

**AMENDMENT TO RULES COMM. PRINT 118-36**  
**OFFERED BY MS. SHERRILL OF NEW JERSEY**

At the end of subtitle C of title XVII, insert the following:

1 **SEC. 17\_\_\_ . PUBLIC DATABASE ON MALICIOUS FOREIGN**  
2 **ACTORS.**

3 (a) **ESTABLISHMENT.**—Not later than 1 year after  
4 the date of the enactment of this Act, the Secretary of  
5 Defense shall establish a public-facing, digital database to  
6 serve as a singular, federally authorized, reference location  
7 for frequently updated information and assessments on  
8 potential risks faced by United States businesses when en-  
9 gaging in overseas commercial activities.

10 (b) **CONTENTS.**—The database required by sub-  
11 section (a) shall include information with respect to each  
12 foreign person or entity that is publicly listed on any of  
13 the following lists or any other list maintained by any Fed-  
14 eral department or agency as a watchlist or red flag list  
15 of foreign persons engaging in international commerce:

16 (1) A United States or United Nations sanction  
17 or embargo.

1           (2) The restricted party lists maintained by the  
2 Bureau of Industry and Security of the Department  
3 of Commerce.

4           (3) The List of Specially Designated Nationals  
5 and Blocked Persons maintained by the Office of  
6 Foreign Assets Control of the Department of Treas-  
7 ury.

8           (4) The Notorious Markets for Counterfeiting  
9 and Piracy maintained by the United States Trade  
10 Representative.

11           (5) Any person involved in an ongoing or pub-  
12 lished investigation under section 301 of the Trade  
13 Act of 1974 (19 U.S.C. 2411).

14           (6) Any list of persons found to have violated  
15 the provisions of the Lacey Act.

16           (7) Any list of persons found to have violated  
17 the environmental provisions of one or more multi-  
18 lateral agreement to which the United States is a  
19 party.

20           (8) A provision of any Executive Order identi-  
21 fying a person as posing a national security or other  
22 risk for engaging in unlawful or illicit activity.

23           (9) Any person against whom judgment has  
24 been rendered through an International Trade Com-

1 mission Administrative Order or by a Federal court  
2 for engaging in unfair trade practices.

3 (10) Any list of persons found to have violated  
4 the provisions of, or committing the conduct sanc-  
5 tioned by, any of the following laws:

6 (A) Global Magnitsky Human Rights Ac-  
7 countability Act (22 U.S.C. 10101 et seq.).

8 (B) Public Law 117–78 (commonly re-  
9 ferred to as the “Uyghur Forced Labor Preven-  
10 tion Act”; 22 U.S.C. 6901 note).

11 (C) Section 7031(c) of the Department of  
12 State, Foreign Operations, and Related Pro-  
13 grams Appropriation Act, 2022 (8 U.S.C. 1182  
14 note), or any successor or substantially similar  
15 provision.

16 (11) The debarred parties list maintained by  
17 the Department of State pursuant to section  
18 38(g)(4) of the Arms Export Control Act (22 U.S.C.  
19 2778(g)(4)).

20 (12) Any nonproliferation sanctions lists main-  
21 tained by the Department of State.

22 (13) The Foreign Sanctions Evaders List main-  
23 tained by the Department of Treasury pursuant to  
24 Executive Order 13608 (77 Fed. Reg. 26409; relat-  
25 ing to prohibiting certain transactions with and sus-

1 pending entry into the United States of foreign  
2 sanctions evaders with respect to Iran and Syria).

3 (14) Counterterrorism financing lists main-  
4 tained by Department of Treasury pursuant to sec-  
5 tion 311 of the USA PATRIOT Act (31 U.S.C.  
6 5318A).

7 (15) Sectoral Sanctions Identifications lists  
8 maintained by the Department of Treasury pursuant  
9 to Executive Order 13662 (79 Fed. Reg. 16169;  
10 Blocking Property of Additional Persons Contrib-  
11 uting to the Situation in Ukraine).

12 (16) The Non-SDN Chinese Military-Industrial  
13 Complex Companies List maintained by the Office of  
14 Foreign Assets Control of the Department of the  
15 Treasury under Executive Order 14032 (86 Fed.  
16 Reg. 30145; relating to addressing the threat from  
17 securities investments that finance certain compa-  
18 nies of the People's Republic of China), or any suc-  
19 cessor order.

20 (17) Foreign persons listed in the Federal Com-  
21 munications Commission's "Covered List".

22 (c) ADDITIONAL CONTENTS.—The database estab-  
23 lished pursuant to subsection (a) may also contain infor-  
24 mation on each foreign person the Secretary of Defense

1 determines, based on a preponderance of evidence, has en-  
2 gaged or will engage in—

3 (1) significant fraudulent activities, such as  
4 counterfeiting, intellectual property theft, trade se-  
5 cret misappropriation, identity theft, or copyright in-  
6 fringement;

7 (2) extrajudicial expropriation of goods, infra-  
8 structure, or property;

9 (3) human rights violations;

10 (4) forced labor;

11 (5) cyber-malfeasance or cyber-espionage;

12 (6) use of commercial human espionage;

13 (7) any substantive non-compliance with United  
14 States law;

15 (8) illicit or illegitimate use of a company or  
16 corporation with no significant assets or operations,  
17 frequently described as “shell companies”;

18 (9) other acts of corruption, including the mis-  
19 appropriation of state assets, the expropriation of  
20 private assets for personal gain, corruption related  
21 to government contracts or the extraction of natural  
22 resources, or bribery; or

23 (10) any other significant activity or trans-  
24 action the Secretary of Defense determines suffices  
25 to make such foreign person a known risk to the na-

1 tional security or economic competitiveness of the  
2 United States if permitted to engage in international  
3 commerce with a United States person.

4 (d) REBUTTAL MECHANISM.—In creating the data-  
5 base required by subsection (a) and in determining the  
6 additional persons to be listed pursuant to subsection (c),  
7 the Secretary of Defense shall also create or use existing  
8 or amended Department processes and rules to establish  
9 a process by which a person included in the database pur-  
10 suant to the authority provided by subsection (c) can dem-  
11 onstrate that

12 (1) there is not a preponderance of evidence  
13 that the person meets the criteria established with  
14 respect to subsection (c) for inclusion; and

15 (2) such person should therefore be removed  
16 from the database.

