Articles of Agreement of the
2 Fund;

3 (B) in the preceding 12 months, there has
4 not been a report submitted under section 3005
5 of the Omnibus Trade and Competitiveness Act
6 of 1988 or section 701 of the Trade Facilitation
7 and Trade Enforcement Act of 2015 in which
8 the People's Republic of China has been found
9 to have manipulated its currency;

10 (C) the People's Republic of China has in-
11 stituted and is implementing the policies and
12 practices necessary to ensure that the renminbi
13 is freely usable (within the meaning of Article
14 XXX(f) of the Articles of Agreement of the
15 Fund); and

16 (D) the People's Republic of China adheres
17 to the rules and principles of the Paris Club
18 and the OECD Arrangement on Officially Sup-
19 ported Export 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

