118TH CONGRESS
2D SESSION

H. R. __

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

IN THE HOUSE OF REPRESENTATIVES

Mr. HERN introduced the following bill; which was referred to the Committee on

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A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Countering Communist China Act".

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

Title I—Matters Related to Trade, Investment, and Economic Relations
Title II—Matters Relating to Countering China's Malign Influence
Title III—Matters Relating to Medical and National Security Supply Chains
Title IV—Matters Relating to Research and Development
Title V—Matters Related to Education
Title VI—Matters Related to Democracy, Human Rights and Taiwan
Title VII—Matters Related to Defense
Title VIII—Matters Related to the Protection of Intellectual Property
Title IX—Matters Related to Financial Services
Title X—Offsets

Title XI—National Security Authorizations
Title XII—Fentanyl
Title XIII—Energy

SEC. 2. FINDINGS.

Congress finds the following:

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

(2) The People's Republic of China and the Chinese Communist Party are founded on the principles antithetical to human freedom and dignity including Communism and authoritarianism.

(3) The People's Republic of China and the Chinese Communist Party seek to undermine free societies around the world and establish an alternative world order rooted in authoritarianism.

(4) In November 2012, at the 17th CCP Congress, General Secretary Xi Jinping first announced his vision for achieving "the Chinese dream of national rejuvenation" and military and economic dominance.

(5) The People's Republic of China currently has the world's second-largest economy in terms of nominal GDP ($14.14 trillion) and the largest in terms of purchasing power parity (PPP) GDP ($27.31 trillion). In 2000, the People's Republic of China controlled only 4 percent of the global economy, and the United States controlled 31 percent. Today, the People's Republic of China stands at 15 percent and the United States' share has dropped to 24 percent.

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

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

(8) In addition to its economic aggression and military modernization, the People's Republic of China conducts political

warfare and disinformation campaigns against the United States and other democracies. It frequently targets academia, the media, business, and cultural institutions to suppress criticism and promote positive views of the CCP.

(9) The foremost victims of the People's Republic of China and the Chinese Communist Party are the Chinese people who continue to suffer under communist authoritarian rule.

(10) The People's Republic of China continues to perpetuate a genocide against the Uyghur Muslims in Xinjiang province, in addition to brutal crackdowns against the people of Tibet and Hong Kong.

(11) The CCP continues to obfuscate the origins of the COVID–19 pandemic which started in Wuhan, China and has refused to allow an impartial international investigation into the origins of the pandemic.

(12) Manifestations of expressions of racism, bigotry, discrimination, anti-Asian rhetoric, and xenophobia against people of Asian descent are contrary to the values we hold dearest as Americans, counterproductive to countering the CCP's malign influence, and denounced by the Congress of the United States.

SEC. 3. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, or the application of such provision or amendment to any person or circumstance, is held to be invalid, the remainder of this Act, the amendments made by this Act, and the application of such provision and amendments to other persons or circumstances, shall not be affected.

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

SEC. 101. PREVENTING ADVERSARIES FROM DEVELOPING CRITICAL CAPABILITIES.

(a) SHORT TITLE.—This section may be cited as the "Preventing Adversaries from Developing Critical Capabilities Act".

(b) EXERCISE OF AUTHORITIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—

(1) IN GENERAL.—The President may exercise all authorities provided under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) necessary to carry out the provisions of this

section, including authorities to impose penalties under section 206 of such Act.

(2) DELEGATION.—The President may delegate the authorities described in paragraph (1) to the head of any Federal agency the President determines appropriate in order to carry out the provisions of this section.

(c) PROHIBITION ON COVERED ACTIVITIES IN COVERED SECTORS THAT POSE PARTICULARLY ACUTE THREATS TO UNITED STATES NATIONAL SECURITY.—

(1) IDENTIFICATION OF CATEGORIES OF TECHNOLOGIES AND PRODUCTS.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter as described in subparagraph (B), the President—

(i) shall identify categories of technologies and products in covered sectors that may pose a particularly acute threat to the national security of the United States if developed or acquired by a country of concern; and

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

(B) UPDATES.—The President shall annually review and update the list of the categories of technologies and products identified under subparagraph (A)(i) and update the Federal Register under subparagraph (A)(ii) as appropriate.

(2) PROHIBITION ON COVERED ACTIVITIES.—The President shall, on or after the date on which the initial list of categories of technologies and products is published in the Federal Register pursuant to paragraph (1)(A)(ii), prescribe, subject to public notice and comment, regulations to prohibit a United States person from engaging, directly or indirectly, in a covered activity involving a category of technologies and products on such list of categories of technologies and products in a covered sector. Such regulations should—

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

(B) exclude any transaction consisting of the acquisition of an equity or other interest in an entity located outside a country of concern, where the President has determined that the government of the country in which that entity is established or has its principal place of business has in place a program for the restriction of certain activities involving countries of concern that is comparable to the provisions provided for in this Act.

(3) SENSE OF CONGRESS.—It is the sense of Congress that the covered sectors include certain categories of technologies and products that would pose a particularly acute threat to the national security of the United States if developed or acquired by a country of concern, and that the President should identify certain technologies and products in the covered sectors as categories of technologies and products in covered sectors for purposes of paragraph (1)(A).

(d) MANDATORY NOTIFICATION OF COVERED ACTIVITIES IN COVERED SECTORS THAT MAY POSE THREATS TO UNITED STATES NATIONAL SECURITY.—

(1) IDENTIFICATION OF CATEGORIES OF TECHNOLOGIES AND PRODUCTS.—Not later than one year after the date of the enactment of this Act, the President shall—

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

(B) publish a list of the categories of technologies and products identified under subparagraph (A) in the Federal Register; and

(C) annually thereafter, review the categories of technologies and products identified under subparagraph (A) and publish an updated list of the categories of technologies and products in the Federal Register under subparagraph (B) if the list identified in subparagraph (B) has changed.

(2) MANDATORY NOTIFICATION.—

(A) IN GENERAL.—Beginning on the date that is 90 days after the date on which the initial list of categories of technologies and products is published in the Federal Register pursuant to paragraph (1)(B), a United States person engaging in a covered activity involving a category identified in paragraph (1)(A), or controlling a foreign entity engaging in an activity that would be a covered activity if engaged in by a United States person, shall

submit to the President a complete written notification of the activity not later than 14 days after the completion date of the activity.

(B) CIRCULATION OF NOTIFICATION.—

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

(ii) INCOMPLETE NOTIFICATION.—If a notification submitted under subparagraph (A) is incomplete, the President shall promptly inform the United States person that submits the notification that the notification is not complete and provide an explanation for relevant material respect in which the notification is not complete.

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

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

(ii) information is reasonably available.

(3) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any information or documentary material filed with the President pursuant to this section shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code, and no such information or documentary material may be made public by any government agency or Member of Congress.

(B) EXCEPTIONS.—Subject to appropriate confidentiality and classification requirements, the exemption from disclosure provided by subparagraph (A) shall not prevent the disclosure of the following:

(i) Information relevant to any administrative or judicial action or proceeding.

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

(iii) Information important to national security analysis or actions of the President to any domestic government entity, or to any foreign governmental entity of an ally or partner of the United States, under the direction and authorization of the President, only to the extent necessary for national security purposes.

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

(e) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than one year after the date on which the regulations prescribed under subsection (f) take effect, and not less frequently than annually thereafter, the President shall submit to the appropriate congressional committees a report that—

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

(i) sector;

(ii) covered activity;

(iii) covered foreign entity; and

(iv) country of concern;

(B) an assessment of whether to amend the regulations, including whether to amend the definition of "covered sectors" to enhance national security;

(C) provides additional context and information regarding trends in the sectors, the types of covered activity, and the countries involved in those notifications, including—

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

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

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

(i) expanding existing Federal programs to support the production or supply of covered sectors in the United States, including the potential of existing authorities to address any related national security concerns; and

(ii) the continuation, expansion, or modification of the implementation and administration of this section.

(2) FORM.—Each report required by this section shall be submitted in unclassified form, but may include a classified annex.

(3) PROHIBITION ON DISCLOSURE.—Information contained in each report required by this section may be withheld from disclosure only to the extent otherwise permitted by statute, except that all information included pursuant to paragraph (1)(A) shall be withheld from public disclosure.

(f) REQUIREMENT FOR REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date on which the initial list of categories of technologies and products have been published in the Federal Register pursuant to subsections (c)(1)(A)(i) and (d)(1)(B), the President shall prescribe and finalize proposed regulations to carry out this Act.

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

(A) the types of activities that will be considered to be covered activities;

(B) the technologies and products in covered sectors with respect to which covered activities are prohibited under subsection (c)(2) or require a notification under subsection (d)(2); and

(C) a process by which parties can ask questions and get timely guidance as to whether a covered activity is prohibited under subsection (c)(2) or requires a notification under subsection (d)(2).

(3) REQUIREMENTS FOR CERTAIN REGULATIONS.—The President shall prescribe regulations further defining the terms used in this Act, including the terms “covered activity”, “covered foreign entity”, and “party”, to maximize the effectiveness of carrying out this Act in accordance with subchapter II of chapter 5 and chapter 7 of title 5 (commonly known as the “Administrative Procedure Act”).

(4) PUBLIC NOTICE AND COMMENT.—Regulations issued pursuant to paragraph (1) shall be subject to public notice and comment.

(5) LOW-BURDEN REGULATIONS.—In prescribing regulations under this section, the President shall, to the extent practicable, structure the regulations—

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

(B) to ensure the benefits of the regulations outweigh their costs;

(C) to adopt the least burdensome alternative that achieves regulatory objectives;

(D) to prioritize transparency and stakeholder involvement in the process of prescribing the regulations; and

(E) to regularly review and streamline existing regulations promulgated pursuant to this Act to reduce redundancy and complexity.

(6) PENALTIES WITH RESPECT TO UNLAWFUL ACTS.—Regulations issued under this section shall, consistent with the authority provided by subsection (b)(1), provide for the imposition of civil penalties for violations of this section, that involve—

(A) engaging in a covered activity prohibited under subsection (c)(2) pursuant to the regulations issued under this section;

(B) failing to submit a timely notification under subsection (d)(2) with respect to a covered activity or to submit other information as required by the designated agency; or

(C) submitting a material misstatement or omitting a material fact in any information submitted in a notification under subsection (d)(2).

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

(8) CONGRESSIONAL NOTIFICATION.—The President shall submit to the appropriate congressional committees all regulations prescribed to carry out this Act not later than 30 days before such regulations are to take effect.

(g) MULTILATERAL ENGAGEMENT AND COORDINATION.—

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

(2) AUTHORITIES.—The Secretary of State, in coordination with the heads or other relevant Federal agencies, should—

(A) conduct bilateral and multilateral engagement with the governments of countries that are allies and partners of the United States to promote and increase coordination of protocols and procedures to facilitate the effective implementation of and appropriate compliance with the prohibitions and notifications pursuant to this Act;

(B) upon adoption of protocols and procedures described in subparagraph (A), work with those governments to establish mechanisms for sharing information, including trends, with respect to such activities; and

(C) work with and encourage the governments of countries that are allies and partners of the United States to develop similar mechanisms of their own.

(3) STRATEGY FOR MULTILATERAL ENGAGEMENT AND COORDINATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the heads of other relevant Federal agencies, should—

(A) develop a strategy to work with the governments of countries that are allies and partners of the United States to develop mechanisms that are comparable to the prohibitions and notifications pursuant to this Act; and

(B) assess opportunities to provide technical assistance to those countries with respect to the development of those mechanisms.

(4) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for 4 years, the Secretary

of State shall submit to the appropriate congressional committees a report that includes—

(A) a discussion of any strategy developed pursuant to paragraph (3)(A), including key tools and objectives for the development of comparable mechanisms by the governments of allies and partners of the United States;

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

(C) the status of the strategy's implementation and outcomes; and

(D) a description of impediments to the establishment of comparable mechanisms by governments of allies and partners of the United States.

(h) AUTHORIZATION OF APPROPRIATIONS.—

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

(2) HIRING AUTHORITY.—

(A) PRESIDENT.—The President may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, United States Code, not more than 15 candidates directly to positions in the competitive service (as defined in section 2102 of that title).

(B) AGENCY.—The head of the Federal department or agency designated under subsection (c)(2) to hold primary responsibility for administering this Act may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, United States Code, not fewer than 25 candidates directly to positions in the competitive service (as defined in section 2102 of that title) of such department or agency.

(C) PRIMARY RESPONSIBILITY.—The primary responsibility of individuals in positions authorized to be hired under this subsection shall be to administer this Act.

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

(1) restrain or deter United States activities abroad if such activities do not pose a risk to the national security of the United States; or

(2) alter or negate the authority of the President under any authority, process, regulation, investigation, enforcement measure, or review provided by or established under any other provision of Federal law, or any other authority of the President or the Congress under the Constitution of the United States.

(j) NATIONAL INTEREST WAIVER.—

(1) IN GENERAL.—Subject to paragraph (2), the President is authorized to exempt from any applicable prohibition or notification requirement any activity determined by the President, in consultation with the heads of relevant Federal agencies, as appropriate, to be in the national interest of the United States.

(2) CONGRESSIONAL NOTIFICATION.—The President shall—

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

(B) include in such notification an identification of the national interest justifying the use of the waiver.

(k) DEFINITIONS.—In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(2) COUNTRY OF CONCERN.—The term "country of concern"—

(A) means—

(i) the Democratic People's Republic of North Korea;

(ii) the People's Republic of China, including the Hong Kong Special Administrative Region and the Macau Special Administrative Region;

(iii) the Russian Federation; and

(iv) the Islamic Republic of Iran; and

(B) includes any other country the President determines necessary to ensure a country specified in clause (i), (ii), (iii), or (iv) of subparagraph (A) is unable to circumvent the provisions of this Act and the regulations issued pursuant to this Act.

(3) COVERED ACTIVITY.—

(A) IN GENERAL.—Subject to such regulations as may be prescribed in accordance with subsection (g), and except as provided in subparagraph (B), the term "covered activity" means any activity engaged in by a United States person that involves—

(i) an acquisition by such United States person of an equity interest or contingent equity interest, or monetary capital contribution, in a covered foreign entity, directly or indirectly, by contractual commitment or otherwise, with the goal of generating income or gain;

(ii) an arrangement for an interest held by such United States person in the short- or long-term debt obligations of a covered foreign entity that includes governance rights that are characteristic of an equity investment, management, or other important rights;

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

(iv) the establishment by such United States person of a joint venture in a country of concern or with a covered foreign entity for the purpose of production, design, testing, manufacturing, fabrication, or research, or other contractual or other commitments involving a covered foreign entity to jointly research and develop new innovation, including

through the transfer of capital or intellectual property or other business proprietary information; or

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

(I) operational cooperation, such as through supply or support arrangements;

(II) the right to board representation (as an observer, even if limited, or as a member) or an executive role (as may be defined through regulation) in a covered foreign entity;

(III) the ability to direct or influence such operational decisions as may be defined through such regulations;

(IV) formal governance representation in any operating affiliate, such as a portfolio company, of a covered foreign entity; or

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

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

(B) EXCEPTIONS.—The term "covered activity" does not include—

(i) any transaction the value of which the President determines is de minimis, as defined in regulations prescribed in accordance with subsection (f);

(ii) any category of transactions that the President determines is in the national interest of the United States, as may be defined in regulations prescribed in accordance with subsection (f);

(iii) an investment in—

(I) a publicly traded security (as such term is defined in section 3(a)(10) of the Securities Exchange Act of 1934); or

(II) an index fund, mutual fund, exchange-traded fund, or a similar instrument (including associated derivatives) offered by an investment company (as such term is defined in section 3(a)(1) of the Investment Company Act of 1940), or by a private investment fund;

(III) a venture capital fund, private equity fund, fund of funds, or other pooled investment funds, as the limited partner, in each case in which the limited partner's contribution is solely capital in a limited partnership structure and—

(aa) the limited partner cannot make managerial decisions, is not responsible for any debts beyond its investment, and does not have the ability (formally or informally) to influence or participate in the fund's or a covered foreign entity's decision making or operations; and

(bb) the investment is below a de minimis threshold to be determined by the President;

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

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

(vi) a transaction made pursuant to a binding, uncalled capital commitment entered into before the date on which the regulations prescribed in accordance with section 6 take effect; or

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

(4) COVERED FOREIGN ENTITY.—Subject to regulations prescribed in accordance with subsection (f), the term "covered foreign entity" means the following:

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

(B) Any entity the equity securities of which are traded in the ordinary course of business on one or more exchanges in a country of concern.

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

(D) Any other entity that is not a United States person and that meets such criteria as may be specified by the President in such regulations prescribed in accordance with subsection (f).

(5) COVERED SECTORS.—Subject to regulations prescribed in accordance with subsection (f), the term "covered sectors" includes sectors within the following areas:

(A) Semiconductors and microelectronics.

(B) Artificial intelligence.

(C) Quantum information science and technology.

(D) Hypersonics.

(E) High-performance computing and supercomputing.

(F) Biotechnology.

(G) Satellite communication.

(6) PARTY.—The term "party", with respect to an activity, has the meaning given that term in regulations prescribed in accordance with subsection (g).

(7) UNITED STATES PERSON.—The term "United States person" means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

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

SEC. 102. SANCTIONS WITH RESPECT TO COMMUNIST CHINESE MILITARY AND SURVEILLANCE COMPANIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall im23 pose the sanctions described in subsection (e) with respect to any foreign person determined by the Secretary of the Treasury, in consultation with the Secretary of State and, as the Secretary of the Treasury determines appropriate, the Secretary of Defense, to knowingly engage in significant operations in the defense and related materiel sector or the surveillance technology sector of the economy of the People's Republic of China.

(b) ANNUAL DETERMINATION AND REPORT.—Not less frequently than annually, the Secretary of the Treasury shall—

(1) undertake the determination described under subsection (a) with respect to foreign persons listed in the Annex to Executive Order 14032 (as amended by any revision to such Annex); and (2) submit a report explaining the results of the determination to the appropriate congressional committees.

(c) ASSESSMENT.—For the purpose of making the determination described under subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of Defense, shall—

(1) assess whether, under existing authorities,

sanctions should be imposed with respect to the activities of—

(A) foreign persons listed on the Military End User List (Supplement No. 7 to part 744 of the Export Administration Regulations) that are located in the People's Republic of China;

(B) foreign persons listed by the Department of Commerce on the Denied Persons List or the Entity List (Supplement No. 4 to part 744 of the Export Administration Regulations) that are located in the People's Republic of China; or

(C) foreign persons listed pursuant to section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note); and

(2) submit a report to the appropriate congressional committees summarizing such assessment, which shall include an explanation of why the sanctions described under subsection (e) may not be applicable to foreign persons included on the lists described under paragraph (1).

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

(1) Artificial intelligence, machine learning, autonomy, and related advances.

(2) High-performance computing, semiconductors, and advanced computer hardware and software.

(3) Quantum information science and technology.

(4) Robotics, automation, and advanced manufacturing.

(5) Advanced communications technology and immersive technology.

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

(7) Data storage, data management, and cybersecurity, including biometrics.

(8) Advanced materials science, including composites and 2D materials.

(e) SANCTIONS DESCRIBED.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person if such property and interests in property—

(1) are in the United States;

(2) come within the United States; or

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

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

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

(h) WAIVER.—The President may waive the application of sanctions under this section, for renewable periods of one year, if the President certifies in writing to the appropriate congressional committees that the waiver is in the national interest of the United States, with an explanation of the reasons therefor. In lieu of the imposition of such sanctions, the President shall prohibit the purchase or sale of any publicly traded securities, or any publicly traded securities that are derivative of such securities, issued by any person with respect to which sanctions were waived.

(i) EXCEPTIONS.—

(1) INTELLIGENCE AND LAW ENFORCEMENT ACTIVITIES.—Sanctions under this section shall not apply with respect to— (A) any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C.

3091 et seq.); or (B) any authorized intelligence or law enforcement activities of the United States.

(2) UNITED STATES GOVERNMENT ACTIVITIES.—Nothing in this section shall prohibit transactions for the conduct of the official business of the Federal Government by employees, grantees, or contractors thereof.

(3) HUMANITARIAN ACTIVITIES.—The President may not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices or for the provision of humanitarian assistance.

(j) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this secion shall not include the authority or requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this subsection, the term ‘‘good’’ means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(k) DEFINITIONS.—In this section—

(1) the term ‘‘appropriate congressional committees’’ means—

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

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

(2) the term ‘‘foreign person’’ means an indi1vidual or entity that is not a United States person;

(3) the term ‘‘United States person’’ means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to theUnited States;

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

(C) a person in the United States; and

(4) the term ‘‘knowingly’’ with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

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

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

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

(2) Following the withdrawal of normal trade relations treatment, tariff rates on products of the People's Republic of China shall revert to those set forth under Column 2 of the Tariff Act of 1930, without prejudice to any adjustments or modifications that may be made under the law, unless Congress passes China "tariff legislation" as outlined in SEC 104.

SEC. 104: EXPEDITED PROCEDURES FOR TARIFFS WITH REGARDS TO THE PEOPLE'S REPUBLIC OF CHINA

(a) China tariff legislation.—

(1) DEFINITIONS.—In this subsection:

(A) China tariff legislation.—The term "China tariff legislation" means only a bill of either House of Congress—

(i) the title of which is as follows: "A bill to set tariff schedules with regards to the People's Republic of China"; and

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

(iii) which may not reduce tariffs, duties, or non-tariff barriers on the People's Republic of China below levels at which such barriers were set as of January 1st 2024.

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

(A) in the House of Representatives, by the majority leader or the minority leader; or the Chairman or Ranking Member of the Committee on Ways and Means and

(B) in the Senate, by the majority leader (or the majority leader's designee) or the minority leader (or the minority leader's designee), or the Chairman or Ranking Member of the Committee on Finance.

(C) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Finance reports China tariff legislation to the Senate to move to proceed to the consideration of the China tariff legislation, and all points of order against the China tariff legislation (and against consideration of the China tariff legislation) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to China tariff legislation shall be decided without debate.
(E) CONSIDERATION OF VETO MESSAGES.—Debate in the Senate of any veto message with respect to China tariff legislation, including all debatable motions and appeals in connection with the joint resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.
(3) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—
(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 105. PROTECTING AMERICANS' RETIREMENT SAVINGS.

(a) SHORT TITLE.—This section may be cited as the "Protecting Americans' Retirement Savings Act" or "PARSA".

(b) PROHIBITION ON INVESTMENT IN CERTAIN ENTITIES.—Section 404(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)) is amended by adding at the end the following:

"(3) PROHIBITION ON INVESTMENT IN CERTAIN ENTITIES.—

"(A) IN GENERAL.—For purposes of paragraph (1), a fiduciary of a plan may not be considered to act solely in the interest of the participants and beneficiaries of the plan if such fiduciary does not ensure that such plan does not engage in a transaction that the fiduciary knows, or should know, will result in the plan—

"(i) acquiring an interest (as defined in section 103(h)) between the plan and a sanctioned entity or foreign adversary entity (as each such term is defined in section 103(h));

"(ii) lending money or extending credit to such an entity;

"(iii) furnishing goods, services, or facilities to such an entity; or

"(iv) transferring, directly or indirectly, to or for use by or for the benefit of such an entity—

"(I) any assets of the plan; or

"(II) any data with respect to any participant or beneficiary of the plan.

For the purposes of subclause (II), the term 'fiduciary' includes any person who exercises direct or indirect discretionary authority, responsibility, or control with respect to any participant beneficiary data.

"(B) CONTINUATION OF CURRENT INVESTMENTS.—In the case of a plan holding an investment in a sanctioned entity or foreign adversary entity on the date of enactment of the Protecting Americans' Retirement Savings Act, such plan may continue to hold such investment if the fiduciary of such plan complies with the requirements of subparagraphs (I) and (J) of section 103(b)(3).

"(C) CONTRACTUALLY OBLIGATED INVESTMENTS.—In the case of a plan that has entered into a binding agreement prior to the date of enactment of the Protecting Americans' Retirement Savings Act obligating such plan to engage in a transaction described under subparagraph (A), if the fiduciary of such plan complies with the requirements of subparagraphs (I), (J), and (K) of section 103(b)(3), such plan may fulfill the terms of such agreement until such agreement—

"(i) expires; or

"(ii) allows for termination.".

(c) ADDITIONAL DISCLOSURES FOR EMPLOYEE RETIREMENT FUNDS.—

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

(A) in subparagraph (H)(iv), by striking the period at the end and inserting "; and"; and

(B) by inserting at the end the following:

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

"(i) the aggregate value of such assets in the plan;

"(ii) the identity of each sanctioned entity in which such plan holds an interest; and

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

"(J) a separate statement of all assets in the plan that consist, in whole or in part, of an interest in a foreign adversary entity, including—

"(i) the aggregate value of such assets in the plan;

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

"(iii) the name of any investment vehicle through which the plan holds such interest;

"(iv) the name of the fiduciary responsible for such investment; and

"(v) a brief statement of factors considered by the fiduciary in maintaining such investment;

"(K) a description of any ongoing agreement subject to section 404(a)(3)(C), including—

"(i) the assets involved in such agreement;

"(ii) the date on which such agreement expires;

"(iii) the date on which such commitment may be terminated; and

"(iv) such other information as the Secretary may deem appropriate.".

(2) DEFINITIONS.—Section 103 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023) is further amended by adding at the end the following new subsection:

"(h) DEFINITIONS.—In this section:

"(1) CONTROL.—The term 'control' has the meaning given in section 800.208 of title 31, Code of Federal Regulations (as in effect on the date of enactment of this Act).

"(2) EXPORT ADMINISTRATION REGULATIONS.—The term 'Export Administration Regulations' means the regulations set forth in subchapter C of chapter VII of title 15, Code of Federal Regulations, or successor regulations.

"(3) FOREIGN ADVERSARY.—The term 'foreign adversary'—

"(A) has the meaning given the term 'covered nation' in section 4872(d) of title 10, United States Code (as in effect on the date of enactment of this Act); and

"(B) includes any Special Administrative Region of any such covered nation.

"(4) FOREIGN ADVERSARY ENTITY.—The term 'foreign adversary entity' means—

"(A) any official governmental body at any level in a foreign adversary;

"(B) the armed forces of a foreign adversary;

"(C) the leading political party of a foreign adversary;

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

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

"(5) INTEREST.—The term 'interest' includes any interest—

"(A) held directly or indirectly through any chain of ownership; or

"(B) held as a derivative financial instrument or other contractual arrangement with respect to such sanctioned entity, including any financial instrument or other contract which seeks to replicate any financial return with respect to a sanctioned entity or interest in such sanctioned entity.

"(6) SANCTIONED ENTITY.—The term 'sanctioned entity' means an entity listed on any of the following lists:

"(A) The Non-SDN Chinese Military-Industrial Complex Companies List (NS–CMIC List) maintained by the Office of Foreign Assets Control of the Department of the Treasury under Executive Order 14032 (86 Fed. Reg. 30145), or any successor order.

"(B) The list of Chinese military companies identified by the Secretary of Defense pursuant to section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 113 note).

"(C) The Entity List maintained by the Department of Commerce and set forth in Supplement No. 4 to part 744 of the Export Administration Regulations.

"(D) The Denied Persons List maintained by the Department of Commerce and described in section 764.3(a)(2) of the Export Administration Regulations.

"(E) The Unverified List set forth in Supplement No. 6 to part 744 of the Export Administration Regulations.

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

"(G) The list of companies whose equipment or services are maintained by the Federal Communications Commission under section 2(a) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601(a)), commonly referred to as the FCC Covered list.

"(H) The Uyghur Forced Labor Prevention Act Entity List maintained by the Department of Homeland Security pursuant to Public Law 117–78.

"(I) The Withhold Release Orders and Findings List maintained by the Commissioner of U.S. Customs and Border Protection pursuant to Public Law 117–78.".

(3) EFFECTIVE DATE.—

(A) REGULATIONS REQUIRED.—Not more than 180 days after the enactment of this Act, the Secretary shall issue regulations implementing this section.

(B) EFFECTIVE DATE OF REGULATIONS.—The regulations issued under subparagraph (A) shall take effect not later than 1 year after the date of enactment of this Act.

(d) NEGOTIATION OF A FREE TRADE AGREEMENT WITH TAIWAN. PHILIPPINES, INDONESIA, THAILAND, MALAYSIA, NEW ZEALAND, AND THE UNITED KINGDOM.—Subject to **subsection (e)**, the President is authorized to enter into an agreement with Taiwan , the Philippines, Indonesia, Thailand, Malaysia, New Zealand, and the United Kingdom consistent with the policy described in subsection (e), and the provisions of section 151(c) of the Trade Act of 1974 (19 U.S.C. 2191(c)) shall apply with respect to a bill to implement such agreement.

(e) INTRODUCTION AND FAST TRACK CONSIDERATION OF IMPLEMENTING BILL.—

(1) INTRODUCTION IN HOUSE OF REPRESENTATIVES AND SENATE.—Whenever the President submits to Congress a bill to implement a trade agreement described in subsection(d) the bill shall be introduced (by request) in the House of Representatives and in the Senate as described in section 151(c) of the Trade Act of 1974 (19 U.S.C. 2191(c)).

(2) PERMISSIBLE CONTENT IN IMPLEMENTING LEGISLATION.—A bill to implement a trade agreement described in subsection(d) shall contain provisions that are necessary to implement the trade agreement, and shall include trade-related labor and environmental protection standards, but may not include amendments to title VII of the Tariff Act of 1930, title II of the Trade Act of 1974, or any antitrust law of the United States.

(3) APPLICABILITY OF FAST TRACK PROCEDURES.—Section 151 of the Trade Act of 1974 (19 U.S.C. 2191) is amended—

(A) in subsection (b)(1), by inserting “section 191 of the Countering Communist China Act,” after “section 282 of the Uruguay Round Agreements Act,”; and

(B) in subsection (c)(1), by inserting “section 191 of the Countering Communist China Act,” after “the Uruguay Round Agreements Act,”.

SEC. 106. DISCLOSING INVESTMENTS IN FOREIGN ADVERSARIES ACT OF 2024.

(a) SHORT TITLE.—This section may be cited as the "Disclosing Investments in Foreign Adversaries Act of 2024".

(b) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Securities and Exchange Commission.

(2) COUNTRY OF CONCERN.—The term "country of concern"—

(A) has the meaning given the term "covered nation" in section 4872(d) of title 10, United States Code; and

(B) includes a jurisdiction that the Commission, in consultation with the Secretary of State and the Secretary of the Treasury, determines to be subject to the political and legal control of a covered nation, as defined in section 4872(d) of title 10, United States Code.

(3) COVERED ENTITY.—The term "covered entity" means an entity or person that is required to file Form PF.

(4) EXEMPT REPORTING ADVISER.—The term "exempt reporting adviser" means an investment adviser described in section 275.204–4(a) of title 17, Code of Federal Regulations, or any successor regulation.

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

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

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

(8) PRIVATE FUND ASSETS.—The term "private fund assets" has the meaning given the term in section 275.204(b)–1 of title 17, Code of Federal Regulations, or any successor regulation.

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

(1) REQUIREMENTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission shall amend Form PF and Form ADV, and the rules of the Commission governing the submission of Form PF and Form ADV, to, subject to subparagraph (B), require each covered entity and each exempt reporting adviser to annually disclose when submitting Form PF or Form ADV, respectively, the total private fund assets in countries of concern attributable to the private funds advised by the covered entity or exempt reporting adviser, as applicable, which shall be broken down by the percentage of those assets in each country of concern.

(B) APPLICATION.—For the purposes of subparagraph (A), the Commission shall determine whether a private fund asset is in a country of concern based on—

(i) the amount of capital that is invested in an entity (including a subsidiary of an entity)—

(I) that has a physical presence or employees in that country of concern; or

(II) the plurality of the sales of which are from that country of concern; and

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

(2) REPORTING BY COMMISSION.—

(A) PUBLICLY AVAILABLE REPORTS.—

(i) IN GENERAL.—Not later than 1 year after the date on which the Commission makes the amendments required under paragraph (1), and not less frequently than annually thereafter, the Commission shall prepare and make publicly available a report containing a list of covered entities and exempt reporting advisers that, for the period covered by the report, have disclosed more than 0 private fund assets under Form PF or Form ADV (as amended pursuant to that subsection) in at

least 1 country of concern, which shall be aggregated by the covered entity or exempt reporting adviser making that disclosure.

(ii) ADDITIONAL REQUIREMENTS.—Each report prepared and made available by the Commission under clause (i) shall—

(I) be aggregated by covered entity or exempt reporting adviser; and

(II) include the percentage of private fund assets disclosed by a covered entity or exempt reporting adviser, as applicable.

(B) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to permit the Commission to make available any information that appears on Form PF or Form ADV other than the information that is included on Form PF or Form ADV as a result of the requirements under paragraph (1).

(d) EXEMPTED TRANSACTIONS.—

(1) IN GENERAL.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 13A (15 U.S.C. 78m–1) the following:

"SEC. 13B. DISCLOSURE REQUIREMENTS RELATING TO CERTAIN EXEMPTED TRANSACTIONS.

"(a) DEFINITIONS.—In this section:

"(1) BENEFICIAL OWNER.—The term 'beneficial owner' means a person that is determined to be a beneficial owner under section 240.13d–3 of title 17, Code of Federal Regulations, or any successor regulation.

"(2) COUNTRY OF CONCERN.—The term 'country of concern'—

"(A) has the meaning given the term 'covered nation' in section 4872(d) of title 10, United States Code; and

"(B) includes a jurisdiction that the Commission, in consultation with the Secretary of State and the Secretary of the Treasury, determines to be subject to the political and legal control

of a covered nation, as defined in section 4872(d) of title 10, United States Code.

"(3) COVERED EXEMPTED TRANSACTION.—The term 'covered exempted transaction' means an offer or sale of a security that is—

"(A) exempt from registration under section 5 of the Securities Act of 1933 (15 U.S.C. 77e); and

"(B) structured or intended to comply with—

"(i) section 230.506(b) of title 17, Code of Federal regulations, or any successor regulation;

"(ii) sections 230.901, 230.902, and 230.903 of title 17, Code of Federal Regulations, or any successor regulations; or

"(iii) section 230.144A of title 17, Code of Federal Regulations, or any successor regulation.

"(b) REQUIREMENT.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an issuer that conducts a covered exempted transaction described in paragraph (2), that issuer shall provide to the Commission, at such time and in such manner as the Commission may prescribe, the following information:

"(A) The identity of the issuer.

"(B) The place of incorporation of the issuer.

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

"(D) Whether the issuer is associated with at least 1 consolidated entity that is incorporated in a country of concern.

"(E) The amount of securities sold pursuant to the covered exempted transaction and the net proceeds to the issuer.

"(F) The beneficial owners of the issuer.

"(G) The intended use of the proceeds from the covered exempted transaction, including each country in which the issuer intends to invest those proceeds, which shall be broken down by the percentage of net proceeds by industry within each such country.

"(H) The exemption the issuer relies on with respect to the covered exempted transaction.

"(2) PARTICULAR COVERED EXEMPTED TRANSACTION DESCRIBED.—A covered exempted transaction described in this paragraph is, with respect to the issuer offering or selling the security that is the subject of the covered exempted transaction, either of the following instances:

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

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

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

"(1) revise and issue such rules, regulations, and forms as may be necessary to carry out this section; and

"(2) issue rules to set conditions that limit the future use of covered exempted transactions for issuers that do not comply with the disclosure requirements of this section.

"(d) APPLICABILITY.—This section shall apply with respect to any covered exempted transaction that occurs on or after the date that is 1 year after the date of enactment of this section.

"(e) REPORTS.—The Commission shall, on a quarterly basis, prepare and make publicly available a report that includes all information submitted by an issuer under this section during the quarter covered by the report, if that issuer—

"(1) is—

"(A) incorporated in a country of concern; or

"(B) incorporated outside of a country of concern and is associated with at least 1 consolidated entity—

"(i) the plurality of the assets of which are in a country of concern; or

"(ii) that is incorporated in a country of concern; or

"(2) discloses in a filing made pursuant to this section that the issuer intends to invest the proceeds from a covered exempted transaction in a country of concern.".

SECTION 107. STOP Funding the CCP through A-Shares Act

This Act may be cited as the "Stop Funding the CCP through A-Shares Act".

SEC. 108. PROHIBITED ACTS.

(a) Definitions.—In this section:

(1) ACTING IN A PROFESSIONAL CAPACITY.—The term "acting in a professional capacity" includes acting as—

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

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

(C) an associated person of a member (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))) described in subparagraph (A) or (B).

(2) ASSIGNMENT.—The term "assignment" has the meaning given the term in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)).

(3) COMMERCE.—The term "commerce" has the meaning given the term in section 4 of the Federal Trade Commission Act (15 U.S.C. 44).

(4) COVERED EXCHANGE.—The term "covered exchange" means—

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

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

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

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

(5) COVERED SECURITY.—The term "covered security" means a security that—

(A) as of the date on which a covered transaction is executed with respect to the security, is listed on a covered exchange;

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

(C) is designed to provide investment exposure to a security described in subparagraph (A).

(6) COVERED TRANSACTION.—The term "covered transaction" means a purchase, sale, or assignment.

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

(8) PURCHASE; SALE; SECURITY.—The terms "purchase", "sale", and "security" have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(9) U.S. PERSON.—The term "U.S. person" has the meaning given the term in section 120.62 of title 22, Code of Federal Regulations, or any successor regulation.

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

(b) Prohibition.—

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

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

(c) Penalties.—A U.S. person that violates, attempts to violate, conspires to violate, or causes a violation of this section shall be subject to any of the following penalties:

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

(A) $350,000; or

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

(2) With respect to a U.S. person that willfully violates, willfully attempts to violate, willfully conspires to violate, or willfully aids or abets in the commission of a violation of this section, a criminal penalty as follows:

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

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

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

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

(I) An investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3).

(II) A bank, broker, dealer, exchange, insurance company, investment banker, underwriter, savings and loan association, business development company, commodity pool, commodity pool operator, commodity trading advisor, major swap participant, swap dealer, or swap execution facility, as those terms are defined in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)).

(III) An investment adviser, as defined in section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)).

(IV) A market intermediary, as defined in section 3(c)(2)(B)(i) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(2)(B)(i)).

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

(VI) A qualified pension, profit-sharing, or stock bonus plan described in section 401 of the Internal Revenue Code of 1986.

(VII) An individual retirement account, as defined in section 408(a) of the Internal Revenue Code of 1986.

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

SEC. 109. REPORTS TO CONGRESS.

(a) In General.—In accordance with subsection (b), the Secretary of the Treasury, in consultation with the Secretary of Commerce, the Secretary of State, the Secretary of Defense, the Assistant to the President for National Security Affairs, and the Director of National Intelligence, shall submit to Congress a report on, for the period covered by the report—

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

(2) the extent of the occurrence of the conditions described in section 2(b) with respect to securities listed on the Stock Exchange of Hong Kong.

(b) Frequency of Submission.—The Secretary of the Treasury shall submit to Congress a report described in subsection (a)—

(1) not later than 90 days after the date of enactment of this Act;

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

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

SEC. 110. ANNUAL REPORT ON UNITED STATES PORTFOLIO INVESTMENTS IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) Definitions.—In this section:

(1) CHINESE ENTITY.—The term "Chinese entity" means an entity organized under the laws of the People's Republic of China or otherwise subject to the jurisdiction of the Government of the People's Republic of China.

(2) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

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

(b) Report.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of the Treasury shall submit to Congress a report on portfolio investments by United States persons in the People's Republic of China, including such investments routed through a jurisdiction outside the United States.

(c) Elements.—Each report required by subsection (b) shall include an assessment of the involvement of the following in portfolio investments in the People's Republic of China:

(1) United States persons making such investments, including an assessment of—

(A) the types of United States persons making such investments, including State pension funds; and

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

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

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

(B) any Chinese entities subject to sanctions imposed by the United States receiving such investments; and

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

(d) Period Covered.—The period covered by a report required by subsection (b) shall be—

(1) in the case of the first such report, the period beginning on January 1, 2008, and ending on the date of the report; and

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

SEC. 111. COORDINATION.

(a) In General.—The Secretary of the Treasury and the Securities and Exchange Commission may coordinate to carry out this Act.

(b) Coordination on Imposition of Criminal Penalties.—For the purposes of carrying out section 3(c)(2), the Secretary of the Treasury and the Securities and Exchange Commission may coordinate with the Attorney General.

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

SEC. 201. 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.

(a) IMPOSITION OF SANCTIONS.—The President shall impose the sanctions described in subsection (b) with respect to any foreign person that the President determines knowingly commits a significant act of malign disinformation on behalf of the government of a foreign country or foreign political party that has the direct purpose or effect of influencing political, diplomatic, or educational activities in the United States for the purpose of harming—

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

(2) the safety and security of any United States citizen or alien lawfully admitted for permanent residence.

(b) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions described in this subsection with respect to a foreign person determined by the President to be subject to subsection (a) are the following:

(A) ASSET BLOCKING.—The President shall exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

(i) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—In the case of a foreign person who is an individual, the foreign person is—

(I) inadmissible to the United States;

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

(III) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(ii) CURRENT VISAS REVOKED.—

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

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

(aa) take effect immediately; and

(bb) automatically cancel any other valid visa or entry documentation that is in the person's possession.

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

(3) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under paragraph (1)(B) shall not apply to a foreign person who is an individual if admitting the person into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

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

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

(e) REGULATORY AUTHORITY.—

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

(2) NOTIFICATION TO CONGRESS.—Not less than 10 days before the promulgation of regulations under paragraph (1), the President shall notify and provide to the appropriate congressional committees the proposed regulations and an identification of the provisions of this section that the regulations are implementing.

(f) DEFINITIONS.—In this section:

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

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives; and

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

(3) FOREIGN PERSON.—The term "foreign person" means a person that is not a United States person.

(4) KNOWINGLY.—The term "knowingly", with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(5) PERSON.—The term "person" means an individual or entity.

(6) PROPERTY; INTEREST IN PROPERTY.—The terms "property" and "interest in property" have the meanings given the terms "property" and "property interest", respectively, in section 576.312 of title 31, Code of Federal Regulations, as in effect on the day before the date of the enactment of this Act.

(7) UNITED STATES PERSON.—The term "United States person" means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States;

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

(C) any person in the United States.

(g) SUNSET.—

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

(2) INAPPLICABILITY.—Paragraph (1) shall not apply with respect to sanctions imposed with respect to a foreign person under this section before January 1, 2026.

SEC. 202. DETERMINATION WITH RESPECT TO THE IMPOSITION OF SANCTIONS ON THE UNITED FRONT WORK DEPARTMENT OF THE CHINESE COMMUNIST PARTY.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a determination, including a detailed justification, on whether the United Front Work Department of the Chinese Communist Party, or any component or official thereof, meets the criteria for the application of sanctions pursuant to—

(1) section 101 of this Act;

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

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

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

(b) FORM.—The determination required by subsection (a) shall be submitted in unclassified form but may contain a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate.

SEC. 203. 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.

Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) (1) Notwithstanding subsection (b), the authority granted to the President by this section includes the authority to regulate or prohibit transactions with a mobile application or software program that—

"(A) engages in the theft or unauthorized transmission of a user's data; and

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

"(2) In this subsection, the term 'covered country' means any of the following:

"(A) A communist country.

"(B) A foreign adversary.

"(C) A state sponsor of terrorism.

"(3) In this subsection:

"(A) The term 'communist country' has the meaning given such term in section 620(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)(1)).

"(B) The term 'covered foreign political party' means the Chinese Communist Party (CCP).

"(C) The term 'foreign adversary' has the meaning given such term in Executive Order 13920, issued on May 1, 2020, entitled 'Securing the United States BulkPower System', and including the list of foreign adversaries identified by the Department of Energy's Office of Electricity pursuant to such Executive Order on July 7, 2020, as in effect on January 19, 2021.

"(D) The term 'state sponsor of terrorism' means a country the government of which the Secretary of State determines has repeatedly provided support for international terrorism pursuant to—

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

"(ii) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

"(iii) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

"(iv) any other provision of law.".

SEC. 204. IMPOSITION OF SANCTIONS WITH RESPECT TO MOBILE APPLICATIONS OR SOFTWARE PROGRAMS THAT ENGAGE IN THEFT OR UNAUTHORIZED TRANSMISSION OF USER DATA.

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

(1) engages in the theft or unauthorized transmission of a user's data to servers located in China; and

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

(b) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions described in this subsection with respect to a foreign person determined by the President to be subject to subsection (a) are the following:

(A) ASSET BLOCKING.—The President shall exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

(i) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—In the case of a foreign person who is an individual, the foreign person is—

(I) inadmissible to the United States;

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

(III) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(ii) CURRENT VISAS REVOKED.—

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

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

(aa) take effect immediately; and

(bb) automatically cancel any other valid visa or entry documentation that is in the person's possession.

(2) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations promulgated under subsection (e) to implement this section to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of such Act.

(3) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under paragraph (1)(B) shall not apply to a foreign person who is an individual if admitting the person into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

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

(d) IMPLEMENTATION AUTHORITY.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out this section. The exceptions to the President's authority described in section 203(b) of the International Emergency Economic Powers Act, as shall not apply to the President's authority to exercise authorities under this section.

(e) REGULATORY AUTHORITY.—

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

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

(f) DEFINITIONS.—In this section:

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

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives; and

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

(3) FOREIGN PERSON.—The term "foreign person" means a person that is not a United States person.

SEC. 205. DETERMINATION WITH RESPECT TO THE IMPOSITION OF SANCTIONS ON WECHAT AND TIKTOK.

(a) DETERMINATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a determination, including a detailed justification, regarding whether WeChat and TikTok, or any component thereof, or any entity owned or controlled by WeChat, satisfies the criteria for the application of sanctions pursuant to—

(1) section 205 of this Act; or

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

(b) FORM.—The determination required by subsection (a) shall be submitted in unclassified form but may contain a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on

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

SEC. 206. PROHIBITING LOBBYING CONTACTS ON BEHALF OF COMMUNIST COUNTRIES.

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

"SEC. __. PROHIBITING LOBBYING CONTACTS ON BEHALF OF FOREIGN COUNTRIES OF CONCERN.

"(a) PROHIBITION.—Notwithstanding any other provision of law, no person may receive direct or indirect compensation in any form, including intangible or in-kind, for serving as an agent of a foreign country of concern. or making a lobbying contact on behalf of a foreign country of concern.

"(b) PENALTY.—In addition to any other penalty 20 under this Act, any person who violates subsection (a) shall be subject to a fine of at least an amount greater than the total compensation the person received in violation of subsection (a) and shall be subject of a fine of no more than three times the total compensation the person received in violation of subsection (a).

"(c) DEFINITION.—In this section, a 'foreign country of concern' means a country defined under **[**section 19221(a)(1) of title 42, United States Code,**]** as well as any agent, instrumentality or entity owned or controlled by a foreign country of concern.".

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

SEC. 207. ANNUAL DISCLOSURE OF CONTRIBUTIONS FROM FOREIGN GOVERNMENTS AND POLITICAL PARTIES BY CERTAIN TAX-EXEMPT ORGANIZATIONS.

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

"(16) with respect to each government of a foreign country (within the meaning of section 1(e) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(e))) and each foreign political party (within the meaning of section 1(f) of such Act (22 U.S.C. 611(f)) which made aggregate contributions and gifts to the organization during the year in

excess of $50,000, the name of such government or political party and such aggregate amount, and".

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

"(e) PUBLIC DISCLOSURE OF CERTAIN INFORMATION.—The Secretary shall make publicly available in a searchable database the following information:

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

"(2) The name of the organization furnishing the information described in paragraph (1).

"(3) The aggregate amount reported under such section as having been received as contributions or gifts in each year from the People's Republic of China and (stated separately) from the Chinese Communist Party.".

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

SEC. 208. POSITION OF SANCTIONS WITH RESPECT TO SENIOR OFFICIALS OF THE CHINESE COMMUNIST PARTY.

(a) IMPOSITION OF SANCTIONS.—Notwithstanding any other provision of law, the President is authorized to impose the sanctions described in subsection (b) with respect to any foreign person the President determines—

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

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

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

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

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

(D) the forced closure or destruction of churches, mosques, Buddhist temples or any other place of worship in China, or

religious practice of Christians, Muslims, Buddhists or any other religious group in China.

(b) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions described in this subsection with respect to a foreign person determined by the President to be subject to subsection (a) are the following:

(A) ASSET BLOCKING.—The President shall exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

(i) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.—Such a foreign person is—

(I) inadmissible to the United States;

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

(III) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—The visa or other documentation issued to such a foreign person shall be revoked, regardless of when such visa or other documentation is or was issued.

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

(aa) take effect immediately; and

(bb) automatically cancel any other valid visa or entry documentation that is in the person's possession.

(2) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 24 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations promulgated under subsection (f) to implement this section to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(3) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under paragraph (1)(B) shall not apply to a foreign person who is an individual if admitting the person into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

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

(d) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section if the President determines and reports to the appropriate congressional committees not later than 15 days before the termination takes effect that the President has determined that the foreign person no longer is involved in any of the activities described in subsection (a).

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

(f) REGULATORY AUTHORITY.—

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

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

(g) SUNSET.—

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

(2) INAPPLICABILITY.—Paragraph (1) shall not apply with respect to sanctions imposed with respect to a foreign person under this section before January 1, 2026.

(h) DEFINITIONS.—In this section:

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

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives; and

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

(3) FOREIGN PERSON.—The term "foreign person" means a person that is not a national or citizen of the United States or lawfully admitted for permanent residence in the United States.

SEC. 209. DETERMINATION WITH RESPECT TO THE IMPOSITION OF SANCTIONS ON MEMBERS OF THE CCP POLITBURO.

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

(1) Section 208 of this Act.

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

(3) The Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note).

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

(5) The Hong Kong Human Rights and Democracy Act of 2019 (Public Law 116–76).

(b) FORM.—The determination required by subsection (a) shall be submitted in unclassified form but may contain a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate.

SEC. 210. MANDATORY APPLICATION OF SANCTIONS.

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

(b) INDIVIDUALS AND ORGANIZATIONS DESCRIBED.—The individuals specified in this subsection are the following:

(1) He Lifeng.

(2) Zhao Leji.

(3) Cai Qi.

(4) Ding Xuexiang

(5) Li Xi

SEC. 211. SANCTIONING TYRANNICAL AND OPPRESSIVE PEOPLE WITHIN THE CHINESE COMMUNIST PARTY.

(a) SHORT TITLE.—This section may be cited as the "Sanctioning Tyrannical and Oppressive People within the Chinese Communist Party Act" or the "STOP CCP Act".

(b) FINDINGS.—Congress finds the following:

(1) The Hong Kong National Security Law promulgated on July 1, 2020—

(A) contravenes the Basic Law of the Hong Kong Special Administrative Region that provides in Article 23 that the Legislative Council of Hong Kong shall enact legislation related to national security;

(B) violates the People's Republic of China's commitments under international law, as defined by the Joint Declaration; and

(C) causes severe and irreparable damage to the "one country, two systems" principle and further erodes global confidence in the People's Republic of China's commitment to international law.

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

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

(4) The People's Republic of China has conducted a targeted and systemic population-control campaign against ethnic and religious minorities in the Xinjiang Uyghur Autonomous Region by imposing and implementing coercive population-control practices, including selectively enforcing birth quotas, targeting minority women who are in noncompliance with birth quotas, and subjecting women to coercive measures such as forced birth control, forced sterilization, and forced abortion.

(5) On October 6, 2020, 39 countries delivered a cross-regional joint statement to the United States Mission to the United Nations on

the human rights abuses on Uyghurs and other minorities for forced birth control including sterilization.

(6) On January 19, 2021, the Department of State determined that the People's Republic of China committed crimes against humanity and genocide against Uyghurs and other ethnic and religious minority groups in the Xinjiang Uyghur Autonomous Region, citing forced sterilizations, forced abortions, coerced marriages, and separation of Uyghur children from their families.

(7) The Department of State's 2020 Country Reports on Human Rights Practices affirmed the genocide determination and noted coercive population control measures inflicted on ethnic and religious minority women in China, including forced injections with "drugs that cause temporary or permanent end to their menstrual cycles and fertility".

(8) The United States ratified the United Nations Convention on the Prevention and Punishment of Genocide in 1988, recognizing that "imposing measures intended to prevent births within the group" with intent to destroy a group in whole or part is an act that constitutes genocide.

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

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

(A) "to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area";

(B) "to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern";

(C) "to make clear that the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means";

(D) "to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States";

(E) "to provide Taiwan with arms of a defensive character"; and

(F) "to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan".

(11) Since the election of President Tsai Ing-wen as President of Taiwan in 2016, the Government of the People's Republic of China has intensified its efforts to pressure Taiwan through diplomatic isolation and military provocations.

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

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

(d) IMPOSITION OF SANCTIONS ON MEMBERS OF THE NATIONAL COMMUNIST PARTY CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA.—

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

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

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

(2) SANCTIONS DESCRIBED.—

(A) IN GENERAL.—The sanctions described in this subsection are the following:

(i) BLOCKING OF PROPERTY.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

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

(I) VISAS, ADMISSION, OR PAROLE.—An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reason to believe, has knowingly engaged in any activity described in paragraph (1) is—

(aa) inadmissible to the United States;

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

(cc) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(II) CURRENT VISAS REVOKED.—

(aa) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry documentation issued to an alien described in subclause (I) regardless of when the visa or other entry documentation is issued.

(bb) EFFECT OF REVOCATION.—A revocation under item (aa) shall take effect immediately and shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(B) EXCEPTIONS.—

(i) UNITED NATIONS HEADQUARTERS AGREEMENT.—The sanctions described under subparagraph (A)(ii) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(ii) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under subparagraph (A) shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(iii) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(I) IN GENERAL.—Notwithstanding any other provision of this section, the authorities and requirements to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(II) GOOD DEFINED.—In this clause, the term "good" means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(3) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of regulations promulgated to carry out this section or the sanctions imposed pursuant to this section to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(4) IMPLEMENTATION AUTHORITY.—The President may exercise all authorities provided to the President under sections 203 and

205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) for purposes of carrying out this section.

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

(6) WAIVER.—The President shall have the authority to waive the sanctions required by paragraph (1) for renewable periods of 30 days, if the President provides a written certification to the appropriate congressional committees, which shall also be made publicly available on a website maintained by the Federal Government, that the People's Republic of China and the Chinese Communist Party have—

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

(B) ceased all forms of threats, military exercises, and aggression toward Taiwan, including through verifiably, and for at least a period of one year, having not conducted any breach of Taiwan's air space, territorial waters, or land mass, by any military or intelligence personnel associated with the People's Republic of China or the Chinese Communist Party, or any agent or instrumentality thereof;

(C) ceased the undermining of the autonomy of Hong Kong, including through respecting the terms of the Sino-British Joint Declaration, and reversing all steps taken to interfere with the democratic process and governance of Hong Kong; and

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

(7) SUNSET OF WAIVER AND LICENSE AUTHORITIES.—The President's authority to issue waivers or licenses with respect to sanctions required by paragraph (1) or pursuant to sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) with regard to sanctions required by paragraph (1) shall cease to apply beginning on the date that is 2 years after the date of enactment of this Act.

SEC. 212. CONTINUATION IN EFFECT OF CERTAIN EXPORT CONTROLS.

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

(1) have not engaged in activities that are contrary to United States national security or foreign policy interests and are unlikely to engage in such activities in the future; and

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

(b) HONOR DEVICE CO. LTD.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce—

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

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

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and on a monthly basis thereafter, the Secretary of Commerce shall submit to the appropriate congressional committees a report that—

(A) identifies and describes all license applications received by the Department of Commerce to export, reexport, or transfer (in-country) items subject to the Export Administration Regulations to—

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

(ii) Honor Device Co. Ltd; and

(B) identifies whether such license applications were approved or denied.

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

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

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

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

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

SEC. 213. EXCLUSION OF GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA FROM CERTAIN CULTURAL EXCHANGES.

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

"(3) For purposes of this section, the term 'foreign government' does not include the Government of the People's Republic of China.".

SEC. 214. PROHIBITION ON ANY TSP FUND INVESTING IN ENTITIES BASED IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Section 8438 of title 5, United States Code, is amended by adding at the end the following:

"(i) Notwithstanding any other provision of this section, no fund established or overseen by the Board may include an investment in any security of—

"(1) an entity based in the People's Republic of China; or

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

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

(1) review whether any sums in the Thrift Savings Fund are invested in violation of subsection (i) of section 8438 of that title, as added by subsection (a) of this section;

(2) if any sums are invested in the manner described in paragraph (1), divest those sums in a manner that is consistent with the legal and fiduciary duties provided under chapter 84 of that title, or any other applicable provision of law; and

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

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

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

"(i) an entity based in the People's Republic of China; or

"(ii) any subsidiary that is owned or operated by an entity described in clause (i).".

SEC. 215. ENACTMENT OF EXECUTIVE ORDER.

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

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

SEC. 216. REVIEW BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF GREENFIELD INVESTMENTS BY PEOPLE'S REPUBLIC OF CHINA.

(a) INCLUSION IN DEFINITION OF COVERED TRANSACTION.—Section 721(a)(4) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "; and" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iii) any transaction described in subparagraph (B)(vi) proposed or pending on or after the date of the enactment of the Countering Communist China Act."; and

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

"(vi) An investment by a foreign person that—

"(I) involves—

"(aa) the completed or planned purchase or lease by, or a concession to, the foreign person of private or public real estate in the United States; and

"(bb) the establishment of a United States business to operate a factory or other facility on that real estate; and

"(II) could result in control, including through formal or informal arrangements to act in concert, of that United States business by—

"(aa) the Government of the People's Republic of China;

"(bb) a person owned or controlled by, or acting on behalf of, that Government;

"(cc) an entity in which that Government has, directly or indirectly, including through formal or informal arrangements to act in concert, a 5 percent or greater interest;

"(dd) an entity in which that Government has, directly or indirectly, the right or power to appoint, or approve the appointment of, any members of the board of directors, board of supervisors, or an equivalent governing body (including external directors and other individuals who perform the duties usually associated with such titles) or officers (including the president, senior vice president, executive vice president, and other individuals who perform duties normally associated with such titles) of any other entity that held, directly or indirectly, including through formal or informal arrangements to act in concert, a 5 percent or greater interest in the entity in the preceding 3 years; or

"(ee) an entity in which any members or officers described in item (dd) of any other entity holding, directly or indirectly, including through formal or informal arrangements to act in concert, a 5 percent or greater interest in the entity are members of the Chinese Communist Party or have been members of the Chinese Communist Party in the preceding 3 years.".

(b) DEFINITION OF GOVERNMENT OF PEOPLE'S REPUBLIC OF CHINA.—Section 721(a) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)) is amended—

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

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

"(7) GOVERNMENT OF PEOPLE'S REPUBLIC OF CHINA.—The term 'Government of the People's Republic of China' includes the national and subnational governments within the People's Republic of China, including any departments, agencies, or instrumentalities of such governments.".

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

"(DD) GREENFIELD INVESTMENTS BY PEOPLE'S REPUBLIC OF CHINA.—The parties to a covered transaction described in

subsection (a)(4)(B)(vi) shall submit a declaration described in subclause (I) with respect to the transaction.".

SEC. 217. 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.

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

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "to regulate or prohibit, directly or indirectly" and inserting "to directly regulate or prohibit"; and

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

(i) by striking "but not limited to,"; and

(ii) by inserting ", but excluding sensitive personal data"; and

(2) by adding at the end the following:

"(d) SENSITIVE PERSONAL DATA DEFINED.—In subsection (b)(3), the term 'sensitive personal data' means any of the following:

"(1) Personally identifiable information, including the following:

"(A) Financial data that could be used to analyze or determine an individual's financial distress or hardship.

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

"(C) The set of data in an application for health insurance, long-term care insurance, professional liability insurance, mortgage insurance, or life insurance.

"(D) Data relating to the physical, mental, or psychological health condition of an individual.

"(E) Non-public electronic communications, including email, messaging, or chat communications, between or among users of a United States business's products or services if a primary purpose of such product or service is to facilitate third-party user communications.

"(F) Geolocation data collected using positioning systems, cell phone towers, or WiFi access points such as via a mobile application, vehicle GPS, other onboard mapping tool, or wearable electronic device.

"(G) Biometric enrollment data including facial, voice, retina/iris, and palm/fingerprint templates.

"(H) Data stored and processed for generating a Federal, State, tribal, territorial, or other government identification card.

"(I) Data concerning United States Government personnel security clearance status.

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

"(2) Genetic information, which includes the results of an individual's genetic tests, including any related genetic sequencing data, whenever such results, in isolation or in combination with previously released or publicly available data, constitute identifiable data. Such results shall not include data derived from databases maintained by the United States Government and routinely provided to private parties for purposes of research. For purposes of this paragraph, the term 'genetic test' has the meaning provided in section 2791(d)(17) of the Public Health Service Act (42 U.S.C. 300gg–91(d)(17)).".

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

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

(2) apply with respect to any exercise of the authority granted to the President under section 203 of the International Emergency Economic Powers Act on or after such date of enactment.

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

The Secretary of Agriculture shall take such actions as may be necessary to prohibit the purchase of agricultural land located in the United States by companies owned, in full or in part, by the People's Republic of China. Beginning on the date of the enactment of this Act, agricultural land owned by the People's Republic of China or companies owned, in full or in part, by the People's Republic of China shall not be eligible for participation in programs administered by the Secretary of Agriculture.

[SEC. 219. REPORT.

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

[SEC. 220. PROHIBITION OF FEDERAL CONTRACTS.

[(a) IN GENERAL.—The President shall take such steps as may be necessary to prohibit the awarding or renewal of any Federal contract or procurement agreement with any technology company the President determines has provided hardware or software to the Government of the People's Republic of China or to any state-owned enterprise of China.**]]**

[(b) EXCEPTION.—A technology company shall not be subject to the prohibition under subsection (a) if the company agrees to provide bulk data to the United States Government on demand.**]]**

[(c) WAIVER.—The President may waive the prohibition under subsection (a) on a case-by-case basis if the President certifies to Congress that such a waiver is in the national security interests of the United States.**]]**

[(d) REFERRAL.—The Chair or Ranking Member of the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate may refer to the President the identities of companies the Chair or Ranking member believes meets the definition of "technology company" for purposes of this section and should be subject to the prohibition under subsection (a).**]]**

SEC. 221. ESTABLISHING NEW AUTHORITIES FOR BUSINESSES LAUNDERING AND ENABLING RISKS TO SECURITY.

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

(b) FINANCIAL INSTITUTION DEFINITION.—

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

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

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

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

"(AA) a person engaged in the trade in works of art, antiques, or collectibles, including a dealer, advisor, consultant, custodian, gallery, auction house, museum, or any other person who engages as a business in the solicitation or the sale of works of art, antiques, or collectibles;

"(BB) an attorney, law firm, or notary involved in financial activity or related administrative activity on behalf of another person;

"(CC) a trust or company service provider, including—

"(i) a person involved in forming a corporation, limited liability company, trust, foundation, partnership, or other similar entity or arrangement;

"(ii) a person involved in acting as, or arranging for another person to act as, a registered agent, trustee, or nominee to be a shareholder, officer, director, secretary, partner, signatory, or other similar position in relation to a person or arrangement;

"(iii) a person involved in providing a registered office, address, or other similar service for a person or arrangement; or

"(iv) any other person providing trust or company services, as defined by the Secretary of the Treasury;

"(DD) a certified public accountant or public accounting firm;

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

"(FF) a person engaged in the business of providing third-party payment services, including payment processing, check consolidation, cash vault services, or other similar services designated by the Secretary of the Treasury;".

(2) RULEMAKING.—

(A) IN GENERAL.—Not later than December 31, 2023—

(i) the Secretary of the Treasury shall repeal section 103.170 of title 31, Code of Federal Regulations (relating to exemptions for certain financial institutions);

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

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

(II) establish anti-money laundering programs under section 5318(h) of title 31, United States Code;

(III) establish due diligence policies, procedures, and controls under section 5318(i) of title 31, United States Code; and

(IV) identify and verify their account holders under section 5318(l) of title 31, United States Code.

(B) TRUST OR COMPANY SERVICE PROVIDER.—In promulgating a rule under subparagraph (A)(ii) to implement subparagraph (CC) of section 5312(a)(2) of title 31, United States Code, as added by paragraph (1), the Secretary of Treasury shall exclude from the category of covered persons—

(i) any government agency; and

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

(3) EFFECTIVE DATE.—

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

(B) LIMITATION ON EXEMPTIONS.—With respect to a person described under subparagraphs (Z) through (FF) of section 5312(a)(2) of title 31, United States Code, as added by paragraph (1), the Secretary of the Treasury may not exempt such person from any requirement under subchapter II of chapter 53 of title 31, United States Code, including any delay in such application.

(C) APPLICATION OF CERTAIN PROVISIONS.—Any financial institution (as defined in section 5312(a)(2) of title 31, United States Code) that is not already required to comply with subsections (g), (h), (i), and (l) of section 5318 of title 31, United States Code, shall do so on and after June 30, 2024, whether or not a rule has been issued under paragraph (2)(A)(ii).

(c) TREASURY TASK FORCE AND STRATEGY.—

(1) IN GENERAL.—The Secretary of the Treasury, acting through the Director of the Financial Crimes Enforcement Network, shall establish a task force to—

(A) develop an ambitious, comprehensive, and multi-year United States Government strategy to impose anti-money laundering safeguards on all necessary gatekeeper professions;

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

(C) advance the regulatory rulemaking required under subsection (b)(2) of this section.

(2) GATEKEEPERS STRATEGY.—

(A) IN GENERAL.—Section 262 of the Countering America's Adversaries Through Sanctions Act (Public Law 115–44), is amended by inserting after paragraph (10) the following:

"(11) GATEKEEPERS STRATEGY.—A description of efforts to impose anti-money laundering safeguards on all necessary gatekeeper

professions, including art dealers, investment advisors, real estate professionals, lawyers, accountants, trust or company service providers, public relations professionals, dealers of luxury vehicles, money service businesses, and other similar professions.".

(B) UPDATE CLARIFICATION.—If, before the date of the enactment of this Act, all updates to the national strategy required by section 261(b) of the Countering America's Adversaries Through Sanctions Act (Public Law 115–44) have been completed, the President shall provide an additional update of such national strategy to the Congress containing the contents required under the amendment made by subparagraph (A).

(d) REPORTING BY TITLE INSURANCE COMPANIES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall promulgate a rule requiring a domestic title insurance company to obtain, maintain, and report to the Secretary information on the beneficial owners of entities that purchase or sell residential or commercial real estate in transactions in which the domestic title insurance company is involved.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

(3) DEFINITIONS.—In this subsection:

(A) BENEFICIAL OWNER.—The term "beneficial owner", with respect to an entity, has the meaning as defined in section 5336 of subchapter II of chapter 53 of title 31, United States Code.

(B) DOMESTIC TITLE INSURANCE COMPANY.—The term "domestic title insurance company" has the meaning given that term in regulations prescribed by the Secretary.

SEC. 222. AMENDMENT TO DEPARTMENT OF STATE REWARDS PROGRAM.

Subsection (b) of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

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

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

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

"(14) the identification of credible information regarding the origins of COVID–19, or any person or entity involved in the coverup of the origins of COVID–19, or the identification of any person or entity that provides nonpublic information related to gain of function research connected to Chinese laboratories, including the Wuhan Institute of Virology, with relation to coronaviruses that has been covered up by the Government of China and the Chinese Communist Party.".

SEC. 223. 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.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds available to any Federal department or agency may be used to seek membership by the United States in the World Health Organization or to provide assessed or voluntary contributions to the World Health Organization until such time as the President certifies to Congress that the World Health Organization meets the conditions described in subsection (b).

(b) CONDITIONS DESCRIBED.—The conditions described in this subsection are the following:

(1) The World Health Organization has adopted meaningful reforms to ensure that humanitarian assistance is not politicized and is to be provided to those with the most need.

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

(3) The World Health Organization is not involved in a coverup of the Chinese Communist Party's response to the COVID–19 pandemic.

(4) The World Health Organization grants observer status to Taiwan.

(5) The World Health Organization does not divert humanitarian or medical supplies to Iran, North Korea, or Syria.

(6) The World Health Organization has put in place mechanisms to increase transparency and accountability in its operations and eliminate waste, fraud, and abuse.

SEC. 224. AMENDMENTS TO THE CHEMICAL AND BIOLOGICAL WEAPONS CONTROL AND WARFARE ELIMINATION ACT OF 1991.

(a) PURPOSES AND DEFINITIONS.—Section 502 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5601) is amended—

(1) in the section heading, by adding at the end before the period the following: "**AND DEFINITIONS**";

(2) by striking "The purposes" and inserting "(a) PURPOSES.—The purposes";

(3) in paragraph (1)—

(A) by striking "or use" and insert "use"; and

(B) by inserting ", or engage in an act or acts of gross negligence with respect to a chemical or biological program owned, controlled, or directed by, or subject to the jurisdiction of the government of a foreign state" after "nationals"; and

(4) by adding at the end the following:

"(b) DEFINITIONS.—In this Act:

"(1) GROSS NEGLIGENCE.—The term 'gross negligence', with respect to an act or acts of a government of a foreign state, includes the government knew, or should have known, the act or acts would result in injury or damages to another foreign state or other such foreign states.

"(2) FOREIGN STATE.—The term 'foreign state'—

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

"(ii) includes an 'agency or instrumentality of a foreign state' as that term is defined in subsection (b) of such section; and

"(B) includes an entity that is—

"(i) (I) directly or indirectly owned, controlled, or beneficially owned by, or in an official or unofficial capacity acting as an agent of or on behalf of, the government of a foreign state; or

"(II) received significant material support from the government of a foreign state; and

"(ii) engaged in providing commercial services, shipping, manufacturing, producing, or exporting.".

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

(1) in subsection (a)—

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

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

"(3) ADDITIONAL DETERMINATION BY THE PRESIDENT.—

"(A) WHEN DETERMINATION REQUIRED; NATURE OF DETERMINATION.—Whenever credible information becomes available to the executive branch indicating a substantial possibility that, on or after January 1, 2020, the government of a foreign country has engaged in an act or acts of gross negligence with respect to a chemical or biological program owned, controlled, or directed by, or subject to the jurisdiction of the government of a foreign state, the President shall, within 60 days after the receipt of such information by the executive branch, determine whether that government, on or after such date, has engaged in an act or acts of gross negligence with respect to a chemical or biological program owned, controlled, or directed by, or subject to the jurisdiction of the government of a foreign state. Section 507 applies if the President determines that that government has so engaged in such act or acts of gross negligence.

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

"(i) All physical and circumstantial evidence available bearing on the possibility that the government in question

engaged in an act or acts of gross negligence with respect to a chemical or biological program owned, controlled, or directed by, or subject to the jurisdiction of the government of a foreign state.

"(ii) Whether evidence exists that such program or programs have civilian and military purposes or applications.

"(iii) Whether the government in question attempted to conceal or otherwise withhold information from other governments or international organizations regarding an act or acts of gross negligence.

"(iv) Whether, and to what extent, the government in question is compliant with its obligations under the Biological and Toxin Weapons Convention or Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, as applicable.

"(v) Whether, and to what extent, the government in question is providing or otherwise voluntarily disclosing substantive information to relevant international organizations."; and

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

(i) in the first sentence, by inserting "or (3)" after "paragraph (1)";

(ii) in the second sentence, by inserting "under paragraph (1)" after "determination"; and

(iii) by adding at the end the following: "If the determination under paragraph (3) is that a foreign government had engaged in an act or acts of gross negligence with respect to a chemical or biological program owned, controlled, or directed by, or subject to the jurisdiction of the government of a foreign state, the report shall specify the sanctions to be imposed pursuant to section 507A."; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "whether a particular foreign government" and inserting the following: whether—

"(A) a particular foreign government";

(ii) by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(B) a particular foreign government, on or after January 1, 2020, has engaged in an act of acts of gross negligence with respect to a chemical or biological program owned, controlled, or directed by, or subject to the jurisdiction of the government of a foreign state."; and

(B) in paragraph (2)—

(i) in the first sentence—

(I) by striking "whether the specified government" and inserting the following: whether—

"(A) the specified government";

(II) by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

"(B) the specified government, on or after January 1, 2020, has engaged in an act or acts of gross negligence with respect to a chemical or biological program owned, controlled, or directed by, or subject to the jurisdiction of the government of a foreign state."; and

(ii) in the second sentence—

(I) by inserting "or (3)(B), as applicable" after "subsection (a)(2)"; and

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

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

"SEC. 507A. SANCTIONS AGAINST FOREIGN STATES WITH RESPECT TO CHEMICAL OR BIOLOGICAL PROGRAMS.

"(a) INITIAL SANCTIONS.—

"(1) IN GENERAL.—If the President makes a determination pursuant to section 506(a)(3) with respect to the government of a foreign state, the President shall, within 30 days of making such determination, impose the sanctions described in paragraph (2) with respect to the foreign state.

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

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

"(B) The President shall prohibit the export to the foreign state of any goods, services or technology under Category 1 and Category 2 of the Commerce Control List.

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

"(b) INTERMEDIATE APPLICATION OF SANCTIONS.—

"(1) DETERMINATION.—Not later than 120 days after making a determination pursuant to section 506(a)(3) with respect to a government of a foreign state, the President shall submit to the appropriate congressional committees a determination as to whether—

"(A) such government has adequately addressed an act an act or acts of gross negligence with respect to a chemical or biological program owned, controlled, or directed by, or subject to the jurisdiction of the government of a foreign state;

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

"(C) such government is providing or otherwise voluntarily disclosing substantive information to the United States and relevant international organizations; and

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

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

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

"(A) The United States Government shall terminate assistance to the government of the foreign state under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), except for urgent humanitarian assistance and food or other agricultural commodities or products.

"(B) No sales of any defense articles, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) may be made to the government of the foreign state.

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

"(D) No exports of any goods or technologies controlled for national security reasons under the Export Administration Regulations may be made to the government of the foreign state, except that such prohibition shall not apply to any transaction subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.; relating to congressional oversight of intelligence activities).

"(E) The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to the government of the foreign state under—

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

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

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

"(iv) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

"(c) FINAL APPLICATION OF SANCTIONS.—

"(1) DETERMINATION.—Not later than 210 days after making a determination pursuant to section 506(a)(3) with respect to a government of a foreign state, the President shall submit to the appropriate congressional committees a determination as to whether the government of the foreign state has taken the actions described in subparagraphs (A), (B), (C), and (D) of subsection (b)(1).

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

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

"(A) The President shall, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the government of the foreign state has any interest.

"(B) The President shall, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between one or more financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United

States and involve any interest of the government of the foreign state.

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

"(1) such government has adequately addressed an act an act or acts of gross negligence with respect to a chemical or biological program owned, controlled, or directed by, or subject to the jurisdiction of the government of a foreign state;

"(2) such government has developed or is developing necessary measures to prevent any future act or acts of gross negligence;

"(3) such government is providing or otherwise voluntarily disclosing substantive information to the United States and relevant international organizations;

"(4) such government is compliant with its obligations under the Biological and Toxin Weapons Convention or Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, as applicable; and

"(5) such government is making restitution to those affected by an act or acts of gross negligence with respect to a chemical or biological program owned, controlled, or directed by, or subject to the jurisdiction of the government of a foreign state, including United States persons.

"(e) WAIVER.—

"(1) IN GENERAL.—The President may, for periods not to exceed 180 days, waive the imposition of sanctions under this section if the President certifies to the appropriate congressional committees that such waiver is vital to the national security interests of the United States.

"(2) SUNSET.—The President may not exercise the authority described in paragraph (1) beginning on the date that is 4 years after the date of enactment of this section.

"(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and

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

SEC. 225. DETERMINATION REGARDING THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall determine whether reasonable grounds exist for concluding that the Government of the People's Republic of China meets the criteria for engaging in an act or acts of gross negligence with respect to a chemical or biological program owned, controlled, or directed by, or subject to the jurisdiction of that government under section 506(a)(3) of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, as amended by section 3 of this Act.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after making a determination under subsection (a), the President shall submit to the appropriate congressional committees a report that includes the reasons for the determination.

(2) FORM.—A report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

SEC. 226. REGULATORY AUTHORITY.

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

(b) NOTIFICATION TO CONGRESS.—Not later than 10 days before the prescription of regulations under subsection (a), the President shall notify the appropriate congressional committees regarding the proposed regulations and the provisions of this Act and the amendments made by this Act that the regulations are implementing.

SEC. 227. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term "appropriate congressional committees" means—

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

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

SEC. 228. LIMITATION ON RESEARCH BY THE NATIONAL SCIENCE FOUNDATION AND NATIONAL INSTITUTES OF HEALTH.

Notwithstanding any other provision of law, none of the activities authorized for the National Science Foundation and National Institutes of Health may include, conduct, or support any research—

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

(2) in which a human embryo is created or destroyed, discarded, or put at risk of injury,

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

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

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

SEC. 229. PROHIBITION ON CERTAIN HUMAN-ANIMAL CHIMERAS.

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

"CHAPTER 52—CERTAIN TYPES OF HUMAN-ANIMAL CHIMERAS PROHIBITED

"Sec.
"1131. Definitions.
"1132. Prohibition on certain human-animal chimeras.

"§ 1131. Definitions

"In this chapter the following definitions apply:

"(1) PROHIBITED HUMAN-ANIMAL CHIMERA.—The term 'prohibited human-animal chimera' means—

"(A) a human embryo into which a nonhuman cell or cells (or the component parts thereof) have been introduced to render the embryo's membership in the species Homo sapiens uncertain;

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

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

"(D) an embryo produced by introducing a nonhuman nucleus into a human egg;

"(E) an embryo produced by introducing a human nucleus into a nonhuman egg;

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

"(G) a nonhuman life form engineered such that human gametes develop within the body of a nonhuman life form;

"(H) a nonhuman life form engineered such that it contains a human brain or a brain derived wholly or predominantly from human neural tissues;

"(I) a nonhuman life form engineered such that it exhibits human facial features or other bodily morphologies to resemble human features; or

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

"(i) human gametes develop within the body of the resultant organism;

"(ii) it contains a human brain or a brain derived wholly or predominantly from human neural tissues; or

"(iii) it exhibits human facial features or other bodily morphologies to resemble human features.

"(2) HUMAN EMBRYO.—The term 'human embryo' means an organism of the species Homo sapiens during the earliest stages of development, from 1 cell up to 8 weeks.

"§ 1132. Prohibition on certain human-animal chimeras

"(a) IN GENERAL.—It shall be unlawful for any person to knowingly, in or otherwise affecting interstate commerce—

"(1) create or attempt to create a prohibited human-animal chimera;

"(2) transfer or attempt to transfer a human embryo into a nonhuman womb;

"(3) transfer or attempt to transfer a nonhuman embryo into a human womb; or

"(4) transport or receive for any purpose a prohibited human-animal chimera.

"(b) PENALTIES.—

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

"(2) CIVIL PENALTY.—Whoever violates subsection (a) and derives pecuniary gain from such violation shall be subject to a civil fine of the greater of $1,000,000 and an amount equal to the amount of the gross gain multiplied by 2.

"(c) RULE OF CONSTRUCTION.—This section does not prohibit research involving the use of transgenic animal models containing human genes or transplantation of human organs, tissues, or cells into recipient animals, if such activities are not prohibited under subsection (a).".

SEC. 230. TECHNICAL AMENDMENT.

The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following:

- **"52. Certain Types of Human-Animal Chimeras Prohibited 1131".**

Sec. 230. **REPEALING CERTAIN EXEMPTIONS FROM REGISTRATION UNDER FOREIGN AGENTS REGISTRATION ACT**

OF 1938 BY AGENTS REPRESENTING CHINESE BUSINESS ORGANIZATIONS.

(a) In General.—The Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611 et seq.) is amended by inserting after section 3 the following:

"SEC. 3A. SPECIAL RULES FOR AGENTS REPRESENTING CHINESE BUSINESS ORGANIZATIONS.

"(a) Repeal Of Exemption From Registration For Persons Providing Private And Nonpolitical Representation Of Bona Fide Trade Or Commercial Interests.—Section 3(d)(1) shall not apply to an agent of a covered Chinese business organization.

"(b) Repeal Of Exemption From Registration For Persons Filing Disclosure Reports Under Lobbying Disclosure Act Of 1995.—

"(1) REPEAL.—Section 3(h) shall not apply to an agent of a covered Chinese business organization.

"(2) TIMING FOR FILING OF REGISTRATION STATEMENTS.—In the case of an agent of a covered Chinese business organization who has registered under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.), after the agent files the first registration required under section 2(a) in connection with the agent's representation of the covered Chinese business organization, the agent shall file all subsequent statements, information, or documents required under section 2 at the same time, and in the same frequency, as the reports filed with the Clerk of the House of Representatives or the Secretary of the Senate (as the case may be) under section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) in connection with the agent's representation of the covered Chinese business organization.

"(c) Covered Chinese Business Organization Defined.—In this section, the term 'covered Chinese business organization' means—

"(1) an entity described in section 1(b)(3) which is organized under the laws of, or has its principal place of business in, the People's Republic of China (including any subsidiary or affiliate of such an entity), except that such term does not include a subsidiary or affiliate of an entity which is organized under the laws of, and has its principal place of business in, a country other than the People's Republic of China; or

"(2) an entity designated by the Attorney General as subject to the extrajudicial direction of the Chinese Communist Party.".

(b) Conforming Amendments.—

(1) REPEAL OF EXEMPTION.—Section 3 of such Act (22 U.S.C. 613) is amended—

(A) in subsection (d)(1), by striking "in private" and inserting "except as provided in section 3A(a), in private"; and

(B) in subsection (h), by striking "Any agent" and inserting "Except as provided in section 3A(b), any agent".

(2) TIMING OF FILING OF REGISTRATION STATEMENTS.—Section 2(b) of such Act (22 U.S.C. 612(b)) is amended in the first sentence by striking "six months succeeding such filing" and inserting "six months succeeding such filing (except as provided in section 3A(b)(2))".

(c) Effective Date.—The amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

SECTION 231. SHORT TITLE.

This Act may be cited as the "Protecting America's Agricultural Land from Foreign Harm Act of 2023".

SEC. 232. DEFINITIONS.

In this Act:

(1) AGRICULTURAL LAND.—

(A) IN GENERAL.—The term "agricultural land" has the meaning given the term in section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508).

(B) INCLUSION.—The term "agricultural land" includes land described in section 9(1) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508(1)) that is used for ranching purposes.

(2) COVERED PERSON.—

(A) IN GENERAL.—The term "covered person" has the meaning given the term "person owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary" in section 7.2 of title 15, Code of Federal Regulations (as in effect on the date of enactment of this Act), except that each reference to "foreign adversary" in that definition shall be deemed to be a reference to the Government of—

(i) Iran;

(ii) North Korea;

(iii) the People's Republic of China; or

(iv) the Russian Federation.

(B) EXCLUSIONS.—The term "covered person" does not include a United States citizen or an alien lawfully admitted for permanent residence to the United States.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(4) UNITED STATES.—The term "United States" includes any State, territory, or possession of the United States.

SEC. 233. PROHIBITION ON PURCHASE OR LEASE OF AGRICULTURAL LAND IN THE UNITED STATES BY PERSONS ASSOCIATED WITH CERTAIN FOREIGN GOVERNMENTS.

(a) In General.—Notwithstanding any other provision of law, the President shall take such actions as may be necessary to prohibit the purchase or lease by covered persons of—

(1) public agricultural land that is owned by the United States and administered by the head of any Federal department or agency, including the Secretary, the Secretary of the Interior, and the Secretary of Defense; or

(2) private agricultural land located in the United States.

(b) Implementation.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out subsection (a).

(c) Penalties.—A person that knowingly violates, attempts to violate, conspires to violate, or causes a violation of subsection (a) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) Rule Of Construction.—Nothing in this section may be construed—

(1) to prohibit or otherwise affect the purchase or lease of public or private agricultural land described in subsection (a) by any person other than a covered person;

(2) to prohibit or otherwise affect the use of public or private agricultural land described in subsection (a) that is transferred to or acquired by a person other than a covered person from a covered person; or

(3) to require a covered person that owns or leases public or private agricultural land described in subsection (a) as of the date of enactment of this Act to sell that land.

SEC. 234. PROHIBITION ON PARTICIPATION IN DEPARTMENT OF AGRICULTURE PROGRAMS BY PERSONS ASSOCIATED WITH CERTAIN FOREIGN GOVERNMENTS.

(a) In General.—Except as provided in subsection (b), notwithstanding any other provision of the law, the President shall take such actions as may be necessary to prohibit participation in Department of Agriculture programs by covered persons that have full or partial ownership of agricultural land in the United States or lease agricultural land in the United States.

(b) Exclusions.—Subsection (a) shall not apply to participation in any program—

(1) relating to—

(A) food inspection or any other food safety regulatory requirements; or

(B) health and labor safety of individuals; or

(2) administered by the Farm Service Agency, with respect to the administration of this Act or the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 et seq.).

(c) Proof Of Citizenship.—To participate in a Department of Agriculture program described in subsection (b) (except for a program under this Act or the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 et seq.)), a person described in subparagraph (A) of section 2(2) that is a person described in subparagraph (B) of that section shall submit to the Secretary proof that the person is described in subparagraph (B) of that section.

SEC. 235. AGRICULTURAL FOREIGN INVESTMENT DISCLOSURE.

(a) Inclusion Of Security Interests And Leases In Reporting Requirements.—

(1) IN GENERAL.—Section 9 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508) is amended—

(A) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(B) by inserting after paragraph (3) the following:

"(4) the term 'interest' includes—

"(A) a security interest; and

"(B) a lease, without regard to the duration of the lease;".

(2) CONFORMING AMENDMENT.—Section 2 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501) is amended by striking ", other than a security interest," each place it appears.

(b) Civil Penalty.—Section 3 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3502) is amended—

(1) in subsection (b), by striking "exceed 25 percent" and inserting "be less than 15 percent, or exceed 30 percent,"; and

(2) by adding at the end the following:

"(c) Liens.—On imposing a penalty under subsection (a), the Secretary shall ensure that a lien is placed on the agricultural land with respect to which the violation occurred, which shall be released only on payment of the penalty.".

(c) Transparency.—

(1) IN GENERAL.—Section 7 of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3506) is amended to read as follows:

"SEC. 7. PUBLIC DATA SETS.

"(a) In General.—Not later than 2 years after the date of enactment of the Consolidated Appropriations Act, 2023 (Public Law 117–328), the Secretary shall publish in the internet database established under section 773 of division A of that Act human-readable and machine-readable data sets that—

"(1) contain all data that the Secretary possesses relating to reporting under this Act from each report submitted to the Secretary under section 2; and

"(2) as soon as practicable, but not later than 30 days, after the date of receipt of any report under section 2, shall be updated with the data from that report.

"(b) Included Data.—The data sets established under subsection (a) shall include—

"(1) a description of—

"(A) the purchase price paid for, or any other consideration given for, each interest in agricultural land for which a report is submitted under section 2; and

"(B) updated estimated values of each interest in agricultural land described in subparagraph (A), as that information is made available to the Secretary, based on the most recently assessed value of the agricultural land or another comparable method determined by the Secretary; and

"(2) with respect to any agricultural land for which a report is submitted under section 2, updated descriptions of each foreign person who holds an interest in at least 1 percent of the agricultural land, as that information is made available to the Secretary, categorized as a majority owner or a minority owner that holds an interest in the agricultural land.".

(2) DEADLINE FOR DATABASE ESTABLISHMENT.—Section 773 of division A of the Consolidated Appropriations Act, 2023 (Public Law 117–328), is amended, in the first proviso, by striking "3 years" and inserting "2 years".

(d) Definition Of Foreign Person.—Section 9(3) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3508(3)) is amended—

(1) in subparagraph (C)(ii)(IV), by striking "and" at the end;

(2) in subparagraph (D), by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(E) any person, other than an individual or a government, that issues equity securities that are primarily traded on a foreign securities exchange within—

"(i) Iran;

"(ii) North Korea;

"(iii) the People's Republic of China; or

"(iv) the Russian Federation;".

SEC. 236. REPORTS.

(a) Report From The Secretary On Foreign Ownership Of Agricultural Land In The United States.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and once every 2 years thereafter, the Secretary shall submit to Congress a report describing—

(A) the risks and benefits, as determined by the Secretary, that are associated with foreign ownership or lease of agricultural land in rural areas (as defined in section 520 of the Housing Act of 1949 (42 U.S.C. 1490));

(B) the intended and unintended misrepresentation of foreign land ownership in the annual reports prepared by the Secretary describing foreign holdings of agricultural land due to inaccurate reporting of foreign holdings of agricultural land;

(C) the specific work that the Secretary has undertaken to monitor erroneous reporting required by the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 et seq.) that would result in a violation or civil penalty; and

(D) the role of State and local government authorities in tracking foreign ownership of agricultural land in the United States.

(2) PROTECTION OF INFORMATION.—In carrying out paragraph (1), the Secretary shall establish a plan to ensure the protection of personally identifiable information.

(b) Report From The Director Of National Intelligence On Foreign Ownership Of Agricultural Land In The United States.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and once every 2 years thereafter, the Director of National Intelligence shall submit to the congressional recipients described in paragraph (2) a report describing—

(A) an analysis of foreign malign influence (as defined in section 119C(e) of the National Security Act of 1947 (50 U.S.C. 3059(e))) by covered persons that have foreign ownership in the United States agriculture industry; and

(B) the primary motives, as determined by the Director of National Intelligence, of foreign investors to acquire agricultural land.

(2) CONGRESSIONAL RECIPIENTS DESCRIBED.—The report under paragraph (1) shall be submitted to—

(A) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(B) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Foreign Relations of the Senate;

(E) the Committee on Financial Services of the House of Representatives;

(F) the Committee on Agriculture of the House of Representatives;

(G) the Permanent Select Committee on Intelligence of the House of Representatives;

(H) the Committee on Foreign Affairs of the House of Representatives;

(I) the majority leader of the Senate;

(J) the minority leader of the Senate;

(K) the Speaker of the House of Representatives; and

(L) the minority leader of the House of Representatives.

(3) CLASSIFICATION.—The report under paragraph (1) shall be submitted in an unclassified form, but may include a classified annex.

(c) Government Accountability Office Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing—

(1) a review of resources, staffing, and expertise for carrying out the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 et seq.), and enforcement issues limiting the effectiveness of that Act; and

(2) any recommended necessary changes to that Act.

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

SEC. 301. REPORT AND RECOMMENDATION ON BARRIERS TO DOMESTIC MANUFACTURING OF MEDICAL PRODUCTS.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the Commissioner of Food and Drugs, shall submit to Congress a report on barriers, including regulatory inefficiencies, to domestic manufacturing of active pharmaceutical ingredients, finished drug products, and devices that are—

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

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

(b) CONTENT.—Such report shall—

(1) identify factors that limit the manufacturing of active pharmaceutical ingredients, finished drug products, and devices described in subsection (a); and

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

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

(d) DEFINITION.—In this section, the term "active pharmaceutical ingredient" has the meaning given to such term in section 744A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–41).

SEC. 302 TAX INCENTIVES FOR RELOCATING MANUFACTURING TO THE UNITED STATES.

(a) Accelerated Depreciation For Nonresidential Real Property.—Section 168 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(n) Accelerated Depreciation For Nonresidential Real Property Acquired In Connection With The Relocation Of Manufacturing To The United States.—

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

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

"(3) QUALIFIED NONRESIDENTIAL REAL PROPERTY.—For purposes of this subsection, the term 'qualified nonresidential real property' means nonresidential real property placed in service in the United States by a qualified manufacturer if such property is acquired by such qualified manufacturer in connection with a qualified relocation of manufacturing.

"(4) QUALIFIED MANUFACTURER.—For purposes of this subsection, the term 'qualified manufacturer' means any person engaged in the trade or business of manufacturing any tangible personal property.

"(5) QUALIFIED RELOCATION OF MANUFACTURING.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified relocation of manufacturing' means, with respect to any qualified manufacturer, the relocation of the manufacturing of any tangible personal property from a foreign country to the United States.

"(B) RELOCATION OF PROPERTY NOT REQUIRED.—For purposes of subparagraph (A), manufacturing shall not fail to be treated as relocated merely because property used in such manufacturing was not relocated.

"(C) RELOCATION OF NOT LESS THAN EQUIVALENT PRODUCTIVE CAPACITY REQUIRED.—For purposes of subparagraph (A), manufacturing shall not be treated as relocated unless the property manufactured in the United States is substantially identical to the property previously manufactured in a foreign country and the increase in the units of production of such property in the United States by the qualified manufacturer is not less than the reduction in the units of production of such property in such foreign country by such qualified manufacturer.

"(6) APPLICATION TO POSSESSIONS OF THE UNITED STATES.—For purposes of this subsection, the term 'United States' includes any possession of the United States.".

(b) Exclusion Of Gain On Disposition Of Property In Connection With Qualified Relocation Of Manufacturing.—

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

"SEC. 139J. EXCLUSION OF GAIN ON DISPOSITION OF PROPERTY IN CONNECTION WITH QUALIFIED RELOCATION OF MANUFACTURING.

"(a) In General.—In the case of a qualified manufacturer, gross income shall not include gain from the sale or exchange of qualified relocation disposition property.

"(b) Qualified Relocation Disposition Property.—For purposes of this section, the term 'qualified relocation disposition property' means any property which—

"(1) is sold or exchanged by a qualified manufacturer in connection with a qualified relocation of manufacturing, and

"(2) was used by such qualified manufacturer in the trade or business of manufacturing any tangible personal property in the foreign country from which such manufacturing is being relocated.

"(c) Other Terms.—Terms used in this section which are also used in subsection (n) of section 168 shall have the same meaning when used in this section as when used in such subsection.".

(2) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139I the following new item:

"Sec. 139J. Exclusion of gain on disposition of property in connection with qualified relocation of manufacturing.".

(c) Effective Dates.—

(1) ACCELERATED DEPRECIATION.—The amendment made by subsection (a) shall apply to property placed in service after the date of the enactment of this Act.

(2) EXCLUSION OF GAIN.—The amendments made by subsection (b) shall apply to sales and exchanges after the date of the enactment of this Act.

SEC. 303. PERMANENT FULL EXPENSING FOR QUALIFIED PROPERTY.

(a) In General.—Paragraph (6) of section 168(k) of the Internal Revenue Code of 1986 is amended to read as follows:

"(6) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means, in the case of property placed in service (or, in the case of a specified plant described in paragraph (5), a plant which is planted or grafted) after September 27, 2017, 100 percent.".

(b) Conforming Amendments.—

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

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i)(V), by inserting "and" at the end;

(II) in clause (ii), by striking "clause (ii) of subparagraph (E), and" and inserting "clause (i) of subparagraph (E).''; and

(III) by striking clause (iii);

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) by striking subclauses (II) and (III); and

(bb) by redesignating subclauses (IV) through (VI) as subclauses (II) through (IV), respectively;

(II) by striking clause (ii); and

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

(iii) in subparagraph (C)—

(I) in clause (i), by striking "and subclauses (II) and (III) of subparagraph (B)(i)"; and

(II) in clause (ii), by striking "subparagraph (B)(iii)" and inserting "subparagraph (B)(ii)"; and

(iv) in subparagraph (E)—

(I) by striking clause (i); and

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(B) in paragraph (5)(A), by striking "planted before January 1, 2027, or is grafted before such date to a plant that has already been planted," and inserting "planted or grafted".

(2) Section 460(c)(6)(B) of such Code is amended by striking "which" and all that follows through the period and inserting "which has a recovery period of 7 years or less.".

(c) Effective Date.—The amendments made by this section shall take effect as if included in section 13201 of Public Law 115–97.

SEC. 304. PRINCIPAL NEGOTIATING OBJECTIVES OF THE UNITED STATES RELATING TO TRADE IN COVERED PHARMACEUTICAL PRODUCTS.

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

"(23) TRADE IN COVERED PHARMACEUTICAL PRODUCTS.—

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

"(i) To ensure that a party to the agreement adopts and maintains measures to eliminate the imposition or reimposition of tariffs on imports of such products, particularly in the event of a declared emergency.

"(ii) To ensure that a party to the agreement—

"(I) will reduce or eliminate regulatory and other technical barriers in the pharmaceutical sector;

"(II) will promote expedited approval of facilities for the production of such products being built by business enterprises that operate one or more such facilities in the territory of the party;

"(III) will promote the use of good regulatory practices and streamlined regulatory review and approval processes for the production of such products in the territory of the party;

"(IV) will eliminate duplicated actions and other barriers to reduce the time for approvals of both facilities and such products; and

"(V) will expand transparency and cooperation with other parties and their manufacturers, working collaboratively, to ensure regulatory processes are streamlined and harmonized among other parties to the maximum extent possible.

"(iii) To prohibit export restraints against parties to the agreement, particularly in the event of a declared emergency.

"(iv) With respect to use of subsidies—

"(I) to encourage the coordinated provision of those types of subsidies that are classified under World Trade Organization rules as 'non-prohibited', such as subsidies that are not contingent on exports or import-substitution, to incentivize manufacturing of such products, including the provision of grants, loans, tax incentives, and guaranteed price and volume contracts;

"(II) to explicitly permit, among parties to the agreement, the use of production subsidies to build pharmaceutical manufacturing capacity;

"(III) to affirm that subsidies provided by parties are not intended to be used primarily for export or to distort trade;

"(IV) to affirm parties' commitments under the Antidumping Agreement and the Agreement on Subsidies

and Countervailing Measures, including the recognition that 'dumping, by which products of one country are introduced into the commerce of another country at less than the normal value of the products, is to be condemned if it causes or threatens material injury to an established industry in the territory of a contracting party or materially retards the establishment of a domestic industry'; and

"(V) to encourage notification and consultation among parties as they are considering pharmaceutical 14 manufacturing subsidies to increase coordination and avoid creating conditions such as oversupply or market inefficiencies among the parties.

"(v) With respect to government procurement—

"(I) to provide reciprocal access to government procurements for such products in parties to the agreement;

"(II) to increase coordination between participant countries and facilitate the involvement of participant countries' companies in bids to supply such products; and

"(III) to ensure that any participant in the agreement that is not already so designated, becomes designated for purposes of section 301 of the Trade Agreements Act of 1979 (19 U.S.C. 2511).

"(vi) With respect to trade in services—

"(I) to obtain fair, open, and transparent access to supply chain services in the markets of parties to the agreement, such as distribution, logistics, and transportation services;

"(II) to ensure any restrictions or regulatory requirements maintained on such services are adopted and maintained in a transparent and efficient manner; and

"(III) to require parties to establish an internal process for identifying restrictions or regulatory requirements that could be waived in the event of a declared emergency.

"(vii) With respect to transparency and trade facilitation—

"(I) to obtain commitments among parties to the agreement to develop mechanisms for sharing information on pharmaceutical supply chain constraints and coordinate approaches with parties to minimize risks that could lead to supply chain failures; and

"(II) to the extent they have not done so yet, to obtain commitments from parties that they will fully implement the obligations under the World Trade Organization's Agreement on Trade Facilitation prior to the date the agreement enters into force.

"(viii) With respect to enforcement—

"(I) to ensure that benefits under the agreement can only be obtained by parties that are fully meeting their obligations under the agreement;

"(II) to ensure that parties will not bring a dispute under another agreement for actions that are consistent with the agreement; and

"(III) to provide a dispute settlement mechanism comparable to the dispute settlement provisions of the Agreement between the United States of America, the United Mexican States, and Canada.

"(ix) To minimize the ability of parties to the agreement to undermine the effectiveness of the agreement by abusing exceptions in the agreement by including additional procedural requirements, such as notification of intent to rely on an exception at the time an inconsistent action is taken, and limiting the duration that participants may rely on an exception.

"(B) DEFINITIONS.—In this paragraph:

"(i) ACTIVE PHARMACEUTICAL INGREDIENT.—The term 'active pharmaceutical ingredient'—

"(I) means any component that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of a

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

"(II) does not include—

"(aa) intermediates used in the synthesis of a drug product; or

"(bb) components that may undergo chemical change in the manufacture of a drug product and be present in a drug product in a modified form that is intended to furnish such activity or effect.

"(ii) AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES.—The term 'Agreement on Subsidies and Countervailing Measures' means the agreement referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

"(iii) ANTIDUMPING AGREEMENT.—The term 'Antidumping Agreement' means the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(7) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(7)).

"(iv) BIOLOGICAL PRODUCT.—The term 'biological product' has the meaning given to such term in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

"(v) COVERED PHARMACEUTICAL PRODUCT.—The term 'covered pharmaceutical product' means—

"(I) a drug (including a biological product); or

"(II) an active pharmaceutical ingredient.".

SEC. 305. REAUTHORIZATION OF TRADE AGREEMENTS AUTHORITY.

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

(1) in subsection (a)—

(A) by striking "July 1, 2018" each place it appears and inserting "July 1, 2023"; and

(B) by striking "July 1, 2021" each place it appears and inserting "July 1, 2026";

(2) in subsection (b)—

(A) by striking "July 1, 2018" each place it appears and inserting "July 1, 2023"; and

(B) by striking "July 1, 2021" each place it appears and inserting "July 1, 2026"; and

(3) in subsection (c)—

(A) by striking "July 1, 2018" each place it appears and inserting "July 1, 2023";

(B) by striking "June 30, 2018" and inserting "June 30, 2023";

(C) in paragraph (1)(B), by striking "July 1, 2021" and inserting "July 1, 2026";

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

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

SEC. 306. SECURING ESSENTIAL MEDICAL MATERIALS.

(a) STATEMENT OF POLICY.—Section 2(b) of the Defense Production Act of 1950 (50 U.S.C. 4502) is amended—

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

(2) by inserting after paragraph (2) the following:

"(3) authorities under this Act should be used when appropriate to ensure the availability of medical materials essential to national defense, including through measures designed to secure the drug supply chain, and taking into consideration the importance of United States competitiveness, scientific leadership and cooperation, and innovative capacity;".

(b) STRENGTHENING DOMESTIC CAPABILITY.—Section 107 of the Defense Production Act of 1950 (50 U.S.C. 4517) is amended—

(1) in subsection (a), by inserting "(including medical materials)" after "materials"; and

(2) in subsection (b)(1), by inserting "(including medical materials such as drugs, devices, and biological products to diagnose, cure, mitigate, treat, or prevent disease that are essential to national defense)" after "essential materials".

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

"SEC. 109. STRATEGY ON SECURING SUPPLY CHAINS FOR MEDICAL MATERIALS.

"(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the President, in consultation with the Secretary of Health and Human Services, the Secretary of Commerce, the Secretary of Homeland Security, and the Secretary of Defense, shall transmit a strategy to the appropriate Members of Congress that includes the following:

"(1) A detailed plan to use the authorities under this title and title III, or any other provision of law, to ensure the supply of medical materials (including drugs, devices, and biological products (as that term is defined in section 351 of the Public Health Service Act (42 U.S.C. 262)) to diagnose, cure, mitigate, treat, or prevent disease) essential to national defense, to the extent necessary for the purposes of this Act.

"(2) An analysis of vulnerabilities to existing supply chains for such medical materials, and recommendations to address the vulnerabilities.

"(3) Measures to be undertaken by the President to diversify such supply chains, as appropriate and as required for national defense.

"(4) A discussion of—

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

"(B) a timeline to ensure that essential components of the supply chain for medical materials are not under the exclusive control of a foreign government in a manner that the President determines could threaten the national defense of the United States; and

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

"(b) PROGRESS REPORT.—Following submission of the strategy under subsection (a), the President shall submit to the appropriate Members of Congress an annual progress report until September 30, 2025, evaluating the implementation of the strategy, and may include updates to the strategy as appropriate. The strategy and progress reports shall be submitted in unclassified form but may contain a classified annex.

"(c) APPROPRIATE MEMBERS OF CONGRESS.—The term 'appropriate Members of Congress' means the Speaker, majority leader, and minority leader of the House of Representatives, the majority leader and minority leader of the Senate, the Chairman and Ranking Member of the Committee on Financial Services of the House of Representatives, and the Chairman and Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate.".

SEC. 307. INVESTMENT IN SUPPLY CHAIN SECURITY.

(a) IN GENERAL.—Section 303 of the Defense Production Act of 1950 (50 U.S.C. 4533) is amended by adding at the end the following:

"(h) INVESTMENT IN SUPPLY CHAIN SECURITY.—

"(1) IN GENERAL.—In addition to other authorities in this title, the President may make available to an eligible entity described in paragraph (2) payments to increase the security of supply chains and supply chain activities, if the President certifies to Congress not less than 30 days before making such a payment that the payment is critical to meet national defense requirements of the United States.

"(2) ELIGIBLE ENTITY.—An eligible entity described in this paragraph is an entity that—

"(A) is organized under the laws of the United States or any jurisdiction within the United States; and

"(B) produces—

"(i) one or more critical components;

"(ii) critical technology; or

"(iii) one or more products or raw materials for the security of supply chains or supply chain activities.

"(3) DEFINITIONS.—In this subsection, the terms 'supply chain' and 'supply chain activities' have the meanings given those terms by the President by regulation.".

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall prescribe regulations setting forth definitions for the terms "supply chain" and "supply chain activities" for the purposes of section 303(h) of the Defense Production Act of 1950 (50 U.S.C. 4533(h)), as added by subsection (a).

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

(A) shall encompass—

(i) the organization, people, activities, information, and resources involved in the delivery and operation of a product or service used by the Government; or

(ii) critical infrastructure as defined in Presidential Policy Directive 21 (February 12, 2013; relating to critical infrastructure security and resilience); and

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

SEC. 308. PERMIT PROCESS FOR PROJECTS RELATING TO EXTRACTION, RECOVERY, OR PROCESSING OF CRITICAL MATERIALS.

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

(1) in clause (i)(III), by striking "; or" and inserting a semicolon;

(2) in clause (ii)(II), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(iii) is related to the extraction, recovery, or processing from coal, coal waste, coal processing waste, pre- or post-combustion coal byproducts, or acid mine drainage from coal mines of one of the following materials:

"(I) Critical minerals (as such term is defined in section 7002 of the Energy Act of 2020).

"(II) Rare earth elements.

"(III) Microfine carbon or carbon from coal.".

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure, Natural Resources, and Energy and Commerce of the House of Representatives a report evaluating the timeliness of implementation of reforms of the permitting process required as a result of the amendments made by this Act on the following:

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

(2) Domestic production and supply of critical minerals, rare earths, and microfine carbon or carbon from coal.

TITLE IV—MATTERS RELATING TO RESEARCH AND DEVELOPMENT

SEC. 401. PERMANENT FULL EXPENSING FOR QUALIFIED PROPERTY.

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

"(6) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means, in the case of property placed in service (or, in the case of a specified plant described in paragraph (5), a plant which is planted or grafted) after September 27, 2017, 100 percent.".

(b) CONFORMING AMENDMENTS.—

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

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i)(V), by inserting "and" at the end;

(II) in clause (ii), by striking "clause (ii) of subparagraph (E), and" and inserting "clause (i) of subparagraph (E)."; and

(III) by striking clause (iii);

(ii) in subparagraph (B)—

(I) in clause (i)—

(aa) by striking subclauses (II) and (III); and

(bb) by redesignating subclauses (IV) through (VI) as subclauses (II) through (IV), respectively;

(II) by striking clause (ii); and

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

(iii) in subparagraph (C)—

(I) in clause (i), by striking "and subclauses (II) and (III) of subparagraph (B)(i)"; and

(II) in clause (ii), by striking "subparagraph (B)(iii)" and inserting "subparagraph (B)(ii)"; and

(iv) in subparagraph (E)—

(I) by striking clause (i); and

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(B) in paragraph (5)(A), by striking "planted before January 1, 2027, or is grafted before such date to a plant that has already been planted," and inserting "planted or grafted".

(2) Section 460(c)(6)(B) of such Code is amended by striking "which" and all that follows through the period and inserting "which has a recovery period of 7 years or less.".

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

SEC. 402. RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) IN GENERAL.—Section 174 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 174. RESEARCH AND EXPERIMENTAL EXPENDITURES.

"(a) TREATMENT AS EXPENSES.—

"(1) IN GENERAL.—A taxpayer may treat research or experimental expenditures which are paid or incurred by him during the taxable year in connection with his trade or business as expenses which are not chargeable to capital account. The expenditures so treated shall be allowed as a deduction.

"(2) WHEN METHOD MAY BE ADOPTED.—

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

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

"(3) SCOPE.—The method adopted under this subsection shall apply to all expenditures described in paragraph (1). The method adopted shall be adhered to in computing taxable income for the taxable year and for all subsequent taxable years unless, with the approval of the Secretary, a change to a different method is authorized with respect to part or all of such expenditures.

"(b) AMORTIZATION OF CERTAIN RESEARCH AND EXPERIMENTAL EXPENDITURES.—

"(1) IN GENERAL.—At the election of the taxpayer, made in accordance with regulations prescribed by the Secretary, research or experimental expenditures which are—

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

"(B) not treated as expenses under subsection (a), and

"(C) chargeable to capital account but not chargeable to property of a character which is subject to the allowance under section 167 (relating to allowance for depreciation, etc.) or section 611 (relating to allowance for depletion),

may be treated as deferred expenses. In computing taxable income, such deferred expenses shall be allowed as a deduction ratably over such period of not less than 60 months as may be selected by the taxpayer (beginning with the month in which the taxpayer first realizes benefits from such expenditures). Such deferred expenses are expenditures properly chargeable to capital account for purposes of section 1016(a)(1) (relating to adjustments to basis of property).

"(2) TIME FOR AND SCOPE OF ELECTION.—The election provided by paragraph (1) may be made for any taxable year, but only if made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof). The method so elected, and the period selected by the taxpayer, shall be adhered to in computing taxable income for the taxable year for which the election is made and for all subsequent taxable years unless, with the approval of the Secretary, a change to a different method (or to a different period) is authorized with respect to part or all of such expenditures. The election shall not apply to any expenditure paid or incurred during any taxable year before the taxable year for which the taxpayer makes the election.

"(c) LAND AND OTHER PROPERTY.—This section shall not apply to any expenditure for the acquisition or improvement of land, or for the acquisition or improvement of property to be used in connection with the research or experimentation and of a character which is subject to the allowance under section 167 (relating to allowance for depreciation, etc.) or section 611 (relating to allowance for depletion); but for purposes of this section allowances under section 167, and allowances under section 611, shall be considered as expenditures.

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

"(e) ONLY REASONABLE RESEARCH EXPENDITURES ELIGIBLE.—This section shall apply to a research or experimental expenditure only to the extent that the amount thereof is reasonable under the circumstances.".

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

"Sec. 174. Research and experimental expenditures.".

(c) CONFORMING AMENDMENTS.—

(1) Section 41(d)(1)(A) of such Code is amended by striking "specified research or experimental expenditures under section 174" and inserting "expenses under section 174".

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

"(c) CREDIT FOR INCREASING RESEARCH ACTIVITIES.—

"(1) IN GENERAL.—No deduction shall be allowed for that portion of the qualified research expenses (as defined in section 41(b)) or basic research expenses (as defined in section 41(e)(2)) otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under section 41(a).

"(2) SIMILAR RULE WHERE TAXPAYER CAPITALIZES RATHER THAN DEDUCTS EXPENSES.—If—

"(A) the amount of the credit determined for the taxable year under section 41(a)(1), exceeds

"(B) the amount allowable as a deduction for such taxable year for qualified research expenses or basic research expenses (determined without regard to paragraph (1)),

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

"(3) ELECTION OF REDUCED CREDIT.—

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

"(i) paragraphs (1) and (2) shall not apply, and

"(ii) the amount of the credit under section 41(a) shall be the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCED CREDIT.—The amount of credit determined under this subparagraph for any taxable year shall be the amount equal to the excess of—

"(i) the amount of credit determined under section 41(a) without regard to this paragraph, over

"(ii) the product of—

"(I) the amount described in clause (i), and

"(II) the rate of tax under section 11(b).

"(C) ELECTION.—An election under this paragraph for any taxable year shall be made not later than the time for filing the return of tax for such year (including extensions), shall be made on such return, and shall be made in such manner as the Secretary may prescribe. Such an election, once made, shall be irrevocable.

"(4) CONTROLLED GROUPS.—Paragraph (3) of subsection (b) shall apply for purposes of this subsection.".

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

SEC. 403. REPEAL AND CODIFICATION OF CERTAIN EXECUTIVE ORDERS.

(a) REPEAL.—The Executive order relating to the revocation of certain Executive orders concerning Federal regulation, signed on January 20, 2021, is hereby rescinded.

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

(1) Executive Order 13771 (82 Fed. Reg. 12866; relating to reducing regulation and controlling regulatory costs).

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

(3) Executive Order 13891 (84 Fed. Reg. 55235; relating to improving agency guidance documents).

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

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

SEC. 404. EDUCATIONAL ASSISTANCE EXCLUSION FROM GROSS INCOME INCREASED.

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

"(2) MAXIMUM EXCLUSION.—

"(A) IN GENERAL.—If but for this paragraph, this section would exclude from gross income more than the maximum amount of educational assistance furnished to an individual during a calendar year, this section shall apply only to the maximum amount of such assistance so furnished.

"(B) MAXIMUM AMOUNT.—For purposes of subparagraph (B), the term 'maximum amount' means, for any calendar year, an amount equal to the applicable dollar amount for elective deferrals described in section 402(g)(1)(B) (as such amount is adjusted for inflation for such calendar year).".

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

SEC. 405. RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) IN GENERAL.—Section 174 of the Internal Revenue Code of 1986 is amended to read as follows:

"SEC. 174. RESEARCH AND EXPERIMENTAL EXPENDITURES.

"(a) TREATMENT AS EXPENSES.—

"(1) IN GENERAL.—A taxpayer may treat research or experimental expenditures which are paid or incurred by him during the taxable year in connection with his trade or business as expenses which

are not chargeable to capital account. The expenditures so treated shall be allowed as a deduction.

"(2) WHEN METHOD MAY BE ADOPTED.—

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

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

"(3) SCOPE.—The method adopted under this subsection shall apply to all expenditures described in paragraph (1). The method adopted shall be adhered to in computing taxable income for the taxable year and for all subsequent taxable years unless, with the approval of the Secretary, a change to a different method is authorized with respect to part or all of such expenditures.

"(b) AMORTIZATION OF CERTAIN RESEARCH AND EXPERIMENTAL EXPENDITURES.—

"(1) IN GENERAL.—At the election of the taxpayer, made in accordance with regulations prescribed by the Secretary, research or experimental expenditures which are—

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

"(B) not treated as expenses under subsection (a), and

"(C) chargeable to capital account but not chargeable to property of a character which is subject to the allowance under section 167 (relating to allowance for depreciation, etc.) or section 611 (relating to allowance for depletion),

may be treated as deferred expenses. In computing taxable income, such deferred expenses shall be allowed as a deduction ratably over such period of not less than 60 months as may be selected by the taxpayer (beginning with the month in which the taxpayer first realizes benefits from such expenditures). Such deferred expenses are expenditures properly chargeable to capital account for purposes of section 1016(a)(1) (relating to adjustments to basis of property).

"(2) TIME FOR AND SCOPE OF ELECTION.—The election provided by paragraph (1) may be made for any taxable year, but only if made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof). The method so elected, and the period selected by the taxpayer, shall be adhered to in computing taxable income for the taxable year for which the election is made and for all subsequent taxable years unless, with the approval of the Secretary, a change to a different method (or to a different period) is authorized with respect to part or all of such expenditures. The election shall not apply to any expenditure paid or incurred during any taxable year before the taxable year for which the taxpayer makes the election.

"(c) LAND AND OTHER PROPERTY.—This section shall not apply to any expenditure for the acquisition or improvement of land, or for the acquisition or improvement of property to be used in connection with the research or experimentation and of a character which is subject to the allowance under section 167 (relating to allowance for depreciation, etc.) or section 611 (relating to allowance for depletion); but for purposes of this section allowances under section 167, and allowances under section 611, shall be considered as expenditures.

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

"(e) ONLY REASONABLE RESEARCH EXPENDITURES ELIGIBLE.—This section shall apply to a research or experimental expenditure only to the extent that the amount thereof is reasonable under the circumstances.".

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

"Sec. 174. Research and experimental expenditures.".

(c) CONFORMING AMENDMENTS.—

(1) Section 41(d)(1)(A) of such Code is amended by striking "specified research or experimental expenditures under section 174" and inserting "expenses under section 174".

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

"(c) CREDIT FOR INCREASING RESEARCH ACTIVITIES.—

"(1) IN GENERAL.—No deduction shall be allowed for that portion of the qualified research expenses (as defined in section 41(b)) or basic research expenses (as defined in section 41(e)(2)) otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under section 41(a).

"(2) SIMILAR RULE WHERE TAXPAYER CAPITALIZES RATHER THAN DEDUCTS EXPENSES.—If—

"(A) the amount of the credit determined for the taxable year under section 41(a)(1), exceeds

"(B) the amount allowable as a deduction for such taxable year for qualified research expenses or basic research expenses (determined without regard to paragraph (1)),

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

"(3) ELECTION OF REDUCED CREDIT.—

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

"(i) paragraphs (1) and (2) shall not apply, and

"(ii) the amount of the credit under section 41(a) shall be the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCED CREDIT.—The amount of credit determined under this subparagraph for any taxable year shall be the amount equal to the excess of—

"(i) the amount of credit determined under section 41(a) without regard to this paragraph, over

"(ii) the product of—

"(I) the amount described in clause (i), and

"(II) the rate of tax under section 11(b).

"(C) ELECTION.—An election under this paragraph for any taxable year shall be made not later than the time for filing the return of tax for such year (including extensions), shall be made on

such return, and shall be made in such manner as the Secretary may prescribe. Such an election, once made, shall be irrevocable.

"(4) CONTROLLED GROUPS.—Paragraph (3) of subsection (b) shall apply for purposes of this subsection.".

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

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.

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

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

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

(3) employs a CCP-funded instructor.

(b) RESTORING ELIGIBILITY.—An institution ineligible to receive Federal funds under subsection (a) may reestablish eligibility by—

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

(A) disclosing to the Secretary of Education all contractual partnerships with the applicable entity from the previous 10 years; and

(B) providing to the Secretary of Education sufficient evidence that such partnerships have been terminated; or

(2) in the case of the employment of a CCP-funded instructor as described in subsection (a)(3), by demonstrating, to the satisfaction of

the Secretary of Education, that the institution no longer employs a CCP-funded instructor.

(c) CCP-FUNDED INSTRUCTOR DEFINED.—In this section, the term "CCP-funded instructor" means a professor, teacher, or any other individual who—

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

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

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

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.

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

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

SEC. 503. REPORTING EXCHANGE VISITOR CHANGE IN FIELD OF STUDY.

With respect to a principal nonimmigrant exchange visitor admitted into the United States in the J–1 classification under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)) in order to study, the Secretary of State shall take such action as may be necessary to ensure that the applicable program sponsor is required to use the Student and Exchange Visitor Information System to report any change to the nonimmigrant's primary field of study. In carrying out this section, the Secretary of State shall take into account the record keeping and reporting requirements of the Secretary of Homeland Security with regard to nonimmigrants admitted into the United States in the F–1 and M–1 classifications under subparagraphs (F) and (M) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

SEC. 504. REPORTING CERTAIN RESEARCH PROGRAM PARTICIPATION.

(a) IN GENERAL.—With respect to a principal nonimmigrant admitted into the United States in the J–1 classification under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)), in the F–1 classification under section 101(a)(15)(F) of such Act, or in the M–1 classification under section 101(a)(15)(M) of such Act, the Secretary of State and the Secretary of Homeland Security shall take such action as may be necessary to ensure that the applicable program sponsor or academic or nonacademic institution is required to use the Student and Exchange Visitor Information System to report when the nonimmigrant is participating in a research program funded in whole or in part through a grant, contract, or other similar form of support provided by the Federal Government, as well as program identification information.

(b) NOTIFICATIONS.—

(1) SECRETARY.—In the case of a nonimmigrant described in subsection (a), the Secretary of Homeland Security shall notify the appropriate program manager at an Executive agency (as defined in section 105 of title 5, United States Code) if and when the Secretary obtains information that the nonimmigrant is participating in a research program funded in whole or in part through a grant, contract, or other similar form of support provided by such agency prior to the commencement of that nonimmigrant's participation and not later than 21 days after authorizing such participation.

(2) SPONSOR OR INSTITUTION.—In the case of a nonimmigrant described in subsection (a), the applicable program sponsor or academic or nonacademic institution shall notify the appropriate program manager at an Executive agency (as defined in section 105 of title 5, United States Code) if and when the sponsor or institution obtains information that the nonimmigrant is participating in a research program funded in whole or in part through a grant, contract, or other similar form of support provided by such agency prior to the commencement of that nonimmigrant's participation and not later than 21 days after authorizing such participation.

SEC. 505. REVIEW AND REVOCATION OF CERTAIN NONIMMIGRANT VISAS.

(a) IN GENERAL.—The Secretary of Homeland Security shall have the authority to review and revoke a nonimmigrant visa granted under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) if, in consultation with the Attorney General, the Secretary finds that—

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

(2) following a change to the nonimmigrant's primary field of study as described under section 504, that the new primary field of study would have triggered a higher level of scrutiny during the visa application process, and that the visa holder poses a risk to the homeland security of the United States, the national security of the United States, or research integrity at their applicable program sponsor or institution;

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

(4) the visa was granted to an alien who is a citizen of the People's Republic of China if the Secretary of State determines that the alien seeks to enter the United States to participate in graduate-level or post-graduate-level coursework or academic research in a field of science, technology, engineering, or mathematics at an institution of higher education.

(b) NOTICE.—Thirty days before the commencement of a review under subsection (a), the Secretary of Homeland Security shall provide the applicable program sponsor or institution with a notice containing the specific basis of the forthcoming review. During this 30-day period, the program sponsor or institution may take corrective action to alleviate any concerns raised by the Secretary. At the conclusion of the 30-day period, the Secretary shall determine whether the program sponsor or institution has satisfactorily addressed the concerns or a review remains necessary.

(c) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination to revoke a visa under this section except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary of Homeland Security shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of a determination to revoke a visa under this section only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

SEC. 506. ANNUAL REPORT.

(a) IN GENERAL.—The Secretary of Homeland Security shall require the Academic Institutions Subcommittee of the Homeland Security Advisory Council of the Department of Homeland Security to provide an annual report to the Committee on the Judiciary, the Committee on Homeland Security, and the Committee on Foreign Affairs of the House of Representatives, and the Committee on the Judiciary, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations of the Senate, on—

(1) the implementation and execution of any visa reviews and revocations undertaken under section 506;

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

(A) program of study;

(B) previous and current nationality; and

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

Government, differentiated by agency, sub-agency, and program; and

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

(b) APPENDIX.—Each report under subsection (a) shall include an appendix containing any feedback provided on a voluntary basis by any program sponsor or institution affected by a visa review or revocation undertaken under section 506.

subtitle B—Protecting Our Universities Act

SEC. 511. SENSITIVE RESEARCH PROJECT LIST.

(a) SENSITIVE RESEARCH PROJECT LIST.—The Office of the Director of National Intelligence shall, in consultation with the National Security Advisor shall actively maintain a list of sensitive research projects. Such list shall—

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

(2) for each project included on the list, indicate—

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

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

(C) whether the project is related to—

(i) an item listed on the Commerce Control List (CCL) maintained by the Department of Commerce;

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

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

(b) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, and every six months thereafter, the interagency working group described in section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (42 U.S.C. 6601 note) shall provide a report to the Committee on Education and Labor, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions, the Committee on Armed Services, and the Select

Committee on Intelligence of the Senate, regarding the threat of espionage at institutions of higher education. In each such briefing, the interagency working group shall identify actions that may be taken to reduce espionage carried out through student participation in sensitive research projects. The interagency working group shall also include in this report an assessment of whether the current licensing regulations relating to the International Traffic in Arms Regulations and the Export Administration Regulations are sufficient to protect the security of the projects listed on the Sensitive Research Project List.

SEC. 512. FOREIGN STUDENT PARTICIPATION IN SENSITIVE RESEARCH PROJECTS.

(a) APPROVAL OF FOREIGN STUDENT PARTICIPATION REQUIRED.—Beginning on the date that is one year after the date of enactment of this Act, for each project on the Sensitive Research Project List that is open to student participation, the head of such project at the institution of higher education at which the project is being carried out shall ensure that each student participating in such project shall be required to provide proof of citizenship before the student is permitted to participate in such project. A student who is a citizen of a country identified in subsection (b) shall be permitted to participate in such a project only if—

(1) the student applies for, and receives approval from, the Director of National Intelligence to participate in such project, based on a background check and any other information the Director determines to be appropriate; and

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

(b) LIST OF CITIZENSHIP REQUIRING APPROVAL.—Approval under subsection (a) shall be required for any student who is a citizen of a country that is one of the following:

(1) The People's Republic of China.

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

(3) The Russian Federation.

(4) The Islamic Republic of Iran.

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

SEC. 513. FOREIGN ENTITIES.

(a) LIST OF FOREIGN ENTITIES THAT POSE AN INTELLIGENCE THREAT.—Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall identify foreign entities, including governments, corporations, non-profit and for-profit organizations, and any subsidiary or affiliate of such an entity, that the Director determines pose a threat of espionage with respect to sensitive research projects, and shall develop and maintain a list of such entities. The Director may add or remove entities from such list at any time. The initial list developed by the Director shall include the following entities (including any subsidiary or affiliate):

(1) Huawei Technologies Company.

(2) ZTE Corporation.

(3) Hytera Communications Corporation.

(4) Hangzhou Hikvision Digital Technology Company.

(5) Dahua Technology Company.

(6) Kaspersky Lab.

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

(b) NOTICE TO INSTITUTIONS OF HIGHER EDUCATION.—The Director of National Intelligence shall make the initial list required under subsection (a), and any changes to such list, available to the Secretary of Education, the interagency working group, and the head of each qualified funding agency as soon as practicable. The Secretary of Education shall provide such initial list and subsequent amendments to each institution of higher education at which a project on the Sensitive Research Project List is being carried out.

(c) PROHIBITION ON USE OF CERTAIN TECHNOLOGIES.—Beginning on the date that is one year after the date of the enactment of this Act, the head of each sensitive research project shall, as a condition of receipt of funds from a qualified funding agency, provide an assurance to such qualified funding agency that, beginning on the date that is two years after the date of the enactment of this Act, any technology developed by an entity included on the list maintained under subsection (a) shall not be utilized in carrying out the sensitive research project.

SEC. 514. ENFORCEMENT.

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

(1) imposing a probationary period, not to exceed 6 months, on the head of such project, or on the project;

(2) reducing or otherwise limiting the funding for such project until the violation has been remedied;

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

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

SEC. 515. DEFINITIONS.

In this subtitle:

(1) CITIZEN OF A COUNTRY.—The term "citizen of a country", with respect to a student, includes all countries in which the student has held or holds citizenship or holds permanent residency.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" means an institution described in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) that receives Federal funds in any amount and for any purpose.

(3) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(4) QUALIFIED FUNDING AGENCY.—The term "qualified funding agency", with respect to a sensitive research project, means—

(A) the Department of Defense, if the sensitive research project is funded in whole or in part by the Department of Defense;

(B) the Department of Energy, if the sensitive research project is funded in whole or in part by the Department of Energy; or

(C) an element of the intelligence community, if the sensitive research project is funded in whole or in part by the element of the intelligence community.

(5) SENSITIVE RESEARCH PROJECT.—The term "sensitive research project" means a research project at an institution of higher education that is funded by a qualified funding agency, except that such term shall not include any research project that is classified or that requires the participants in such project to obtain a security clearance.

(6) STUDENT PARTICIPATION.—The term "student participation" shall not include student activity in—

(A) a research project that is required for completion of a course in which the student is enrolled at an institution of higher education; or

(B) a research project for which the student is conducting unpaid research.

SEC. 516. DISCLOSURE OF FOREIGN GIFTS.

(a) IN GENERAL.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended to read as follows:

"SEC. 117. DISCLOSURES OF FOREIGN GIFTS.

"(a) DISCLOSURE REPORTS.—

"(1) AGGREGATE GIFTS AND CONTRACT DISCLOSURES.—An institution shall file a disclosure report in accordance with subsection (b)(1) with the Secretary on July 31 of the calendar year immediately following any calendar year in which—

"(A) the institution receives a gift from, or enters into a contract with, a foreign source (other than a foreign country of concern or foreign entity of concern)—

"(i) the value of which is $50,000 or more, considered alone or in combination with all other gifts from, or contracts with, that foreign source within the calendar year; or

"(ii) the value of which is undetermined; or

"(B) the institution receives a gift from a foreign country of concern or foreign entity of concern, or, upon receiving a waiver under section 117A to enter into a contract with such a country or entity, enters into such contract, without regard to the value of such gift or contract.

"(2) FOREIGN SOURCE OWNERSHIP OR CONTROL DISCLOSURES.—In the case of an institution that is substantially controlled (as described in section 668.174(c)(3) of title 34, Code of Federal Regulations) (or successor regulations)) by a foreign source, the institution shall file a disclosure report in accordance with subsection (b)(2) with the Secretary on July 31 of each year.

"(3) TREATMENT OF AFFILIATED ENTITIES.—For purposes of this section, any gift to, or contract with, an affiliated entity of an institution shall be considered a gift to or contract with, respectively, such institution.

"(b) CONTENTS OF REPORT.—

"(1) GIFTS AND CONTRACTS.—Each report to the Secretary required under subsection (a)(1) shall contain the following:

"(A) With respect to a gift received from, or a contract entered into with, any foreign source—

"(i) the terms of such gift or contract, including—

"(I) the name of the individual, department, or benefactor at the institution receiving the gift or carrying out the contract;

"(II) the intended purpose of such gift or contract, as provided to the institution by such foreign source, or if no such purpose is provided by such foreign source, the intended use of such gift or contract, as provided by the institution; and

"(III) in the case of a restricted or conditional gift or contract, a description of the restrictions or conditions of such gift or contract;

"(ii) with respect to a gift—

"(I) the total fair market dollar amount or dollar value of the gift, as of the date of submission of such report; and

"(II) the date on which the institution received such gift;

"(iii) with respect to a contract—

"(I) the date on which such contract commences;

"(II) as applicable, the date on which such contract terminates; and

"(III) an assurance that the institution will—

"(aa) maintain an unredacted copy of the contract until the latest of—

"(AA) the date that is 5 years after the date on which the contract commences;

"(BB) the date on which the contract terminates; or

"(CC) the last day of any period that applicable State law requires a copy of such contract to be maintained; and

"(bb) upon request of the Secretary during an investigation under subsection section 117D(a)(1), produce such an unredacted copy of the contract; and

"(iv) an assurance that in a case in which information is required to be disclosed under this section with respect to a gift or contract that is not in English, such information is translated into English in compliance with the requirements of subsection (c)(1).

"(B) With respect to a gift received from, or a contract entered into with, a foreign source that is a foreign government (other than the government of a foreign country of concern)—

"(i) the name of such foreign government;

"(ii) the department, agency, office, or division of such foreign government that approved such gift or contract, as applicable; and

"(iii) the physical mailing address of such department, agency, office, or division.

"(C) With respect to a gift received from, or contract entered into with, a foreign source (other than a foreign government subject to the requirements of subparagraph (B))—

"(i) the legal name of the foreign source, or, if such name is not available, a statement certified by the compliance officer in accordance with subsection (f)(2) that the institution has reasonably attempted to obtain such name;

"(ii) in the case of a foreign source that is a natural person, the country of citizenship of such person, or, if such country is not known, the principal country of residence of such person;

"(iii) in the case of a foreign source that is a legal entity, the country in which such entity is incorporated, or if such information is not available, the principal place of business of such entity;

"(iv) the physical mailing address of such foreign source, or if such address is not available, a statement certified by the compliance officer in accordance with subsection (f)(2) that the institution has reasonably attempted to obtain such address; and

"(v) any affiliation of the foreign source to an organization that is designated as a foreign terrorist organization pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

"(D) With respect to a contract entered into with a foreign source that is a foreign country of concern or a foreign entity of concern—

"(i) a complete and unredacted text of the original contract, and if such original contract is not in English, a translated copy of the text into English;

"(ii) a copy of the waiver received under section 117A for such contract; and

"(iii) the statement submitted by the institution for purposes of receiving such a waiver under section 117A(b)(1).

"(2) FOREIGN SOURCE OWNERSHIP OR CONTROL.—Each report to the Secretary required under subsection (a)(2) shall contain—

"(A) the legal name and address of the foreign source that owns or controls the institution;

"(B) the date on which the foreign source assumed ownership or control; and

"(C) any changes in program or structure resulting from the change in ownership or control.

"(c) TRANSLATION REQUIREMENTS.—Any information required to be disclosed under this section with respect to a gift or contract that is not in English shall be translated, for purposes of such disclosure, by a person that is not an affiliated entity or agent of the foreign source involved with such gift or contract.

"(d) PUBLIC INSPECTION.—

"(1) DATABASE REQUIREMENT.—Beginning not later than 60 days before the July 31 immediately following the date of the enactment of the DETERRENT Act, the Secretary shall—

"(A) establish and maintain a searchable database on a website of the Department, under which all reports submitted under this section (including any report submitted under this section before the date of the enactment of the DETERRENT Act)—

"(i) are made publicly available (in electronic and downloadable format), including any information provided in such reports (other than the information prohibited from being publicly disclosed pursuant to paragraph (2));

"(ii) can be individually identified and compared; and

"(iii) are searchable and sortable by—

"(I) the date the institution filed such report;

"(II) the date on which the institution received the gift, or entered into the contract, which is the subject of the report;

"(III) the attributable country of such gift or contract; and

"(IV) the name of the foreign source (other than a foreign source that is a natural person);

"(B) not later than 30 days after receipt of a disclosure report under this section, include such report in such database;

"(C) indicate, as part of the public record of a report included in such database, whether the report is with respect to a gift received from, or a contract entered into with—

"(i) a foreign source that is a foreign government; or

"(ii) a foreign source that is not a foreign government; and

"(D) with respect to a disclosure report that does not include the name or address of a foreign source, indicate, as part of the public record of such report included in such database, that such report did not include such information.

"(2) NAME AND ADDRESS OF FOREIGN SOURCE.—The Secretary shall not disclose the name or address of a foreign source that is a natural person (other than the attributable country of such foreign source) included in a disclosure report—

"(A) as part of the public record of such disclosure report described in paragraph (1); or

"(B) in response to a request under section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act'), pursuant to subsection (b)(3) of such section.

"(e) INTERAGENCY INFORMATION SHARING.—Not later than 30 days after receiving a disclosure report from an institution in compliance with this section, the Secretary shall transmit an unredacted copy of such report (that includes the name and address of a foreign source disclosed in such report) to the Director of the Federal Bureau of Investigation, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Commerce, the Secretary of Homeland Security, the Secretary of Energy, the Director of the National Science Foundation, and the Director of the National Institutes of Health.

"(f) COMPLIANCE OFFICER.—Any institution that is required to file a disclosure report under subsection (a) shall designate, before the filing deadline for such report, and maintain a compliance officer, who shall—

"(1) be a current employee or legally authorized agent of such institution; and

"(2) be responsible, on behalf of the institution, for personally certifying accurate compliance with the foreign gift reporting requirement under this section.

"(g) DEFINITIONS.—In this section:

"(1) AFFILIATED ENTITY.—The term 'affiliated entity', when used with respect to an institution, means an entity or organization that operates primarily for the benefit of, or under the auspices of, such institution, including a foundation of the institution or a related entity (such as any educational, cultural, or language entity).

"(2) ATTRIBUTABLE COUNTRY.—The term 'attributable country' means—

"(A) the country of citizenship of a foreign source who is a natural person, or, if such country is unknown, the principal residence (as applicable) of such foreign source; or

"(B) the country of incorporation of a foreign source that is a legal entity, or, if such country is unknown, the principal place of business (as applicable) of such foreign source.

"(3) CONTRACT.—The term 'contract'—

"(A) means—

"(i) any agreement for the acquisition by purchase, lease, or barter of property or services by the foreign source;

"(ii) any affiliation, agreement, or similar transaction with a foreign source that involves the use or exchange of an institution's name, likeness, time, services, or resources; and

"(iii) any agreement for the acquisition by purchase, lease, or barter, of property or services from a foreign source (other than an arms-length agreement for such acquisition from a foreign source that is not a foreign country of concern or a foreign entity of concern); and

"(B) does not include an agreement made between an institution and a foreign source regarding any payment of one or more elements of a student's cost of attendance (as such term is defined in section 472), unless such an agreement is made for more than 15 students or is made under a restricted or conditional contract.

"(4) FOREIGN SOURCE.—The term 'foreign source' means—

"(A) a foreign government, including an agency of a foreign government;

"(B) a legal entity, governmental or otherwise, created under the laws of a foreign state or states;

"(C) a legal entity, governmental or otherwise, substantially controlled (as described in section 668.174(c)(3) of title 34, Code of Federal Regulations) (or successor regulations)) by a foreign source;

"(D) a natural person who is not a citizen or a national of the United States or a trust territory or protectorate thereof;

"(E) an agent of a foreign source, including—

"(i) a subsidiary or affiliate of a foreign legal entity, acting on behalf of a foreign source;

"(ii) a person that operates primarily for the benefit of, or under the auspices of, a foreign source, including a foundation or a related entity (such as any educational, cultural, or language entity); and

"(iii) a person who is an agent of a foreign principal (as such term is defined in section 1 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611); and

"(F) an international organization (as such term is defined in the International Organizations Immunities Act (22 U.S.C. 288)).

"(5) GIFT.—The term 'gift'—

"(A) means any gift of money, property, resources, staff, or services; and

"(B) does not include—

"(i) any payment of one or more elements of a student's cost of attendance (as such term is defined in section 472) to an institution by, or scholarship from, a foreign source who is a natural person, acting in their individual capacity and not as an agent for, at the request or direction of, or on behalf of, any person or entity (except the student), made for not more than 15 students, and that is not made under a restricted or conditional contract with such foreign source; or

"(ii) assignment or license of registered industrial and intellectual property rights, such as patents, utility models, trademarks, or copyrights, or technical assistance, that are not associated with a category listed in the Commerce Control List maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 1 to part 774 of title 15, Code of Federal Regulations; or

"(iii) decorations (as such term is defined in section 7342(a) of title 5, United States Code).

"(6) RESTRICTED OR CONDITIONAL GIFT OR CONTRACT.—The term 'restricted or conditional gift or contract' means any endowment, gift, grant, contract, award, present, or property of any kind which includes provisions regarding—

"(A) the employment, assignment, or termination of faculty;

"(B) the establishment of departments, centers, institutes, instructional programs, research or lecture programs, or new faculty positions;

"(C) the selection, admission, or education of students;

"(D) the award of grants, loans, scholarships, fellowships, or other forms of financial aid restricted to students of a specified country, religion, sex, ethnic origin, or political opinion; or

"(E) any other restriction on the use of a gift or contract.".

(b) PROHIBITION ON CONTRACTS WITH CERTAIN FOREIGN ENTITIES AND COUNTRIES.—Part B of title I of the Higher Education Act of 1965 (20 U.S.C. 1011 et seq.) is amended by inserting after section 117 the following:

"SEC. 117A. PROHIBITION ON CONTRACTS WITH CERTAIN FOREIGN ENTITIES AND COUNTRIES.

"(a) IN GENERAL.—An institution shall not enter into a contract with a foreign country of concern or a foreign entity of concern.

"(b) WAIVERS.—

"(1) SUBMISSION.—

"(A) FIRST WAIVER REQUESTS.—

"(i) IN GENERAL.—An institution that desires to enter into a contract with a foreign entity of concern or a foreign country of concern may submit to the Secretary, not later than 120 days before the institution enters into such a contract, a request to waive the prohibition under subsection (a) with respect to such contract.

"(ii) CONTENTS OF WAIVER REQUEST.—A waiver request submitted by an institution under clause (i) shall include—

"(I) the complete and unredacted text of the proposed contract for which the waiver is being requested, and if such original contract is not in English, a translated copy of the text into English (in a manner that complies with section 117(c)); and

"(II) a statement that—

"(aa) is signed by the compliance officer of the institution designated in accordance with section 117(f); and

"(bb) includes information that demonstrates that such contract is for the benefit of the institution's mission and students and will promote the security, stability, and economic vitality of the United States.

"(B) RENEWAL WAIVER REQUESTS.—

"(i) IN GENERAL.—An institution that has entered into a contract pursuant to a waiver issued under this section, the term of which is longer than the 1-year waiver period and the terms and conditions of which remain the same as the proposed contract submitted as part of the request for such waiver may submit, not later than 120 days before the expiration of such waiver period, a request for a renewal of such waiver for an additional 1-year period (which shall include any information requested by the Secretary).

"(ii) TERMINATION.—If the institution fails to submit a request under clause (i) or is not granted a renewal under such clause, such institution shall terminate such contract on the last day of the original 1-year waiver period.

"(2) WAIVER ISSUANCE.—The Secretary—

"(A) not later than 60 days before an institution enters into a contract pursuant to a waiver request under paragraph (1)(A), or before a contract described in paragraph (1)(B)(i) is renewed pursuant to a renewal request under such paragraph, shall notify the institution—

"(i) if the waiver or renewal will be issued by the Secretary; and

"(ii) in a case in which the waiver or renewal will be issued, the date on which the 1-year waiver period starts; and

"(B) may only issue a waiver under this section to an institution if the Secretary determines, in consultation with the heads of each agency and department listed in section 117(e), that the contract for which the waiver is being requested is for the benefit of the institution's mission and students and will promote the security, stability, and economic vitality of the United States.

"(3) DISCLOSURE.—Not less than 2 weeks prior to issuing a waiver under paragraph (2), the Secretary shall notify the—

"(A) the Committee on Education and the Workforce of the House of Representatives; and

"(B) the Committee on Health, Education, Labor, and Pensions of the Senate,

of the intent to issue the waiver, including a justification for the waiver.

"(4) APPLICATION OF WAIVERS.—A waiver issued under this section to an institution with respect to a contract shall only—

"(A) waive the prohibition under subsection (a) for a 1-year period; and

"(B) apply to the terms and conditions of the proposed contract submitted as part of the request for such waiver.

"(c) DESIGNATION DURING CONTRACT TERM.—In the case of an institution that enters into a contract with a foreign source that is not a foreign country of concern or a foreign entity of concern but which, during the term of such contract, is designated as a foreign country of concern or foreign entity of concern, such institution shall terminate such contract not later than 60 days after the Secretary notifies the institution of such designation.

"(d) CONTRACTS PRIOR TO DATE OF ENACTMENT.—

"(1) IN GENERAL.—In the case of an institution that has entered into a contract with a foreign country of concern or foreign entity of concern prior to the date of the enactment of the DETERRENT Act—

"(A) the institution shall immediately submit to the Secretary a waiver request in accordance with subsection (b)(1)(A)(ii); and

"(B) the Secretary shall, upon receipt of the request submitted under paragraph (1), immediately issue a waiver to the institution for a period beginning on the date on which the waiver is issued and ending on the sooner of—

"(i) the date that is 1 year after the date of the enactment of the DETERRENT Act; or

"(ii) the date on which the contract terminates.

"(2) RENEWAL.—An institution that has entered into a contract described in paragraph (1), the term of which is longer than the waiver period described in subparagraph (B) of such paragraph and the terms and conditions of which remain the same as the contract submitted as part of the request required under subparagraph (A) of such paragraph, may submit a request for renewal of the waiver issued under such paragraph in accordance with subsection (b)(1)(B).

"(e) CONTRACT DEFINED.—The term 'contract' has the meaning given such term in section 117(g).".

(c) INTERAGENCY INFORMATION SHARING.—Not later than 90 days after the date of enactment of this Act, the Secretary of Education shall transmit to the heads of each agency and department listed in section 117(e) of the Higher Education Act of 1965, as amended by this section—

(1) any report received by the Department of Education under section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) prior to the date of the enactment of this Act; and

(2) any report, document, or other record generated by the Department of Education in the course of an investigation—

(A) of an institution with respect to the compliance of such institution with such section; and

(B) initiated prior to the date of the enactment of this Act.

subtitle C—Other matters

SEC. 521. REPORT ON CHINA BENEFITTING FROM UNITED STATES TAXPAYER-FUNDED RESEARCH.

(a) IN GENERAL.—Not later than one year after the date of enactment of the Act, the Attorney General, in consultation with the Secretary of the Treasury, the Secretary of Commerce, the Secretary of State, and the Director of National Intelligence, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the extent to which China has benefitted from United States taxpayer-funded research.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) The extent to which United States taxpayer-funded research has benefitted China, including a list of United States Government-funded entities, such as research institutions, laboratories, and institutions of higher education, which have hired Chinese nationals or allowed Chinese nationals to conduct research, including an estimate in the number of nationals hired or involved in research projects.

(2) A list of United States Government programs, grants, and other forms of research funding in the fields of science, technology, engineering, and math (STEM) fields that have directly or indirectly cooperated or affiliated with research institutions in China or Chinese Communist Party entities.

(3) The extent to which China's funding of United States taxpayer-funded research institutions has benefitted China.

(4) How the Government of China and the Chinese Communist Party have used United States taxpayer-funded research, including as part of China's efforts to support "civil-military fusion" and human rights abuses.

(c) DEFINITION.—In this section, the term "United States taypayer-funded research" means research—

(1) funded by a grant from the Federal Government or a State government; or

(2) conducted at an institution that receives funding from the Federal Government or a State government.

SEC. 522. CONDITIONS ON FEDERAL RESEARCH GRANTS.

As a condition of receiving a Federal research and development grant in a field of science, technology, engineering, or mathematics, a grant recipient shall certify that the recipient—

(1) is not—

(A) a citizen of the People's Republic of China; or

(B) a participant in a foreign talent recruitment program of the People's Republic of China listed by the Secretary of State in accordance with section 521; and

(2) will not knowingly employ to carry out activities funded by the Federal research and development grant—

(A) a citizen of the People's Republic of China; or

(B) a participant in a foreign talent recruitment program of the People's Republic of China listed by the Secretary of State in accordance with section 521.

SEC. 523. PROTECTING INSTITUTIONS, LABORATORIES, AND RESEARCH INSTITUTES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the head of each Federal agency shall ensure that any institution of higher education, laboratory, or research institute receiving Federal assistance agrees, as a condition of such assistance, to not knowingly employ any individual who is a participant in a foreign talent recruitment program of the People's Republic of China.

(b) PROGRAM PARTICIPATION AGREEMENTS.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following:

"(30) The institution will not knowingly employ any individual who is a participant in a foreign talent recruitment program of the People's Republic of China listed by the Secretary of State in accordance with section 7 of the SECURE CAMPUS Act of 2021.".

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.

Notwithstanding section 3 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613), any individual in the United States who is associated with a foreign

talent recruitment program of the People's Republic of China, either as a recruiter or as a recruit—

(1) shall be deemed to be an agent of a foreign principal (as defined in section 1(c) of such Act (22 U.S.C. 611(c)); and

(2) shall comply with the registration requirements set forth in section 2 of such Act (22 U.S.C. 612) not later than 30 days after the later of—

(A) the date of the enactment of this Act; or

(B) the date on which the individual entered the United States.

SEC. 525. ECONOMIC ESPIONAGE.

Section 1839(1) of title 18, United States Code, is amended—

(1) by inserting "education, research," after "commercial,"; and

(2) by inserting "or otherwise incorporated or substantially located in or composed of citizens of countries subject to compulsory political or governmental representation within corporate leadership" after "foreign government".

SEC. 526. DEPARTMENT OF STATE LIST OF FOREIGN TALENT RECRUITMENT PROGRAMS OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Attorney General, the Secretary of Defense, and the Director of National Intelligence, shall compile and publish in the Federal Register a list of foreign talent recruitment programs of the People's Republic of China.

(b) ANNUAL REVIEW AND REVISION.—Not less frequently than annually, the Secretary of State shall—

(1) review and revise the list compiled under subsection (a); and

(2) publish the revised list in the Federal Register.

SEC. 527. DEFINITIONS.

For purposes of sections 521 through 526:

(1) FOREIGN TALENT RECRUITMENT PROGRAM OF THE PEOPLE'S REPUBLIC OF CHINA.—The term "foreign talent recruitment program of the People's Republic of China" means any effort organized, managed, funded, or otherwise controlled by the Government of the People's Republic of China or the Chinese Communist Party to employ, contract, or otherwise compensate 1 or more individuals to conduct research, development, testing, or any other science or technology activity for the direct or indirect benefit of the People's Republic of China.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 528. DISCLOSURE ON CERTAIN VISA APPLICATIONS.

(a) DISCLOSURE REQUIREMENT FOR F AND M VISAS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall update Form I–20, or a successor form with respect to eligibility for nonimmigrant student status, to require an alien submitting such form to report—

(1) whether the alien has received or plans to receive certain funds;

(2) the amount of any certain funds received by the alien; and

(3) a description of the entity providing any certain funds to the alien.

(b) DISCLOSURE REQUIREMENT FOR J VISAS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall update Form DS–2019, or a successor form with respect to eligibility for a exchange visitor status, to require an alien submitting such form to report—

(1) whether the alien has received or plans to receive certain funds;

(2) the amount of any certain funds received by the alien; and

(3) a description of the entity providing any certain funds to the alien.

(c) UPDATED DISCLOSURE REQUIREMENT.—

(1) IN GENERAL.—An alien who receives certain funds after receiving a visa under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C.

1101(a)(15)) shall report to the Secretary of Homeland Security and the Secretary of State the receipt of such funds not more than 90 days after the date on which such funds are received.

(2) PROVISIONAL REVOCATION BASED ON FAILURE TO COMPLY WITH DISCLOSURE REQUIREMENT.—An alien who receives certain funds and does not report such receipt pursuant to paragraph (1) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation was issued.

(d) DISCLOSURE FOR ALIEN SPOUSE AND MINOR CHILDREN.—The disclosure requirements under subsections (a) through (c) shall apply to an alien spouse or any minor children applying for or receiving a visa under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(e) APPLICABILITY.—Not later than 180 days after the date of the enactment of this Act, an alien, alien spouse, or any minor children who have a valid visa under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) on the date of the enactment of this Act, shall report to the Secretary of Homeland Security—

(1) whether such alien has received or plans to receive certain funds;

(2) the amount of any certain funds received by the alien; and

(3) a description of the entity providing any certain funds to the alien.

(f) CERTAIN FUNDS DEFINED.—In this section, the term "certain funds" includes any amount of money provided to an alien from—

(1) the Government of the People's Republic of China;

(2) the Chinese Communist Party; or

(3) any entity owned or controlled by the Government of the People's Republic of China or the Chinese Communist Party.

SEC. 529. REVIEW BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF CERTAIN FOREIGN GIFTS TO AND CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.

(a) AMENDMENTS TO DEFENSE PRODUCTION ACT OF 1950.—

(1) DEFINITION OF COVERED TRANSACTION.—Subsection (a)(4) of section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended—

(A) in subparagraph (A)—

(i) in clause (i), by striking "; and" and inserting a semicolon;

(ii) in clause (ii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) any transaction described in subparagraph (B)(vi) proposed or pending after the date of the enactment of the China Strategic Competition Act of 2021.";

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

"(vi) Any gift to an institution of higher education from a foreign person, or the entry into a contract by such an institution with a foreign person, if—

"(I) (aa) the value of the gift or contract equals or exceeds $1,000,000; or

"(bb) the institution receives, directly or indirectly, more than one gift from or enters into more than one contract, directly or indirectly, with the same foreign person for the same purpose the aggregate value of which, during the period of 2 consecutive calendar years, equals or exceeds $1,000,000; and

"(II) the gift or contract—

"(aa) relates to research, development, or production of critical technologies and provides the foreign person potential access to any material nonpublic technical information (as defined in subparagraph (D)(ii)) in the possession of the institution; or

"(bb) is a restricted or conditional gift or contract (as defined in section 117(h) of the Higher Education Act of (20 U.S.C. 1011f(h))) that establishes control."; and

(C) by adding at the end the following:

"(G) FOREIGN GIFTS TO AND CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.—For purposes of subparagraph (B)(vi):

"(i) CONTRACT.—The term 'contract' means any agreement for the acquisition by purchase, lease, or barter of property or services by a foreign person, for the direct benefit or use of either of the parties.

"(ii) GIFT.—The term 'gift' means any gift of money or property.

"(iii) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means any institution, public or private, or, if a multicampus institution, any single campus of such institution, in any State—

"(I) that is legally authorized within such State to provide a program of education beyond secondary school;

"(II) that provides a program for which the institution awards a bachelor's degree (or provides not less than a 2-year program which is acceptable for full credit toward such a degree) or a more advanced degree;

"(III) that is accredited by a nationally recognized accrediting agency or association; and

"(IV) to which the Federal Government extends Federal financial assistance (directly or indirectly through another entity or person), or that receives support from the extension of Federal financial assistance to any of the institution's subunits.".

(2) MANDATORY DECLARATIONS.—Subsection (b)(1)(C)(v)(IV)(aa) of such section is amended by adding at the end the following: "Such regulations shall require a declaration under this subclause with respect to a covered transaction described in subsection (a)(4)(B)(vi)(II)(aa).".

(3) FACTORS TO BE CONSIDERED.—Subsection (f) of such section is amended—

(A) in paragraph (10), by striking "; and" and inserting a semicolon;

(B) by redesignating paragraph (11) as paragraph (12); and

(C) by inserting after paragraph (10) the following:

"(11) as appropriate, and particularly with respect to covered transactions described in subsection (a)(4)(B)(vi), the importance of academic freedom at institutions of higher education in the United States; and".

(4) MEMBERSHIP OF CFIUS.—Subsection (k) of such section is amended—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (H), (I), and (J) as subparagraphs (I), (J), and (K), respectively; and

(ii) by inserting after subparagraph (G) the following:

"(H) In the case of a covered transaction involving an institution of higher education (as defined in subsection (a)(4)(G)), the Secretary of Education."; and

(B) by adding at the end the following:

"(8) INCLUSION OF OTHER AGENCIES ON COMMITTEE.—In considering including on the Committee under paragraph (2)(K) the heads of other executive departments, agencies, or offices, the President shall give due consideration to the heads of relevant research and science agencies, departments, and offices, including the Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Director of the National Science Foundation.".

(5) CONTENTS OF ANNUAL REPORT RELATING TO CRITICAL TECHNOLOGIES.—Subsection (m)(3) of such section is amended—

(A) in subparagraph (B), by striking "; and" and inserting a semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(D) an evaluation of whether there are foreign malign influence or espionage activities directed or directly assisted by foreign governments against institutions of higher education (as defined in subsection (a)(4)(G)) aimed at obtaining research and development methods or secrets related to critical technologies; and

"(E) an evaluation of, and recommendation for any changes to, reviews conducted under this section that relate to institutions of higher education, based on an analysis of disclosure reports submitted to the chairperson under section 117(a) of the Higher Education Act of 1965 (20 U.S.C. 1011f(a)).".

(b) EFFECTIVE DATE; APPLICABILITY.—The amendments made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act, subject to the requirements of subsections (d) and (e); and

(2) apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after the date that is 30 days after the publication in the Federal Register of the notice required under subsection (e)(2).

(c) REGULATIONS.—

(1) IN GENERAL.—The Committee on Foreign Investment in the United States (in this section referred to as the "Committee"), which shall include the Secretary of Education for purposes of this subsection, shall prescribe regulations as necessary and appropriate to implement the amendments made by subsection (a).

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall include—

(A) regulations accounting for the burden on institutions of higher education likely to result from compliance with the amendments made by subsection (a), including structuring penalties and filing fees to reduce such burdens, shortening timelines for reviews and investigations, allowing for simplified

and streamlined declaration and notice requirements, and implementing any procedures necessary to protect academic freedom; and

(B) guidance with respect to—

(i) which gifts and contracts described in described in clause (vi)(II)(aa) of subsection (a)(4)(B) of section 721 of the Defense Production Act of 1950, as added by subsection (a)(1), would be subject to filing mandatory declarations under subsection (b)(1)(C)(v)(IV) of that section; and

(ii) the meaning of "control", as defined in subsection (a) of that section, as that term applies to covered transactions described in clause (vi) of paragraph (4)(B) of that section, as added by subsection (a)(1).

(3) ISSUANCE OF FINAL RULE.—The Committee shall issue a final rule to carry out the amendments made by subsection (a) after assessing the findings of the pilot program required by subsection (e).

(d) PILOT PROGRAM.—

(1) IN GENERAL.—Beginning on the date that is 30 days after the publication in the Federal Register of the matter required by paragraph (2) and ending on the date that is 570 days thereafter, the Committee shall conduct a pilot program to assess methods for implementing the review of covered transactions described in clause (vi) of section 721(a)(4)(B) of the Defense Production Act of 1950, as added by subsection (a)(1).

(2) PROPOSED DETERMINATION.—Not later than 270 days after the date of the enactment of this Act, the Committee shall, in consultation with the Secretary of Education, publish in the Federal Register—

(A) a proposed determination of the scope of and procedures for the pilot program required by paragraph (1);

(B) an assessment of the burden on institutions of higher education likely to result from compliance with the pilot program;

(C) recommendations for addressing any such burdens, including shortening timelines for reviews and investigations, structuring penalties and filing fees, and simplifying and

streamlining declaration and notice requirements to reduce such burdens; and

(D) any procedures necessary to ensure that the pilot program does not infringe upon academic freedom.

(3) REPORT ON FINDINGS.—Upon conclusion of the pilot program required by paragraph (1), the Committee shall submit to Congress a report on the findings of that pilot program that includes—

(A) a summary of the reviews conducted by the Committee under the pilot program and the outcome of such reviews;

(B) an assessment of any additional resources required by the Committee to carry out this section or the amendments made by subsection (a);

(C) findings regarding the additional burden on institutions of higher education likely to result from compliance with the amendments made by subsection (a) and any additional recommended steps to reduce those burdens; and

(D) any recommendations for Congress to consider regarding the scope or procedures described in this section or the amendments made by subsection (a).

SEC. 530. DISCLOSURES OF FOREIGN GIFTS AND CONTRACTS AT INSTITUTIONS OF HIGHER EDUCATION.

(a) DISCLOSURES OF FOREIGN GIFTS.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended to read as follows:

"SEC. 117. DISCLOSURES OF FOREIGN GIFTS AND AGREEMENTS.

"(a) DISCLOSURE REPORTS.—

"(1) AGGREGATE GIFTS AND CONTRACT DISCLOSURES.—An institution shall file a disclosure report described in subsection (b) with the Secretary and the Secretary of the Treasury (in the capacity of the Secretary as the chairperson of the Committee on Foreign Investment in the United States under section 721(k)(3) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(3))) not later than March 31 immediately following any calendar year in which the institution receives a gift from, or enters into a contract with, a foreign source, the value of which is $50,000 or more,

considered alone or in combination with all other gifts from, or contracts with, that foreign source within the calendar year.

"(2) DISCLOSURE OF CONTRACTS WITH UNDETERMINED MONETARY VALUE.—An institution shall file a disclosure report described in subsection (b) with the Secretary and the Secretary of the Treasury (in the capacity of the Secretary as the chairperson of the Committee on Foreign Investment in the United States under section 721(k)(3) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(3))) not later than March 31 immediately following any calendar year in which the institution enters into a contract with a foreign source that has an undetermined monetary value.

"(3) FOREIGN SOURCE OWNERSHIP OR CONTROL DISCLOSURES.—In the case of an institution that is owned or controlled by a foreign source, the institution shall file a disclosure report described in subsection (b) with the Secretary and the Secretary of the Treasury (in the capacity of the Secretary as the chairperson of the Committee on Foreign Investment in the United States under section 721(k)(3) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(3))) not later than March 31 of every year.

"(b) CONTENTS OF REPORT.—Each report to the Secretary required by subsection (a) shall contain the following:

"(1) (A) In the case of an institution required to file a report under paragraph (1) or (2) of subsection (a)—

"(i) for gifts received from or contracts entered into with a foreign government, the aggregate amount of such gifts and contracts received from each foreign government, including the content of each such contract; and

"(ii) for gifts received from or contracts entered into with a foreign source other than a foreign government, the aggregate dollar amount of such gifts and contracts attributable to a particular country and the legal or formal name of the foreign source, and the content of each such contract.

"(B) For purposes of this paragraph, the country to which a gift is attributable is—

"(i) the country of citizenship, or if unknown, the principal residence, for a foreign source who is a natural person; or

"(ii) the country of incorporation, or if unknown, the principal place of business, for a foreign source which is a legal entity.

"(2) In the case of an institution required to file a report under subsection (a)(3)—

"(A) the information described in paragraph (1)(A) (without regard to any gift or contract threshold described in subsection (a)(1));

"(B) the identity of the foreign source that owns or controls the institution;

"(C) the date on which the foreign source assumed ownership or control; and

"(D) any changes in program or structure resulting from the change in ownership or control.

"(3) An assurance that the institution will maintain a true copy of each gift or contract agreement subject to the disclosure requirements under this section, until the latest of—

"(A) the date that is 4 years after the date of the agreement;

"(B) the date on which the agreement terminates; or

"(C) the last day of any period that applicable State public record law requires a true copy of such agreement to be maintained.

"(4) An assurance that the institution will produce true copies of gift and contract agreements subject to the disclosure requirements under this section upon request of the Secretary during a compliance audit or other institutional investigation and shall ensure all gifts and contracts from the foreign source are translated into English by a third party unaffiliated with the foreign source or institution for this purpose.

"(c) ADDITIONAL DISCLOSURES FOR RESTRICTED AND CONDITIONAL GIFTS AND CONTRACTS.—Notwithstanding the provisions of subsection (b), whenever any institution receives a restricted or conditional gift or contract from a foreign source, the institution shall disclose the following to the Department translated into English by a third party unaffiliated with the foreign source or institution:

"(1) For such gifts received from or contracts entered into with a foreign source other than a foreign government, the amount, the date,

and a description of such conditions or restrictions. The report shall also disclose the country of citizenship, or if unknown, the principal residence for a foreign source which is a natural person, and the country of incorporation, or if unknown, the principal place of business for a foreign source which is a legal entity.

"(2) For gifts received from or contracts entered into with a foreign government, the amount, the date, a description of such conditions or restrictions, and the name of the foreign government.

"(d) RELATION TO OTHER REPORTING REQUIREMENTS.—

"(1) STATE REQUIREMENTS.—If an institution that is required to file a disclosure report under subsection (a) is within a State which has enacted requirements for public disclosure of gifts from or contracts with a foreign source that includes all information required under this section for the same or an equivalent time period, a copy of the disclosure report filed with the State may be filed with the Secretary and the Secretary of the Treasury in lieu of the report required under such subsection. The State in which the institution is located shall provide to the Secretaries such assurances as the Secretaries may require to establish that the institution has met the requirements for public disclosure under State law if the State report is filed.

"(2) USE OF OTHER FEDERAL REPORTS.—If an institution receives a gift from, or enters into a contract with, a foreign source, where any other department, agency, or bureau of the executive branch requires a report containing all the information required under this section for the same or an equivalent time period, a copy of the report may be filed with the Secretary and the Secretary of the Treasury in lieu of a report required under subsection (a).

"(e) CONFUCIUS INSTITUTE AGREEMENTS.—

"(1) DEFINED TERM.—In this subsection, the term 'Confucius Institute' means a cultural institute directly or indirectly funded by the Government of the People's Republic of China.

"(2) DISCLOSURE REQUIREMENT.—Any institution that has entered into an agreement with a Confucius Institute shall immediately make the full text of such agreement available—

"(A) on the publicly accessible website of the institution;

"(B) to the Department of Education;

"(C) to the Committee on Health, Education, Labor, and Pensions of the Senate; and

"(D) to the Committee on Education and Labor of the House of Representatives.

"(3) In subsection (i), as redesignated—

"(A) in paragraph (2), by amending subparagraph (A) to read as follows:

" '(A) a foreign government, including—

" '(i) any agency of a foreign government, and any other unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

" '(ii) any international or multinational organization whose membership is composed of any unit of foreign government described in clause (i); and

" '(iii) any agent or representative of any such unit or such organization, while acting as such;'

"(B) in paragraph (3), by inserting before the semicolon at the end the following: ', or the fair market value of an in-kind gift'.

"(f) PUBLIC DISCLOSURE AND MODIFICATION OF REPORTS.—

"(1) IN GENERAL.—Not later than 30 days after receiving a disclosure report under this section, the Secretary shall make such report electronically available to the public for downloading on a searchable database under which institutions can be individually identified and compared.

"(2) MODIFICATIONS.—The Secretary shall incorporate a process permitting institutions to revise and update previously filed disclosure reports under this section to ensure accuracy, compliance, and ability to cure.

"(g) SANCTIONS FOR NONCOMPLIANCE.—

"(1) IN GENERAL.—As a sanction for noncompliance with the requirements under this section, the Secretary may impose a fine on an institution that in any year knowingly or willfully violates this section, that is—

"(A) in the case of a failure to disclose a gift or contract with a foreign source as required under this section or to comply with the requirements of subsection (b)(4), in an amount that is not less than $250 but not more than the amount of the gift or contract with the foreign source; or

"(B) in the case of any violation of the requirements of subsection (a)(3), in an amount that is not more than 25 percent of the total amount of funding received by the institution under this Act.

"(2) REPEATED FAILURES.—

"(A) KNOWING AND WILLFUL FAILURES.—In addition to a fine for a violation in any year in accordance with paragraph (1) and subject to subsection (e)(2), the Secretary shall impose a fine on an institution that knowingly and willfully fails in 3 consecutive years to comply with the requirements of this section, that is—

"(i) in the case of a failure to disclose a gift or contract with a foreign source as required under this section or to comply with the requirements of subsection (b)(4), in an amount that is not less than $100,000 but not more than twice the amount of the gift or contract with the foreign source; or

"(ii) in the case of any violation of the requirements of subsection (a)(3), in an amount that is not more than 25 percent of the total amount of funding received by the institution under this Act.

"(B) ADMINISTRATIVE FAILURES.—The Secretary shall impose a fine on an institution that fails to comply with the requirements of this section in 3 consecutive years, in an amount that is not less than $250 but not more than the amount of the gift or contract with the foreign source.

"(C) COMPLIANCE PLAN REQUIREMENT.—An institution that fails to file a disclosure report for a receipt of a gift from or contract with a foreign source in 2 consecutive years, shall be required to submit a compliance plan to Secretary.

"(h) COMPLIANCE OFFICER.—Any institution that is required to report a gift or contract under this section shall designate and maintain a compliance officer who—

"(1) shall be a current employee or legally authorized agent of such institution; and

"(2) shall be responsible, on behalf of the institution, for compliance with the foreign gift reporting requirement under this section and section 124, if applicable.

"(i) SINGLE POINT OF CONTACT.—The Secretary shall maintain a single point of contact to—

"(1) receive and respond to inquiries and requests for technical assistance from institutions of higher education regarding compliance with the requirements of this section; and

"(2) coordinate the disclosure of information on the searchable database, and process for modifications of disclosures and ability to cure, as described in subsection (e).

"(j) TREATMENT OF CERTAIN PAYMENTS AND GIFTS.—

"(1) EXCLUSIONS.—The following shall not be considered a gift from a foreign source under this section:

"(A) Any payment of one or more elements of a student's cost of attendance (as defined in section 472) to an institution by, or scholarship from, a foreign source who is a natural person, acting in their individual capacity and not as an agent for, at the request or direction of, or on behalf of, any person or entity (except the student), made on behalf of no more than 15 students that is not made under contract with such foreign source, except for the agreement between the institution and such student covering one or more elements of such student's cost of attendance.

"(B) Assignment or license of registered industrial and intellectual property rights, such as patents, utility models, trademarks, or copyrights, or technical assistance, that are not identified as being associated with a national security risk or concern by the Federal Research Security Council as described under section 7902 of title 31, United States Code, as added by section 4493 of the Securing America's Future Act.

"(2) INCLUSIONS.—Any gift to, or contract with, an entity or organization, such as a research foundation, that operates substantially for the benefit or under the auspices of an institution shall be considered a gift to or with respectively, such institution.

"(k) DEFINITIONS.—In this section—

"(1) the term 'contract'—

"(A) means any—

"(i) agreement for the acquisition by purchase, lease, or barter of property or services by the foreign source, for the direct benefit or use of either of the parties, except as provided in subparagraph (B); or

"(ii) affiliation, agreement, or similar transaction with a foreign source and is based on the use or exchange of an institution's name, likeness, time, services, or resources, except as provided in subparagraph (B); and

"(B) does not include any agreement made by an institution located in the United States for the acquisition, by purchase, lease, or barter, of property or services from a foreign source;

"(2) the term 'foreign source' means—

"(A) a foreign government, including an agency of a foreign government;

"(B) a legal entity, governmental or otherwise, created under the laws of a foreign state or states;

"(C) an individual who is not a citizen or a national of the United States or a trust territory or protectorate thereof; and

"(D) an agent, including a subsidiary or affiliate of a foreign legal entity, acting on behalf of a foreign source;

"(3) the term 'gift' means any gift of money, property, resources, staff, or services;

"(4) the term 'institution' means an institution of higher education, as defined in section 102, or, if a multicampus institution, any single campus of such institution, in any State; and

"(5) the term 'restricted or conditional gift or contract' means any endowment, gift, grant, contract, award, present, or property of any kind which includes provisions regarding—

"(A) the employment, assignment, or termination of faculty;

"(B) the establishment of departments, centers, institutes, instructional programs, research or lecture programs, or new faculty positions;

"(C) the selection or admission of students; or

"(D) the award of grants, loans, scholarships, fellowships, or other forms of financial aid restricted to students of a specified country, religion, sex, ethnic origin, or political opinion.".

(b) POLICY REGARDING CONFLICTS OF INTEREST FROM FOREIGN GIFTS AND CONTRACTS.—Part B of title I of the Higher Education Act of 1965 (20 U.S.C. 1011 et seq.) is amended by adding at the end the following:

"SEC. 124. INSTITUTIONAL POLICY REGARDING FOREIGN GIFTS AND CONTRACTS TO FACULTY AND STAFF.

"(a) REQUIREMENT TO MAINTAIN POLICY AND DATABASE.—Each institution of higher education described in subsection (b) shall—

"(1) maintain a policy requiring faculty, professional staff, and other staff engaged in research and development (as determined by the institution) employed at such institution to disclose to such institution any gifts received from, or contracts entered into with, a foreign source;

"(2) maintain a searchable database of information disclosed in paragraph (1) for the previous five years, except an institution shall not be required to include in the database gifts or contracts received or entered into before the date of enactment of the Securing America's Future Act; and

"(3) maintain a plan to effectively identify and manage potential information gathering by foreign sources through espionage targeting faculty, professional staff, and other staff engaged in research and development (as determined by the institution) that may arise from gifts received from, or contracts entered into with, a foreign source, including through the use of periodic communications and enforcement of the policy described in paragraph (1).

"(b) INSTITUTIONS.—An institution of higher education shall be subject to the requirements of this section if such institution—

"(1) is an institution of higher education as defined under section 102; and

"(2) had more than $5,000,000 in research and development expenditures in any of the previous five years.

"(c) SANCTIONS FOR NONCOMPLIANCE.—

"(1) IN GENERAL.—As a sanction for noncompliance with the requirements under this section, the Secretary may impose a fine on an institution that in any year knowingly or willfully violates this section, in an amount that is not less than $250 but not more than $1,000.

"(2) SECOND FAILURE.—In addition to a fine for a violation in accordance with paragraph (1), the Secretary shall impose a fine on an institution that knowingly, willfully, and repeatedly fails to comply with the requirements of this section in a second consecutive year in an amount that is not less than $1,000 but not more than $25,000.

"(3) THIRD AND ADDITIONAL FAILURES.—In addition to a fine for a violation in accordance with paragraph (1) or (2), the Secretary shall impose a fine on an institution that knowingly, willfully, and repeatedly fails to comply with the requirements of this section in a third consecutive year, or any consecutive year thereafter, in an amount that is not less than $25,000 but not more than $50,000.

"(4) ADMINISTRATIVE FAILURES.—The Secretary shall impose a fine on an institution that fails in 3 consecutive years to comply with the requirements of this section in an amount that is not less than $250 but not more than $25,000.

"(5) COMPLIANCE PLAN REQUIREMENT.—An institution that fails to comply with the requirements under this section for 2 consecutive years shall be required to submit a compliance plan to the Secretary.

"(d) DEFINITIONS.—In this section—

"(1) the terms 'foreign source' and 'gift' have the meaning given the terms in section 117;

"(2) the term 'contract' means any—

"(A) agreement for the acquisition by purchase, lease, or barter of property or services by the foreign source, for the direct benefit or use of either of the parties; or

"(B) affiliation, agreement, or similar transaction with a foreign source based on the use or exchange of the name, likeness,

time, services, or resources of faculty, professional staff, and other staff engaged in research and development (as determined by the institution); and

"(3) the term 'professional staff' means professional employees, as defined in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).".

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall begin the negotiated rulemaking process under section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a) to carry out the amendments made by subsections (a) and (b).

(2) ISSUES.—Regulations issued pursuant to paragraph (1) to carry out the amendment made by subsection (a) shall, at a minimum, address the following issues:

(A) Instructions on reporting structured gifts and contracts.

(B) The inclusion in institutional reports of gifts received from, and contracts entered into with, foreign sources by entities and organizations, such as research foundations, that operate substantially for the benefit or under the auspices of the institution.

(C) Procedures to protect confidential or proprietary information included in gifts and contracts.

(D) The alignment of such regulations with the reporting and disclosure of foreign gifts or contracts required by other Federal agencies.

(E) The treatment of foreign gifts or contracts involving research or technologies identified as being associated with a national security risk or concern by the Federal Research Security Council as described under section 7902 of title 31, United States Code, as added by section 4493 of this Act.

[SEC. 531. PUBLIC DATABASE.

There is established an interagency group, which shall be led by the Director of National Intelligence, to be responsible for creating and maintaining a public database assisting United States persons, including companies, universities, and individuals, in conducting due diligence on potential business or academic partners

in China. Such database should contain information enabling users to identify the manner and extent to which the military, United Front Work Department, intelligence agencies, or security agencies of the Government of the People's Republic of China may be linked to Chinese companies, investment firms, other financial institutions, research institutes, and universities.**]**

SEC. 532. DUMP INVESTMENTS IN TROUBLESOME COMMUNIST HOLDINGS.

(a) SHORT TITLE.—This section may be cited as the "Dump Investments in Troublesome Communist Holdings Act" or as the "DITCH Act".

(b) RESTRICTION ON INVESTMENT IN CHINESE COMPANIES BY TAX-EXEMPT ENTITIES.—

(1) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(s) RESTRICTION ON INVESTMENT IN CHINESE COMPANIES.—

"(1) IN GENERAL.—An organization shall not be treated as described in subsection (c) or (d) or section 401(a) for any taxable year if such organization—

"(A) holds any interest in a disqualified Chinese company at any time during such taxable year, or

"(B) fails to timely transmit the annual report described in paragraph (5) for such taxable year.

"(2) DISQUALIFIED CHINESE COMPANY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'disqualified Chinese company' means any corporation—

"(i) that is incorporated in China, or

"(ii) more than 10 percent of the stock of which (determined by vote or value) is held (directly or indirectly through any chain of ownership) by any of the following (or combination thereof):

"(I) 1 or more corporations described in clause (i).

"(II) China or any governmental agency thereof.

"(III) Provincial, regional, municipal, Special Administrative Regions, prefecture, county, township, village, or any other Chinese sub-national governmental entity or agency.

"(IV) Any entity controlled (directly or indirectly) by the Chinese Communist Party or any Chinese Communist Party organ.

"(V) Any Chinese national.

"(B) APPLICATION TO ENTITIES OTHER THAN CORPORATIONS.—In the case of any business organization which is not a corporation, subparagraph (A) shall apply to such organization in the same manner as though such organization were a corporation.

"(C) APPLICATION TO INDIRECT, DERIVATIVE, OR OTHER CONTRACTUAL INTERESTS, ETC.—For purposes of this subsection, an organization shall be treated as holding an interest in a disqualified Chinese company if such organization—

"(i) holds such interest (or any instrument described in subparagraph (A)) directly or indirectly through any chain of ownership, or

"(ii) holds any derivative financial instrument or other contractual arrangement with respect to such interest or company (including any financial instrument or other contract which seeks to replicate any financial return with respect to such interest or such company).

"(D) PUBLICATION OF LIST BY SECRETARY.—The Secretary shall, not later than 120 days after the date of the enactment of this subsection, establish a process for the periodic publishing of a list of certified pooled investments, including exchange traded funds and mutual funds, that do not have exposure to disqualified Chinese companies.

"(3) WAIVERS.—

"(A) IN GENERAL.—Paragraph (1) shall not apply with respect to any interest in a disqualified Chinese company held by any organization during any taxable year if the Secretary issues a waiver to such organization with respect to such interest for such taxable year under this paragraph. Any waiver issued under this

paragraph shall be subject to renewal or expiration on a biannual basis.

"(B) WAIVER PROCESS.—

"(i) APPLICATION.—Not later than 60 days after the date of the enactment of this subsection, the Secretary shall establish a process under which an organization may submit a written application for a waiver under this paragraph. Such application shall be made publicly available and shall include the following:

"(I) An explanation of the need for such waiver and the reasons that the need for such waiver outweigh the threat posed to the United States by China and the lack of separation between China and the disqualified Chinese company involved.

"(II) The type (including sector of the economy), amount, and duration of the investment in the disqualified Chinese company.

"(III) The relationship between the disqualified Chinese company and China.

"(IV) The extenuating circumstances justifying the applicant's need to invest in the disqualified Chinese company.

"(ii) RESPONSE.—The Secretary shall provide a written response to each completed application under clause (i) not later than 60 days after receipt of such application. Such written response shall be made publicly available and shall include the following:

"(I) A statement of whether the waiver has been provided or withheld.

"(II) The reasons for providing or withholding the waiver.

"(III) The identification of any future investments with respect to which such waiver applies.

"(IV) The date on which such waiver expires (which may not be later than the earlier of the termination of the

extenuating circumstances referred to in clause (i)(IV) or the end of the biannual period referred to in subparagraph (A)).

"(C) STANDARDS FOR DETERMINING IF WAIVER IS PROVIDED.—The Secretary may provide a waiver under this paragraph only if the Secretary independently determines that—

"(i) the need for such waiver, and the reasons for the need for such waiver, outweigh the threat posed to the United States by China and the lack of separation between China and the disqualified Chinese company involved, and

"(ii) extenuating circumstances justify the applicant's need to invest in the disqualified Chinese company.

For purposes of this subparagraph, the Secretary shall not consider the past or future financial returns of any investment in any disqualified Chinese company, or any other justification based on the applicant's own financial needs, as an extenuating circumstance justifying such an investment.

"(D) PUBLICATION OF WAIVERS PROVIDED.—With respect to each calendar quarter, the Secretary shall publish and make publicly available a list of the waivers provided by the Secretary under this paragraph during such quarter.

"(4) CHINA.—For purposes of this section, the term 'China' means the People's Republic of China and includes any subordinate Special Administrative Regions thereof.

"(5) ANNUAL REPORT.—Each organization described in paragraph (1) with respect to each taxable year shall, not later than the due date for the return of tax for such taxable year, transmit to the Secretary a written report including—

"(A) a description of each interest in a disqualified Chinese company held by such organization during such taxable year,

"(B) the period during which such interest was so held, and

"(C) whether such organization has a waiver under paragraph (3) to hold such interest during such period.".

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act, except that only periods after the date that is 270 days after the date of the enactment of this Act shall be taken into account in determining whether the requirement of section 501(s) of the Internal Revenue Code of 1986 (as added by paragraph (1)) is met with respect to any taxable year.

(B) 1-YEAR GRACE PERIOD UNDER CERTAIN CIRCUMSTANCES.—In the case of organization that, after intensive due diligence, is unaware of the failure to satisfy the requirement of such section 501(s), subparagraph (A) shall be applied by substituting "1 year" for "270 days".

(3) PUBLIC REPORT.—Not later than 360 days after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury (or the Secretary's delegate) shall publicly release a report describing the patterns of United States outbound investment in China, including such investment by organizations described in section 501(s)(1) of the Internal Revenue Code of 1986 (as added by paragraph (1)). Such report shall detail the sectoral breakdown of such investments.

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

SEC. 601. SUPPORTING A FREE AND DEMOCRATIC CHINA.

It is the policy of the United States to support a free and democratic China which respects the human rights and civil liberties of the people of China.

SEC. 602. AMERICAN INSTITUTE IN TAIWAN.

The position of Director of the American Institute in Taiwan's Taipei office shall be subject to the advice and consent of the Senate, and effective upon enactment of this Act shall have the title of Representative.

SEC. 603. PROHIBITIONS AGAINST UNDERMINING UNITED STATES POLICY REGARDING TAIWAN.

(a) FINDING.—Congress finds that the efforts by the Government of the People's Republic of China (PRC) and the Chinese Communist Party to compel private United States businesses, corporations, and nongovernmental entities to use PRC-mandated language to describe the relationship between Taiwan and China are an intolerable attempt to enforce political censorship globally and should be

considered an attack on the fundamental underpinnings of all democratic and free societies, including the constitutionally protected right to freedom of speech.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government, in coordination with United States businesses and nongovernmental entities, should formulate a code of conduct for interacting with the Government of the People's Republic of China and the Chinese Communist Party and affiliated entities, the aim of which is—

(1) to counter PRC sharp power operations, which threaten free speech, academic freedom, and the normal operations of United States businesses and nongovernmental entities; and

(2) to counter PRC efforts to censor the way the world refers to issues deemed sensitive to the Government of the People's Republic of China and Chinese Communist Party leaders, including issues related to Taiwan, Tibet, the Tiananmen Square Massacre, and the mass internment of Uyghurs and other Turkic Muslims, among many other issues.

(c) PROHIBITION ON RECOGNITION OF PRC CLAIMS TO SOVEREIGNTY OVER TAIWAN.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) issues related to the sovereignty of Taiwan are for the people of Taiwan to decide through the democratic process they have established;

(B) the dispute between the People's Republic of China and Taiwan must be resolved peacefully and with the assent of the people of Taiwan;

(C) the primary obstacle to peaceful resolution is the authoritarian nature of the PRC political system under one-party rule of the Chinese Communist Party, which is fundamentally incompatible with Taiwan's democracy; and

(D) any attempt to coerce the people of Taiwan to accept a political arrangement that would subject them to direct or indirect rule by the PRC, including a "one country, two systems" framework, would constitute a grave challenge to United States security interests in the region.

(2) STATEMENT OF POLICY.—It is the policy of the United States to oppose any attempt by the PRC authorities to unilaterally impose a timetable or deadline for unification on Taiwan.

(3) PROHIBITION ON RECOGNITION OF PRC CLAIMS WITHOUT ASSENT OF PEOPLE OF TAIWAN.—No department or agency of the United States Government may formally or informally recognize PRC claims to sovereignty over Taiwan without the assent of the people of Taiwan, as expressed directly through the democratic process.

(4) TREATMENT OF TAIWAN GOVERNMENT.—

(A) IN GENERAL.—The Department of State and other United States Government agencies shall treat the democratically elected government of Taiwan as the legitimate representative of the people of Taiwan and end the outdated practice of referring to the government in Taiwan as the "authorities". Notwithstanding the continued supporting role of the American Institute in Taiwan in carrying out United States foreign policy and protecting United States interests in Taiwan, the United States Government shall not place any restrictions on the ability of officials of the Department of State and other United States Government agencies from interacting directly and routinely with counterparts in the Taiwan government.

(d) STRATEGY TO PROTECT UNITED STATES BUSINESSES AND NONGOVERNMENTAL ENTITIES FROM COERCION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce, the Secretary of the Treasury, and the heads of other relevant Federal agencies, shall submit an unclassified report, with a classified annex if necessary, to protect United States businesses and nongovernmental entities from sharp power operations, including coercion and threats that lead to censorship or self-censorship, or which compel compliance with political or foreign policy positions of the Government of the People's Republic of China and the Chinese Communist Party. The strategy shall include the following elements:

(1) Information on efforts by the Government of the People's Republic of China to censor the websites of United States airlines, hotels, and other businesses regarding the relationship between Taiwan and the People's Republic of China.

(2) Information on efforts by the Government of the People's Republic of China to target United States nongovernmental entities through sharp power operations intended to weaken support for Taiwan.

(3) Information on United States Government efforts to counter the threats posed by Chinese state-sponsored propaganda and disinformation, including information on best practices, current successes, and existing barriers to responding to this threat.

(4) Details of any actions undertaken to create a code of conduct pursuant to subsection (b) and a timetable for implementation.

SEC. 604. NEGOTIATION OF A FREE TRADE AGREEMENT WITH TAIWAN.

Subject to section 605, the President is authorized to enter into an agreement with Taiwan consistent with the policy described in section 603, and the provisions of section 151(c) of the Trade Act of 1974 (19 U.S.C. 2191(c)) shall apply with respect to a bill to implement such agreement.

SEC. 605. INTRODUCTION AND FAST TRACK CONSIDERATION OF IMPLEMENTING BILL.

(a) INTRODUCTION IN HOUSE OF REPRESENTATIVES AND SENATE.—Whenever the President submits to Congress a bill to implement a trade agreement described in section 604, the bill shall be introduced (by request) in the House of Representatives and in the Senate as described in section 151(c) of the Trade Act of 1974 (19 U.S.C. 2191(c)).

(b) PERMISSIBLE CONTENT IN IMPLEMENTING LEGISLATION.—A bill to implement a trade agreement described in section 604 shall contain provisions that are necessary to implement the trade agreement, and shall include trade-related labor and environmental protection standards, but may not include amendments to title VII of the Tariff Act of 1930, title II of the Trade Act of 1974, or any antitrust law of the United States.

(c) APPLICABILITY OF FAST TRACK PROCEDURES.—Section 151 of the Trade Act of 1974 (19 U.S.C. 2191) is amended—

(1) in subsection (b)(1), by inserting "section 604 of the Countering Communist China Act," after "section 282 of the Uruguay Round Agreements Act,"; and

(2) in subsection (c)(1), by inserting "section 604 of the Countering Communist China Act," after "the Uruguay Round Agreements Act,".

SEC. 606. STRATEGY TO ADDRESS GENOCIDE IN THE XINJIANG UYGHUR AUTONOMOUS REGION.

(a) STRATEGY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes a strategy specifically describing—

(1) the steps already taken to tangibly address atrocity crimes occurring in the Xinjiang Uyghur Autonomous Region, especially during the period following the January 19, 2021, determination that genocide and crimes against humanity were occurring in the Xinjiang Uyghur Autonomous Region; and

(2) a strategy for ending the atrocity crimes occurring in the Xinjiang Uyghur Autonomous Region, including by—

(A) holding accountable persons or entities responsible for committing such atrocity crimes by addressing, through existing or new export controls or import restrictions, the issues of mass biometric surveillance and forced labor programs in China;

(B) gaining access for United Nations, United States, and other diplomats and foreign journalists to the Xinjiang Uyghur Autonomous Region; and

(C) protecting Uyghurs, Kazakhs, Kyrgyz, and other ethnic minorities affected by the atrocities committed by the Government of the People's Republic of China.

(b) FORM AND PUBLICATION.—The report required under subsection (b) shall be submitted in unclassified form and shall be made publicly available, but may include a classified annex.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) The Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) The Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

SEC. 607. SANCTIONS WITH RESPECT TO INDIVIDUALS COMMITTING RESPONSIBLE FOR OR COMPLICIT IN FORCED STERILIZATIONS, FORCED ABORTIONS, OR OTHER SEXUAL VIOLENCE.

(a) STATEMENT OF POLICY.—It is the policy of the United States to consider any foreign person or entity responsible for, complicit in, or having directly or indirectly engaged in forced sterilizations, forced abortions, or other sexual violence targeting any individual in the Xinjiang Uyghur Autonomous Region as having committed gross violations of internationally recognized human rights for purposes of imposing the sanctions detailed in the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note).

(b) DENIAL OF ENTRY FOR FOREIGN NATIONALS ENGAGED IN ESTABLISHMENT OR ENFORCEMENT OF FORCED ABORTION OR STERILIZATION POLICY.—Section 801 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (Public Law 106–113; 8 U.S.C. 1182e) is amended—

(1) in subsection (b), by striking "minister." and inserting minister, unless—

"(1) the Secretary of State makes a public determination that the forced sterilizations, forced abortions, or other coercive population control policies were being committed or enforced with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group and therefore constitute genocide or crimes against humanity; or

"(2) the Secretary of State finds that such coercive population control policies were targeting Uyghurs, Kazakhs, Tibetan or other ethnic minorities or individuals peacefully expressing internationally recognized human rights in the People's Republic of China.";

(2) in subsection (c), by striking "national interest" and inserting "national security interest"; and

(3) by adding at the end the following new subsections:

"(d) NOTICE.—The Secretary of State shall make a public announcement each time sanctions are imposed under this section as a result of a determination or finding described in subsection (b)(1) or (b)(2), respectively.

"(e) INFORMATION REQUESTED BY CONGRESS.—The Secretary of State shall, upon request of a Member of Congress—

"(1) provide information about the use of the sanctions described in this section, including the number of times imposed, disaggregated by country and by year; or

"(2) provide a classified briefing that includes information about the individuals or entities sanctioned pursuant to this section and any

other Act authorizing sanctions with respect to the conduct of such individuals or entities.”.

SEC. 608. SENSE OF CONGRESS ON THE 2022 WINTER OLYMPICS.

It is the sense of Congress that, consistent with the principles of the International Olympic Committee, unless the Government of the People’s Republic of China demonstrates significant progress in securing fundamental human rights, including the freedoms of religion, speech, movement, association, and assembly, the International Olympic Committee should rebid the 2022 Winter Olympics to be hosted by a country that recognizes and respects human rights.

SEC. 609. LIMITATIONS ON FUNDS MADE AVAILABLE FOR THE UNITED NATIONS POPULATION FUND.

Chapter 3 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2221 et seq.) is amended by adding at the end the following:

“SEC. 308. LIMITATIONS ON FUNDS MADE AVAILABLE FOR THE UNITED NATIONS POPULATION FUND.

“(a) AVAILABILITY OF FUNDS.—

“(1) IN GENERAL.—Funds made available to carry out this part for the United Nations Population Fund (UNFPA) that are not made available for UNFPA because of the operation of any provision of law shall be transferred to the ‘Global Health Programs’ account and shall be made available for family planning, maternal, and reproductive health activities.

“(2) NOTIFICATION.—The President shall notify the appropriate congressional committees of any transfer of funds under this subsection not later than 10 days after the date on which funds are so transferred.

“(b) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available to carry out this part may be used by UNFPA for a country program in the People’s Republic of China.

“(c) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available to carry out this part for UNFPA may not be made available unless—

“(1) UNFPA maintains funds made available to carry out this part in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

"(2) UNFPA does not fund abortions.

"(d) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

"(1) IN GENERAL.—Not later than 4 months after the start of each fiscal year, the Secretary of State shall submit to the appropriate congressional committees a report indicating the amount of funds that UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

"(2) DEDUCTION OF FUNDS.—If a report under paragraph (1) indicates that UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then an amount of funds equal to the amount of funds UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

"(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives; and

"(2) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.".

SEC. 610. PROHIBITION ON USE OF FUNDS FOR ABORTIONS AND INVOLUNTARY STERILIZATIONS.

Section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f)) is amended by adding at the end the following:

"(4) None of the funds made available to carry out this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which supports or participates in the management of a program of coercive abortion or involuntary sterilization.".

SEC. 611. PROHIBITION ON CERTAIN FUNDING RELATING TO PROVISION OF AN OPEN PLATFORM FOR CHINA.

(a) FUNDING PROHIBITION.—Notwithstanding any other provision of law, no funding made available to the United States Agency for Global Media (USAGM) may be used to provide an open platform for representatives of the People's

Republic of China (PRC), members of the Chinese Communist Party (CCP), or any entity owned or controlled by the PRC or CCP.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the USAGM shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing whether or not any of its broadcast entities, including its grantee organizations, has provided at any time during the five year period immediately preceding such report an open platform for representatives of the PRC, members of the CCP, or any entity owned or controlled by the PRC or CCP. Such report shall be made available on a publicly available website by the Federal Government.

SEC. 612. ESTABLISHMENT OF NEW MANDARIN CHINESE LANGUAGE PLATFORMS OF THE UNITED STATES AGENCY FOR GLOBAL MEDIA.

(a) IN GENERAL.—The Chief Executive Officer of the United States Agency for Global Media (USAGM) shall establish new platforms in the Mandarin Chinese language, including new social media accounts, an internet website hosting radio channels and video and audio podcasts, and an interactive website and mobile application, for the following purposes:

(1) Exposing the corruption and human rights abuses of the Chinese Communist Party.

(2) Supporting the right for the people of the People's Republic of China to live in democracy.

(3) Explaining the failures of Communism.

(4) Explaining to a Chinese audience the concepts of rule of law, constitutionalism, limited government, separation of powers, democracy, and human rights.

(5) Highlighting the voices of Chinese civil society, democracy activists, and opposition movements advocating for a free and democratic China.

(b) STRATEGY.—In carrying out subsection (a), the Chief Executive Officer of USAGM shall develop a strategy for—

(1) bypassing the firewall and internet censorship of the People's Republic of China; and

(2) supporting programs for bypassing such firewall and internet censorship in order to reach the people of China.

SEC. 613. ANNUAL MEETINGS OF INTERPARLIAMENTARY GROUP BETWEEN CONGRESS AND LEGISLATURE OF TAIWAN.

(a) MEETINGS.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall each appoint members to serve on an interparliamentary group which will meet annually with representatives of the Legislative Yuan of Taiwan to discuss areas of mutual interest between the United States and Taiwan, including—

(1) deterring military aggression by the People's Republic of China and countering the malign influence of the Chinese Communist Party in both the United States and Taiwan;

(2) strengthening security cooperation between the United States and Taiwan; and

(3) enhancing bilateral trade between the United States and Taiwan.

(b) APPOINTMENT OF MEMBERS.—

(1) HOUSE.—The Speaker of the House of Representatives shall appoint 6 Members of the House to serve on the group under this section, based on recommendations made by the Majority Leader and the Minority Leader of the House, and shall designate one of the Members as the co-chair of the group.

(2) SENATE.—The President pro tempore of the Senate shall appoint 6 Senators to serve on the group under this section, based on recommendations made by the Majority Leader and the Minority Leader of the Senate, and shall designate one of the Senators as the co-chair of the group.

(c) SOURCE OF FUNDING.—Of the amounts obligated and expended to carry out this section—

(1) 50 percent shall be derived from the applicable accounts of the House of Representatives; and

(2) 50 percent shall be derived form the contingent fund of the Senate.

(d) REPEAL OF EXISTING INTERPARLIAMENTARY GROUP BETWEEN SENATE AND PEOPLE'S REPUBLIC OF CHINA.—Section 153 of the Miscellaneous Appropriations and Offsets Act, 2004 (22 U.S.C. 276n) is hereby repealed.

SEC. 614. PROHIBITION ON IMPORTATION OF GOODS MADE IN THE XINJIANG UYGHUR AUTONOMOUS REGION.

(a) IN GENERAL.—Except as provided in subsection (b), all goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region of China, or by persons working with the Xinjiang Uyghur Autonomous Region government for purposes of the "poverty alleviation" program or the "pairing-assistance" program which subsidizes the establishment of manufacturing facilities in the Xinjiang Uyghur Autonomous Region, shall be deemed to be goods, wares, articles, and merchandise described in section 307 of the Tariff Act of 1930 (19 U.S.C. 1307) and shall not be entitled to entry at any of the ports of the United States.

(b) EXCEPTION.—The prohibition described in subsection (a) shall not apply if the Commissioner of U.S. Customs and Border Protection—

(1) determines, by clear and convincing evidence, that any specific goods, wares, articles, or merchandise described in subsection (a) were not produced wholly or in part by convict labor, forced labor, or indentured labor under penal sanctions; and

(2) submits to the appropriate congressional committees and makes available to the public a report that contains such determination.

(c) EFFECTIVE DATE.—This section shall take effect on the date that is 120 days after the date of the enactment of this Act.

SEC. 615. DESIGNATION AND REFERENCES TO TAIWAN REPRESENTATIVE OFFICE.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States, consistent with the Taiwan Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.) and the Six Assurances—

(1) to provide the people of Taiwan with de facto diplomatic treatment equivalent to foreign countries, nations, states, governments, or similar entities; and

(2) to rename the "Taipei Economic and Cultural Representative Office" in the United States as the "Taiwan Representative Office".

(b) RENAMING.—The Secretary of State shall seek to enter into negotiations with the Taipei Economic and Cultural Representative Office to rename its office in Washington, DC, the "Taiwan Representative Office".

(c) REFERENCES.—If the negotiations under subsection (b) results in the renaming of the Taipei Economic and Cultural Representative Office as the Taiwan Representative Office, any reference in a law, map, regulation, document, paper, or other record of the United States Government to the Taipei Economic and Cultural Representative Office shall be deemed to be a reference to the Taiwan Representative Office, including for all official purposes of the United States Government, all courts of the United States, and any proceedings by such Government or in such courts.**[**

SEC. 616. DETERRING AMERICA'S TECHNOLOGICAL ADVERSARIES.

(a) SHORT TITLE.—This section may be cited as the "Deterring America's Technological Adversaries Act" or "DATA Act".

(b) FINDINGS.—Congress finds the following:

(1) On December 2, 2022, the Director of the Federal Bureau of Investigation, Christopher Wray, stated, "We … do have national security concerns about the app [TikTok]. Its parent company is controlled by the Chinese government. And it gives them the potential to leverage the app in ways that I think should concern us … One, it gives them the ability to control the recommendation algorithm which allows them to manipulate content and if they want to, to use it for influence operations which are a lot more worrisome in the hands of the Chinese Communist Party than whether or not you 're steering somebody as an influencer to one product or another. They also have the ability to collect data through it on users which can be used for traditional espionage operations, for example. They also have the ability on it to get access, they have essentially access to the software to devices. So you're talking about millions of devices and that gives them the ability to engage in different kinds of malicious cyber activity through that. And so all of these things are in the hands of a government that doesn't share our values and that has a mission that's very much at odds with what's in the best interest of the United States that that should concern us.".

(2) On December 3, 2022, the Director of National Intelligence, Avril Haines, "It is extraordinary the degree to which China, in particular, but they 're not the only ones, obviously, are developing just frameworks for collecting foreign data and pulling it in and their capacity to then turn that around and use it to target audiences for information campaigns or for other things, but also to have it for the future so that they can use it for a variety of means that they're interested in.".

(3) On December 16, 2022, the Director of Central Intelligence, Bill Burns, stated, "I think it's a genuine concern … for the U.S. government, in the sense that, because the parent company of TikTok is a Chinese company, the Chinese government is able to insist upon extracting the private data of a lot of TikTok users in this country, and also to shape the content of what goes on to TikTok as well to suit the interests of the Chinese leadership … What I would underscore, though, is that it's genuinely troubling to see what the Chinese government could do to manipulate TikTok.".

(4) On December 23, 2022, both chambers of Congress passed a bipartisan spending bill that included a ban on using TikTok from government devices.

(c) AUTHORIZATION OF APPROPRIATIONS.—No additional amounts are authorized to be made available to carry out this section.

(d) SEVERABILITY.—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(e) DEFINITIONS.—In this section:

(1) AGENCY OR INSTRUMENTALITY OF A FOREIGN STATE.—The term "agency or instrumentality of a foreign state" has the meaning given such term under section 1603(b) of title 28, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs, Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives; and

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

(3) CHINA.—The term "China" means—

(A) when used in the geographic sense, the country of the People's Republic of China; and

(B) otherwise, the Government of the country of the People's Republic of China, including any entity acting on behalf of, or the benefit of—

(i) the country of the People's Republic of China; or

(ii) the Government of the country of the People's Republic of China.

(4) CONNECTED SOFTWARE APPLICATION.—The term "connected software application" has the meaning given such term in Executive Order 14034 (86 Fed. Reg. 31423; relating to protecting Americans' sensitive data from foreign adversaries).

(5) ELECTION INTERFERENCE IN OR AGAINST A FOREIGN COUNTRY THAT IS A TREATY ALLY OF THE UNITED STATES OR A DEMOCRATIC OR EMERGING DEMOCRATIC PARTNER OF THE UNITED STATES.—The term "election interference in or against a foreign country that is a treaty ally of the United States or a democratic or emerging democratic partner of the United States" means actions to engage in, directly or indirectly, activities originating from, or directed by, persons located, in whole or in substantial part, outside the territory of a treaty ally of the United States or a democratic or emerging democratic partner of the United States that have the purpose or effect of tampering with, altering, unlawfully accessing, or causing a misappropriation of information with the purpose or effect of interfering with or undermining election processes or institutions.

(6) ELECTION INTERFERENCE IN OR AGAINST THE UNITED STATES.—The term "election interference in or against the United States" includes actions to engage in, directly or indirectly, activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that—

(A) have the purpose or effect of tampering with, altering, unlawfully accessing, or causing a misappropriation of information with the purpose or effect of undermining election processes or institutions;

(B) deny access, block, degrade, or alter election and campaign infrastructure, or related systems or data related to political parties, candidates in elections for public office, the administration of elections for public office, or any public election activity; or

(C) consist of the making of contributions or donations, or any other activity prohibited under section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121), with the purpose or effect of undermining election processes or institutions.

(7) FOREIGN PERSON.—The term "foreign person"—

(A) means a person that is not a United States person; and

(B) includes a nonresident alien individual, foreign corporation, foreign partnership, foreign trust, foreign estate.

(8) KNOWINGLY.—The term "knowingly", with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(9) SENSITIVE PERSONAL DATA.—The term "sensitive personal data" has the meaning given such term in section 7.2 of title 15, Code of Federal Regulations (or any successor regulation).

(10) TREATY ALLY OF THE UNITED STATES.—The term "treaty ally of the United States" means a foreign country that is a party to any of the following:

(A) The North Atlantic Treaty, signed at Washington, April 4, 1949.

(B) The Security Treaty Between Australia, New Zealand, and the United States of America, signed at San Francisco, September 1, 1951.

(C) The Mutual Defense Treaty Between the United States of America and the Republic of the Philippines, signed at Washington, August 30, 1951.

(D) The Southeast Asia Collective Defense Treaty, signed at Manilla, September 8, 1954.

(E) The Treaty of Mutual Cooperation and Security Between the United States of America and Japan, signed at Washington, January 19, 1960.

(F) The Mutual Defense Treaty Between the United States of America and the Republic of Korea, signed at Washington, October 1, 1953.

(11) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen;

(B) a permanent resident alien;

(C) an entity organized under the laws of the United States (including foreign branches); or

(D) any person in the United States.

(f) CLARIFICATION OF NON-APPLICABILITY FOR REGULATION AND PROHIBITION RELATING TO SENSITIVE PERSONAL DATA UNDER INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—

(1) CLARIFICATION.—

(A) IN GENERAL.—The importation to a country, or the exportation from a country, of sensitive personal data shall not constitute the importation from a country, or the exportation to a country, of information or informational materials for purposes of paragraph (1) or (3) of section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)).

(B) RULE OF CONSTRUCTION.—Nothing in paragraph (1), and nothing in the International Emergency Economic Powers Act, may be construed to provide for the application of paragraph (1) or (3) of section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)) to the importation to China, or the exportation from China, directly or indirectly, of sensitive personal data.

(2) DIRECTIVE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue a directive prohibiting United States persons from engaging in any transaction with a person that the Secretary of the Treasury determines knowingly provides or may transfer sensitive personal data of persons subject to United States jurisdiction to any foreign person that—

(A) is subject to the jurisdiction or direction of, or directly or indirectly operating on behalf of, China; or

(B) is owned by, directly or indirectly controlled by, or is otherwise subject to the influence of China.

(g) IMPOSITION OF SANCTIONS ON CERTAIN TRANSACTIONS RELATING TO CONNECTED SOFTWARE APPLICATIONS.—

(1) IMPOSITION OF SANCTIONS.—

(A) IN GENERAL.—The President shall impose the sanction described in paragraph (2) with respect to any foreign person that, on or after the date of the enactment of this Act, knowingly—

(i) operates, directs, or otherwise deals in a connected software application that—

(I) is subject to the jurisdiction or direction of, or directly or indirectly operating on behalf of China, or is owned by, directly or indirectly controlled by, or otherwise subject to the influence of China; and

(II) is reasonable believed to have facilitated or may be facilitating or contributing to China's—

(aa) military, intelligence, espionage, or weapons proliferation activities;

(bb) censorship activities;

(cc) surveillance activities;

(dd) control or use of recommendation algorithms that are capable of manipulating content;

(ee) malicious cyber activities; or

(ff) use of data to target audiences for information campaigns;

(ii) directly or indirectly orders, controls, directs, engages in, or otherwise facilitates an act of election interference against the United States;

(iii) directly or indirectly orders, controls, directs, engages in, or otherwise facilitates an act of election interference in or against a foreign country that is—

(I) a treaty ally of the United States; or

(II) a democratic or emerging democratic partner of the United States;

(iv) directly or indirectly orders, controls, directs, engages in, or otherwise facilitates an act of steering United States policy and regulatory decisions in favor of China's strategic objectives, to the detriment of the economic or national security of the United States;

(v) knowingly facilitates a transaction or transactions for or on behalf of a person described, or a person that has engaged in the activity described, as the case may be, in clause (i), (ii), (iii), (iv);

(vi) knowingly assists, sponsors, or provides financial, material, or technological support for a person described, or a person that has engaged in the activity described, as the case may be, in clause (i), (ii), (iii), (iv); or

(vii) is owned or controlled by, or has acted for or on behalf of, directly or indirectly, a person described, or a person that has engaged in the activity described, as the case may be, in clause (i), (ii), (iii), (i).

(B) LIST OF FOREIGN COUNTRIES THAT ARE DEMOCRATIC OR EMERGING DEMOCRATIC PARTNERS OF THE UNITED STATES.—

(i) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees—

(I) a definition of the term "democratic or emerging democratic partner of the United States"; and

(II) a list of foreign countries that are designated as a democratic or emerging democratic partner of the United States for purposes of subparagraph (A)(iii) that includes the countries listed in clause (ii).

(ii) INITIAL DESIGNATIONS.—Sweden, Switzerland, Israel, India, and Taiwan shall be deemed to have been so designated as a democratic or emerging democratic partner of the United States for purposes of subparagraph (A)(iii).

(iii) UPDATES.—The President shall submit to the appropriate congressional committees an updated list under subclause (I) on a periodic basis.

(2) SANCTION DESCRIBED.—

(A) IN GENERAL.—The sanction described in this paragraph is the exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in all property and interests in property of any foreign person or an agency or instrumentality of a foreign state, as the case may be, if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

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

(C) REGULATIONS.—

(i) IN GENERAL.—The President shall prescribe such regulations as may be necessary for the implementation of this section.

(ii) PRIOR BRIEFING REQUIRED.—Not later than 10 days before the prescription of regulations under clause (i), the President shall brief the appropriate congressional committees regarding the proposed regulations and the provisions of this section that such regulations are implementing.

(D) PENALTIES.—A person that violates, attempts to violate, or causes a violation of any sanction authorized by this section, or any regulation, license, or order issued to carry out such sanctions, shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(E) EXCEPTIONS.—The following activities shall not be subject to the imposition of sanctions under this section:

(i) Any authorized intelligence, law enforcement, or national security activities of the United States.

(ii) Any transaction necessary to comply with United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United States, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, or the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or any other United States international agreement.

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

(3) SUNSET.—This section, and the authorities provided by this section, shall terminate on the date that is 5 years after the date of the enactment of this Act.

(h) SPECIFIC DETERMINATIONS WITH RESPECT TO THE IMPOSITION OF SANCTIONS.—

(1) DETERMINATION RELATING TO BYTEDANCE, LTD., TIKTOK, AND RELATED ENTITIES.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter for 3 years, the President shall transmit to the appropriate congressional committees a determination of whether reasonable grounds exist for concluding that any of the entities described in subparagraph (B)—

(i) meets the criteria described in subparagraph (A) or (B) of subsection (f)(2) for purposes of applying a directive described in such section with respect to the entity; or

(ii) have engaged in any conduct described in subsection (g)(1).

(B) ENTITIES DESCRIBED.—The entities described in this subsection are—

(i) Bytedance, Ltd.;

(ii) TikTok;

(iii) any subsidiary of or a successor to an entity described in clause (i) or (ii); and

(iv) any entity owned or controlled directly or indirectly by an entity described in clause (i), (ii), or (iii).

(C) FORM.—The determination described in subparagraph (A) shall be transmitted in unclassified form, and any supporting documentation may be transmitted in a classified annex.

(D) APPLICATION OF SANCTIONS.—If the President makes an affirmative decision under subparagraph (A) with respect to any entity described in subparagraph (B), the President shall impose the sanction described in subsection (g)(2) with respect to the entity, as appropriate.

(2) REQUESTS BY APPROPRIATE CONGRESSIONAL COMMITTEES.—

(A) IN GENERAL.—Not later than 120 days after receiving a request from the chairperson or ranking member of one or more of the appropriate congressional committees with respect to whether a foreign person meets the criteria described in subparagraph (A) or (B) of subsection (f)(2) for purposes of applying a directive described in such section with respect to the person, or have engaged in any conduct described in section 201 for the imposition of the sanction described in subsection (g)(2), the President shall—

(i) determine if that person meets the requirements described in the applicable section; and

(ii) submit to the chairperson and ranking member of the committee or committees a report that includes—

(I) a statement of whether or not the President imposed or intends to impose such sanction with respect to the person; and

(II) if applicable, a description of the sanction so imposed or intended to be imposed.

(B) AVAILABILITY OF INFORMATION.—

(i) IN GENERAL.—Any information obtained at any time with respect to the President making a determination with respect to a foreign person under subparagraph (A), or under any review of the foreign person through other United States Government national security review processes, shall be made available to a committee or subcommittee of Congress of appropriate jurisdiction, upon the request of the chairman or ranking minority member of such committee or subcommittee.

(ii) PROHIBITION ON DISCLOSURE.—No such committee or subcommittee, or member thereof, may disclose any information made available under clause (i), that is submitted on a confidential basis unless the full committee determines that the withholding of that information is contrary to the national interest.

(C) FORM.—Each determination described in subparagraph (A)(i), and each report under subparagraph (A)(ii), may be submitted in classified or unclassified form, and any supporting documentation to such determination or report may contain a classified annex.

SEC. 617. SANCTIONING SUPPORTERS OF SLAVE LABOR ACT.

(a) SHORT TITLE.—This section may be cited as the "Sanctioning Supporters of Slave Labor Act".

(b) IMPOSITION OF ADDITIONAL SANCTIONS RELATING TO HUMAN RIGHTS ABUSES IN THE XINJIANG UYGHUR AUTONOMOUS REGION.—

(1) IN GENERAL.—Section 6 of the Uyghur Human Rights Policy Act of 2020 (Public Law 116–145; 22 U.S.C. 6901 note) is amended—

(A) in subsection (a)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following:

"(2) ADDITIONAL MATTERS TO BE INCLUDED.—The President shall include in the report required by paragraph (1) an identification of—

"(A) each foreign person that knowingly provides significant goods, services, or technology to or for a person identified in such report; and

"(B) each foreign person that knowingly engages in a significant transaction relating to any of the acts described in subparagraphs (A) through (F) of paragraph (1)."; and

(B) in subsection (b), by striking "subsection (a)(1)" and inserting "subsection (a)".

(2) EFFECTIVE DATE.—The amendments made by subsection (a)—

(A) take effect on the date of the enactment of this Act; and

(B) apply with respect to each report required by section 6(a) of the Uyghur Human Rights Policy Act of 2020 submitted before, on, or after such date of enactment.

SEC. 618. COUNTERING ATROCITIES THROUGH CURRENCY ACCOUNTABILITY ACT.

(a) SHORT TITLE.—This section may be cited as the "Countering Atrocities through Currency Accountability Act of 2024".

(b) FINDINGS.—Congress finds the following:

(1) The United States dollar composes nearly two-thirds of the world's currency reserves, with more than one trillion dollars being owned by the Government of China as of October 2020.

(2) It is the policy of the United States to advance freedom and human rights globally, a policy that is incompatible with egregious human rights violations, and as such has a responsibility to ensure that the United States currency market does not complicitly support perpetrators of these abuses.

(3) In regions of the world where political, governmental, or other realities preclude humanitarian due diligence practices from ensuring the currency market of the United States is not interwoven with entities' egregious human rights violations, additional measures must be taken to separate the economy of the United States from these violations, as well as to apply pressure on relevant actors to uphold their humanitarian responsibilities.

(c) SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, OR INTERNATIONAL TRANSACTIONS OF PRIMARY HUMANITARIAN CONCERN.—

(1) IN GENERAL.—Chapter 53 of title 31, United States Code, is amended by inserting after section 5318A the following:

"§ 5318B. Special measures for jurisdictions, financial institutions, or international transactions of primary humanitarian concern

"(a) INTERNATIONAL HUMANITARIAN REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of the Treasury shall require domestic financial institutions and domestic financial agencies to take 1 or more of the special measures described in subsection (b) if the Secretary finds that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary humanitarian concern, in accordance with subsection (c).

"(2) FORM OF REQUIREMENT.—The special measures described in—

"(A) subsection (b) shall be imposed in such sequence or combination as the Secretary shall determine; and

"(B) paragraphs (1) through (5) of subsection (b) shall be imposed by regulation, order, or otherwise as permitted by law.

"(3) DURATION OF ORDERS; RULEMAKING.—Any order by which a special measure described in paragraphs (1) through (5) of subsection (b) is imposed—

"(A) shall be issued together with a notice of proposed rulemaking relating to the imposition of such special measure; and

"(B) may not be terminated unless the Secretary—

"(i) certifies to Congress that the applicable jurisdiction, financial institution, class of transaction, or type of account is no longer of primary humanitarian concern; and

"(ii) not more than 30 days before the date of such termination, notifies, in writing, the Committees on Financial Services and Foreign Affairs of the House of Representatives

and the Committees on Banking, Housing, and Urban Affairs and Foreign Relations of the Senate of such termination.

"(4) NATIONAL SECURITY WAIVER.—

"(A) IN GENERAL.—The Secretary shall waive the application of any special measure required by the Secretary under paragraph (1) with respect to a transaction related to the production, manufacture, or commerce related to rare earth minerals if the Secretary determines such waiver is necessary on national security grounds.

"(B) TIME LIMIT.—A waiver issued under subparagraph (A) may not be for longer than one year, but such a waiver may be renewed.

"(C) WRITTEN JUSTIFICATION.—If the Secretary issues (or renews) a waiver under this paragraph, the Secretary shall provide the Committees on Financial Services and Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Foreign Relations of the Senate with a written justification for such waiver. Such justification shall be submitted in unclassified form, but may include a classified annex.

"(D) INFORMATION FOR THE PUBLIC.—If the Secretary issues a waiver under this paragraph, the Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall provide the following information to the public, including on the website of the Department of the Treasury:

"(i) Opportunities for public-private partnerships to increase domestic production of rare earth elements and intermediate and finished products containing rare earth elements, including permanent magnets.

"(ii) Information regarding the relationship between the reason the applicable jurisdiction, financial institution, class of transaction, or type of account was found to be of primary humanitarian concern and the production, manufacture, or commerce related to rare earth minerals.

"(5) NO LIMITATION ON OTHER AUTHORITY.—This section shall not be construed as superseding or otherwise restricting any other authority granted to the Secretary, or to any other agency, by this subchapter or otherwise.

"(b) SPECIAL MEASURES.—The special measures referred to in subsection (a), with respect to a jurisdiction outside of the United States, financial institution operating outside of the United States, class of transaction within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts are as follows:

"(1) RECORDKEEPING AND REPORTING OF CERTAIN FINANCIAL TRANSACTIONS.—

"(A) IN GENERAL.—The Secretary of the Treasury may require any domestic financial institution or domestic financial agency to maintain records, file reports, or both, concerning the aggregate amount of transactions, or concerning each transaction, with respect to a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, class of transactions, or type of account to be of primary humanitarian concern.

"(B) FORM OF RECORDS AND REPORTS.—Such records and reports shall be made and retained at such time, in such manner, and for such period of time, as the Secretary shall determine, and shall include such information as the Secretary may determine, including—

"(i) the identity and address of the participants in a transaction or relationship, including the identity of the originator of any funds transfer;

"(ii) the legal capacity in which a participant in any transaction is acting;

"(iii) the identity of the beneficial owner of the funds involved in any transaction, in accordance with such procedures as the Secretary determines to be reasonable and practicable to obtain and retain the information; and

"(iv) a description of any transaction.

"(2) INFORMATION RELATING TO BENEFICIAL OWNERSHIP.—In addition to any other requirement under any other provision of law, the Secretary shall require any domestic financial institution or domestic financial agency to take such steps as the Secretary may determine to be reasonable and practicable to obtain and

retain information concerning the beneficial ownership of any account opened or maintained in the United States by a foreign person, or a representative of such a foreign person, that involves a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, or transaction or type of account to be of primary humanitarian concern.

"(3) INFORMATION RELATING TO CERTAIN PAYABLE-THROUGH ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary humanitarian concern, the Secretary shall require any domestic financial institution or domestic financial agency that opens or maintains a payable-through account in the United States for a foreign financial institution involving any such jurisdiction or any such financial institution operating outside of the United States, or a payable through account through which any such transaction may be conducted, as a condition of opening or maintaining such account—

"(A) to identify each customer (and representative of such customer) of such financial institution who is permitted to use, or whose transactions are routed through, such payable-through account; and

"(B) to obtain, with respect to each such customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States.

"(4) INFORMATION RELATING TO CERTAIN CORRESPONDENT ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary humanitarian concern, the Secretary shall require any domestic financial institution or domestic financial agency that opens or maintains a correspondent account in the United States for a foreign financial institution involving any such jurisdiction or any such financial institution operating outside of the United States, or a correspondent account through which any such transaction may be conducted, as a condition of opening or maintaining such account—

"(A) to identify each customer (and representative of such customer) of any such financial institution who is permitted to use, or whose transactions are routed through, such correspondent account; and

"(B) to obtain, with respect to each such customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States.

"(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT OR PAYABLE-THROUGH ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary humanitarian concern, the Secretary, in consultation with the Secretary of State, the Attorney General, and the Chairman of the Board of Governors of the Federal Reserve System, shall prohibit, or impose conditions upon, the opening or maintaining in the United States of a correspondent account or payable-through account by any domestic financial institution or domestic financial agency, if such correspondent account or payable-through account involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account or payable-through account.

"(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY HUMANITARIAN CONCERN.—

"(1) IN GENERAL.—In making a finding that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary humanitarian concern so as to authorize the Secretary of the Treasury to take 1 or more of the special measures described in subsection (b), the Secretary shall consult with the Secretary of State, the Attorney General, and the Secretary of Commerce.

"(2) ADDITIONAL CONSIDERATIONS.—In making a finding described in paragraph (1), the Secretary shall consider in addition such information as the Secretary determines to be relevant, including the following potentially relevant factors:

"(A) JURISDICTIONAL FACTORS.—In the case of a particular jurisdiction—

"(i) covered human rights violations have been or are being committed by an individual, group of individuals, corporation, organization, government, or other state or non-state actor, and that they have transacted business in that jurisdiction;

"(ii) the extent to which covered human rights violations in that jurisdiction enable, support, or are connected to transacted business therein;

"(iii) the substance and quality of administration of the human rights laws of that jurisdiction pertaining to covered human rights violations;

"(iv) the jurisdiction is characterized as committing covered human rights violations by credible international organizations or multilateral expert groups;

"(v) the jurisdiction is characterized by a disregard for human rights; or

"(vi) whether the United States has issued or maintained formal genocide or crimes against humanity determinations covering that jurisdiction within the previous 5 years.

"(B) INSTITUTIONAL FACTORS.—In the case of a decision to apply 1 or more of the special measures described in subsection (b) only to a financial institution or institutions, or to a transaction or class of transactions, or to a type of account, or to all 3, within or involving a particular jurisdiction—

"(i) such financial institutions, classes of transactions, or types of accounts are used to facilitate or promote covered human rights violations in or through the jurisdiction; and

"(ii) whether such action is sufficient to ensure, with respect to transactions involving the jurisdiction and institutions operating in the jurisdiction, that the purposes of this subchapter continue to be fulfilled, and to guard against covered human rights violations.

"(d) NOTIFICATION OF SPECIAL MEASURES INVOKED BY THE SECRETARY.—Not later than 10 days after the date of any action taken by the Secretary of the Treasury

under subsection (a)(1), the Secretary shall notify, in writing, the Committee on Financial Services of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Relations of the Senate of any such action.

"(e) DUE DILIGENCE FOR UNITED STATES PRIVATE BANKING AND CORRESPONDENT BANK ACCOUNTS INVOLVING FOREIGN PERSONS.—

"(1) IN GENERAL.—Each financial institution that establishes, maintains, administers, or manages a private banking account or a correspondent account in the United States for a non-United States person, including a foreign individual visiting the United States, or a representative of a non-United States person shall establish appropriate, specific, and, where necessary, enhanced, due diligence policies, procedures, and controls that are reasonably designed to detect and report instances of covered human rights violations through those accounts.

"(2) ADDITIONAL STANDARDS FOR CERTAIN CORRESPONDENT ACCOUNTS.—

"(A) IN GENERAL.—Subparagraph (B) shall apply if a correspondent account is requested or maintained by, or on behalf of, a foreign bank operating—

"(i) under an offshore banking license; or

"(ii) under a banking license issued by a foreign country that has been designated—

"(I) as noncooperative with international human rights principles or procedures by the United States or an intergovernmental group or organization of which the United States is a member, with which designation the United States representative to the group or organization concurs; or

"(II) by the Secretary as warranting special measures due to concerns with covered human rights violations.

"(B) POLICIES, PROCEDURES, AND CONTROLS.—The enhanced due diligence policies, procedures, and controls required under paragraph (1) shall, at a minimum, ensure that the financial institution in the United States takes reasonable steps—

"(i) to ascertain for any such foreign bank, the shares of which are not publicly traded, the identity of each of the owners of the foreign bank, and the nature and extent of the ownership interest of each such owner;

"(ii) to conduct enhanced scrutiny of such account to ensure the account is not associated with covered human rights violations and report any suspicious transactions under section 5318(g); and

"(iii) to ascertain whether such foreign bank provides correspondent accounts to other foreign banks and, if so, the identity of those foreign banks and related due diligence information, as appropriate under paragraph (1).

"(3) MINIMUM STANDARDS FOR PRIVATE BANKING ACCOUNTS.—If a private banking account is requested or maintained by, or on behalf of, a non-United States person, then the due diligence policies, procedures, and controls required under paragraph (1) shall, at a minimum, ensure that the financial institution takes reasonable steps—

"(A) to ascertain the identity of the nominal and beneficial owners of, and the source of funds deposited into, such account as needed to guard against supporting covered human rights violations and report any suspicious transactions under section 5318(g); and

"(B) to conduct enhanced scrutiny of any such account that is requested or maintained by, or on behalf of, a senior foreign political figure, or any immediate family member or close associate of a senior foreign political figure, that is reasonably designed to detect and report transactions that may involve the proceeds of covered human rights violations.

"(4) DEFINITIONS.—In this subsection:

"(A) OFFSHORE BANKING LICENSE.—The term 'offshore banking license' means a license to conduct banking activities which, as a condition of the license, prohibits the licensed entity from conducting banking activities with the citizens of, or with the local currency of, the country which issued the license.

"(B) PRIVATE BANKING ACCOUNT.—The term 'private banking account' means an account (or any combination of accounts) that—

"(i) requires a minimum aggregate deposit of funds or other assets of not less than $500,000;

"(ii) is established on behalf of 1 or more individuals who have a direct or beneficial ownership interest in the account; and

"(iii) is assigned to, or is administered or managed by, in whole or in part, an officer, employee, or agent of a financial institution acting as a liaison between the financial institution and the direct or beneficial owner of the account.

"(f) DEFINITIONS.—In this section:

"(1) COVERED HUMAN RIGHTS VIOLATION.—The term 'covered human rights violation' means—

"(A) an offense described under chapter 50A of title 18, United States Code; and

"(B) crimes against humanity.

"(2) XINJIANG.—The term 'Xinjiang' means the Xinjiang Uyghur Autonomous Region, People's Republic of China.

"(3) OTHER DEFINITIONS.—The definitions under section 5318A(e) shall apply to this section.".

(2) CLERICAL AMENDMENT.—The table of contents for chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5318A the following:

"5318B. Special measures for jurisdictions, financial institutions, or international transactions of primary humanitarian concern.".

(d) ASSESSING XINJIANG AS A JURISDICTION OF PRIMARY HUMANITARIAN CONCERN.—

(1) DETERMINATION.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Commerce, shall determine whether reasonable grounds exist to determine that Xinjiang Uyghur Autonomous Region, People's Republic of China, is a jurisdiction of primary humanitarian concern under section 5318B of title 31, United States Code.

(2) REPORT.—As soon as practicable after the determination required under paragraph (1), the Secretary of the Treasury shall issue a report to the Congress containing the following:

(A) Whether the Secretary determines that reasonable grounds exist to determine that Xinjiang is a jurisdiction of primary humanitarian concern.

(B) If so, which special measures described under subsection (b) of such section 5318B, if any, the Secretary of the Treasury shall require domestic financial institutions and domestic financial agencies to take with respect to Xinjiang.

(C) If not, a detailed explanation of the Secretary's reasoning in making such determination and evidence supporting that determination.

(3) CLASSIFICATION.—The report submitted pursuant to paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(e) REPORT ON POLYSILICATE PRODUCTION AND TRADE.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall issue a report to the Congress containing a description of the following:

(1) Polysilicate production in Xinjiang.

(2) The use of forced labor in polysilicate production and trade.

(3) The role of the Chinese Government and its affiliated actors, including the Xinjiang Production and Construction Corps, in polysilicate production and trade.

(4) The impacts of Chinese polysilicate production on international markets and ethical implications thereof.

TITLE VII—MATTERS RELATED TO DEFENSE

SEC. 701. MODIFICATION TO USE OF EMERGENCY SANCTIONS AUTHORITIES REGARDING COMMUNIST CHINESE MILITARY COMPANIES.

(a) IN GENERAL.—Section 1237(a)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note) is amended—

(1) by striking "may exercise" and inserting "shall exercise";

(2) by striking clause (ii);

(3) in the matter preceding clause (i), by striking "that—" and inserting "that is engaged in providing commercial services, manufacturing, producing, or exporting and—";

(4) in clause (i), by striking "; and" and inserting "; or"; and

(5) by adding at the end the following new clause:

"(ii) (I) is owned or controlled by, or affiliated with, the Chinese Communist Party or any person who has ever been a delegate of a National People's Congress of the Chinese Communist Party; and

"(II) is engaged in significant investment in the sectors of fifth-generation wireless communications, artificial intelligence, advanced computing, 'big data' analytics, autonomy, robotics, directed energy, hypersonics, or biotechnology.".

(b) EXTENSION OF LIST REQUIREMENT.—Notwithstanding section 1061(i)(6) of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 111 note), the submission required by subsection (b) of section 1237 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999—

(1) shall not terminate on December 31, 2021; and

(2) shall continue in effect until December 31, 2026.

SEC. 702. PROHIBITION ON USE OF FUNDS TO PURCHASE GOODS OR SERVICES FROM COMMUNIST CHINESE MILITARY COMPANIES.

(a) IN GENERAL.—None of the funds authorized to be appropriated or otherwise made available for fiscal year 2020 and available for obligation as of the date of the enactment of this Act, or authorized to be appropriated or otherwise made available for fiscal year 2021 or any fiscal year thereafter, may be obligated or expended to purchase goods or services from a person on the list required by section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note).

(b) APPLICATION TO PRIVATE ENTITIES AND STATE AND LOCAL GOVERNMENTS.—

(1) IN GENERAL.—The prohibition under subsection (a) includes a prohibition on the obligation or expenditure of funds described in that subsection for the purchase of goods or services from persons described in that subsection by a private entity or a State or local government that received such funds through a grant or any other means.

(2) CERTIFICATION REQUIRED TO RECEIVE FUTURE FUNDS.—

(A) IN GENERAL.—On and after the date of the enactment of this Act, the head of an executive agency shall ensure that funds described in subsection (a) are not provided to a private entity or a State or local government unless the entity or government certifies that the entity or government, as the case may be, is not purchasing goods or services from a person described in subsection (a).

(B) REVIEW.—The head of an executive agency shall conduct a review of the use of funds described in subsection (a) that are provided to a private entity or a State or local government to ensure compliance with the requirements of subparagraph (A).

(c) EXECUTIVE AGENCY DEFINED.—In this section, the term "executive agency" has the meaning given that term in section 133 of title 41, United States Code.

SEC. 703. ENACTMENT OF EXECUTIVE ORDER 13959.

(a) IN GENERAL.—The provisions of Executive Order 13959 (85 Fed. Reg. 73185; relating to addressing the threat from securities investments that finance Communist Chinese military companies (November 12, 2020)), as in effect on January 14, 2021, are enacted into law.

(b) PUBLICATION.—In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of the Executive order referred to in subsection (a), as in effect on January 14, 2021.

SEC. 704. INCLUSION OF CERTAIN CHINESE ENTITIES ON THE ANNEX TO EXECUTIVE ORDER 13959.

(a) IN GENERAL.—Notwithstanding any other provision of a law, an entity described in subsection (b) shall be deemed to be included on the Annex to Executive Order 13959, as in effect on January 14, 2021, and enacted into law by section 1(a) for purposes of carrying out the provisions of such Executive order.

(b) ENTITY DESCRIBED.—An entity described in this subsection is an entity that—

(1) is organized under the laws of the People's Republic of China or otherwise subject to the jurisdiction of the Government of the People's Republic of China; and

(2) is included on the list maintained and set forth in Supplement No. 4 to part 744 of the Export Administration Regulations.

(c) EXPORT ADMINISTRATION REGULATIONS DEFINED.—In this section, the term "Export Administration Regulations" means the regulations set forth in subchapter C of chapter VII of title 15, Code of Federal Regulations, or successor regulations.

SEC. 705. ARMS EXPORTS TO INDIA.

(a) ELIGIBILITY FOR ARMS EXPORTS.—Section 3 of the Arms Export Control Act (22 U.S.C. 2753) is amended—

(1) in subsection (b)(2), by striking "or the Government of New Zealand" and inserting "the Government of New Zealand, or the Government of India"; and

(2) in subsection (d), by striking "or New Zealand" each place it appears and inserting "New Zealand, or India".

(b) SALES FROM STOCKS.—Section 21 of the Arms Export Control Act (22 U.S.C. 2761) is amended—

(1) in subsection (e)(2)(A), by striking "or New Zealand" and inserting "New Zealand, or India"; and

(2) in subsection (h), by striking "or Israel" each place it appears and inserting "Israel, or India".

(c) REPORTS ON COMMERCIAL AND GOVERNMENTAL MILITARY EXPORTS; CONGRESSIONAL ACTION.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by striking "or New Zealand" each place it appears and inserting "New Zealand, or India".

(d) REPORTS TO THE CONGRESS.—Section 62(c)(1) of the Arms Export Control Act (22 U.S.C. 2796a) is amended by striking "or New Zealand" and inserting "New Zealand, or India".

(e) LEGISLATIVE REVIEW.—Section 63(a)(2) of the Arms Export Control Act (22 U.S.C. 2796b) is amended by striking "or New Zealand" and inserting "New Zealand, or India".

TITLE VIII—MATTERS RELATED TO THE PROTECTION OF INTELLECTUAL PROPERTY

SEC. 801. IMPOSITION OF SANCTIONS RELATED TO THE THEFT OF INTELLECTUAL PROPERTY.

(a) IN GENERAL.—The President shall impose the sanctions described in subsection (b) with respect to each person described in subsection (c) the President determines, on or after the date of enactment of this Act, operates in a sector of China's economy wherein persons have engaged in a pattern of significant theft of the intellectual property of a United States person, or received the intellectual property of a United States person obtained through a pattern of significant theft.

(b) SANCTIONS IMPOSED.—The sanctions described in this subsection are the following:

(1) ASSET BLOCKING.—The exercise of all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a person described in subsection (a) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (a) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry documentation issued to an alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) determines is described in subsection (a), regardless of when the visa or other documentation is issued.

(ii) EFFECT OF REVOCATION.—A revocation under clause (i) shall take effect immediately and shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(3) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—The authority to impose the sanctions described in paragraph (2)(B) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(c) PERSONS DESCRIBED.—A person described in this section is one of the following:

(1) An individual who—

(A) is a national of the People's Republic of China or acting at the direction of a national or entity of the People's Republic of China; and

(B) is not a United States person.

(2) An entity that is—

(A) organized under the laws of the People's Republic of China or of any jurisdiction within the People's Republic of China;

(B) owned or controlled by individuals who are nationals of the People's Republic of China; or

(C) owned or controlled by an entity described in subparagraph (A) and is not a United States person.

(d) PENALTIES; IMPLEMENTATION.—

(1) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (a) or any regulation, license, or order issued to carry out subsection (a) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

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

(e) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that specifies each person the President determines meets the criteria described in subsection (a) for the imposition of sanctions.

(2) TERMINATION OF SANCTIONS.—The President may terminate sanctions imposed under subsection (a) with respect to a person if the President certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that such person is no longer engaging in efforts to steal United States intellectual property.

(f) WAIVER.—The President may waive the imposition of sanctions under subsection (a) on a case-by-case basis with respect to a person if the President—

(1) certifies to the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate that such waiver is in the national security interests of the United States; and

(2) includes a justification for such certification.

(g) DEFINITIONS.—In this Act:

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

(2) UNITED STATES PERSON.—The term "United States person" means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

SEC. 802. PROHIBITION ON USE OF FUNDS.

None of the funds authorized to be appropriated or otherwise made available to the United States Trade Representative may be used to support, allow, or facilitate the negotiation or approval of—

(1) the "Waiver from Certain Provisions of the TRIPS Agreement for the Prevention, Containment, and Treatment of COVID–19" put forth by India and South Africa; or

(2) any other measure at the World Trade Organization to waive intellectual property rights.

SEC. 803. PROHIBITION ON INDIVIDUALS WITH SECURITY CLEARANCES FROM BEING EMPLOYED BY CERTAIN ENTITIES.

(a) PROHIBITION.—Section 3002 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3343) is amended by adding at the end the following new subsection:

"(e) PROHIBITION ON CERTAIN EMPLOYMENT.—

"(1) PROHIBITION.—A covered person may not be employed by, contract with, or otherwise receive funding from, any covered entity during the following periods:

"(A) A period in which the person holds a security clearance.

"(B) The 5-year period beginning on the date that the security clearance of a person becomes inactive.

"(2) PENALTIES.—Any person who knowingly violates the prohibition in paragraph (1) shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

"(3) NOTIFICATION.—A person who holds a security clearance shall be notified of the prohibition in paragraph (1), including a list of the covered entities, as follows:

"(A) At the time at which the person is issued the security clearance.

"(B) At the time at which the security clearance of the person is renewed.

"(C) At the time at which the security clearance of the person becomes inactive.

"(4) COVERED ENTITY.—

"(A) DEFINITION.—Subject to subparagraph (B), in this subsection, the term 'covered entity' means any of the following entities (including any subsidiary or affiliate of such entities):

"(i) Huawei Technologies Company.

"(ii) ZTE Corporation.

"(iii) Hytera Communications Corporation.

"(iv) Hangzhou Hikvision Digital Technology Company.

"(v) Dahua Technology Company.

"(vi) Kaspersky Lab.

"(B) MODIFICATIONS.—The Director of National Intelligence, in consultation with the Secretary of Defense or the Director of the Federal Bureau of Investigation, may add or remove entities to the list of covered entities in subparagraph (A) based on whether the Director determines there is reasonable belief that the entity is owned or controlled by, or otherwise connected to or receiving financial support from, the government of the People's Republic of China, the government of the Russian Federation, the government of the Islamic Republic of Iran, or the government of the Democratic People's Republic of Korea.".

(b) APPLICATION.—

(1) IN GENERAL.—Subsection (e) of section 3002 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3343) shall apply with respect to an individual who is employed by, contracts with, or otherwise receives funding from, any covered entity under such subsection on or after the date of the enactment of this Act.

(2) NOTIFICATION.—Not later than 30 days after the date of the enactment of this Act, each person who holds a security clearance as of such date shall be notified of the prohibition in such subsection (e), including a list of the covered entities under such subsection.

SEC. 804. RESTRICTION ON ISSUANCE OF VISAS.

(a) RESTRICTION.—The Secretary of State may not issue a visa to, and the Secretary of Homeland Security shall deny entry to the United States of, each of the following:

(1) Senior officials in the Chinese Communist Party, including the Politburo, the Central Committee, and each delegate to the 19th National Congress of the Chinese Communist Party.

(2) The spouses and children of the senior officials described in paragraph (1).

(3) Members of the cabinet of the Government of the People's Republic of China.

(4) Active duty members of the People's Liberation Army of China.

(b) APPLICABILITY.—The restriction under subsection (a) shall not apply for any year in which the Director of National Intelligence certifies to the Committees on the Judiciary of the House of Representatives and the Senate that the Government of the People's Republic of China has ceased sponsoring, funding, facilitating, and actively working to support efforts to infringe on the intellectual property rights of citizens and companies of the United States.

SEC. 805. INTER PARTES REVIEW.

(a) CLAIM CONSTRUCTION.—Section 316(a) of title 35, United States Code, is amended—

(1) in paragraph (9), by inserting after "substitute claims," the following: "including the standard for how substitute claims should be construed,";

(2) in paragraph (12), by striking "; and" and inserting a semicolon;

(3) in paragraph (13), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(14) providing that for all purposes under this chapter—

"(A) each challenged claim of a patent, or claim proposed in a motion to amend, shall be construed as the claim would be construed under section 282(b) in an action to invalidate a patent, including by construing each such claim in accordance with—

"(i) the ordinary and customary meaning of the claim as understood by a person having ordinary skill in the art to which the claimed invention pertains; and

"(ii) the prosecution history pertaining to the patent; and

"(B) if a court has previously construed a challenged claim of a patent or a challenged claim term in a civil action to which the patent owner was a party, the Office shall consider that claim construction.".

(b) BURDEN OF PROOF.—Section 316(e) of title 35, United States Code, is amended to read as follows:

"(e) EVIDENTIARY STANDARDS.—

"(1) PRESUMPTION OF VALIDITY.—The presumption of validity under section 282(a) shall apply to a previously issued claim that is challenged during an inter partes review under this chapter.

"(2) BURDEN OF PROOF.—In an inter partes review instituted under this chapter, the petitioner shall have the burden of proving a proposition of unpatentability of a previously issued claim by clear and convincing evidence.".

(c) STANDING.—Section 311 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(d) PERSONS THAT MAY PETITION.—

"(1) DEFINITION.—In this subsection, the term 'charged with infringement' means a real and substantial controversy regarding infringement of a patent exists such that the petitioner would have standing to bring a declaratory judgment action in Federal court.

"(2) NECESSARY CONDITIONS.—A person may not file with the Office a petition to institute an inter partes review of a patent unless the person, or a real party in interest or privy of the person, has been—

"(A) sued for infringement of the patent; or

"(B) charged with infringement under the patent.".

(d) LIMITATION ON REVIEWS.—Section 314(a) of title 35, United States Code, is amended to read as follows:

"(a) THRESHOLD.—

"(1) LIKELIHOOD OF PREVAILING.—Subject to paragraph (2), the Director may not authorize an inter partes review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 show that there is a reasonable likelihood that the petitioner would prevail with respect to at least one of the claims challenged in the petition.

"(2) PREVIOUS INSTITUTION.—The Director may not authorize an inter partes review to be instituted on a claim challenged in a petition if the Director has previously instituted an inter partes review or post-grant review with respect to that claim.".

(e) REVIEWABILITY OF INSTITUTION DECISIONS.—Section 314 of title 35, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) NO APPEAL.—

"(1) NONAPPEALABLE DETERMINATIONS.—

"(A) THRESHOLD DETERMINATION.—A determination by the Director on the reasonable likelihood that the petitioner will prevail under subsection (a)(1) shall be final and nonappealable.

"(B) DENIALS OF INSTITUTION.—A determination by the Director not to institute an inter partes review under this section shall be final and nonappealable.

"(2) APPEALABLE DETERMINATIONS.—Any aspect of a determination by the Director to institute an inter partes review under this section, other than a determination described in paragraph (1)(A), may be reviewed during an appeal of a final written decision issued under section 318(a).".

(f) ELIMINATING REPETITIVE PROCEEDINGS.—Section 315(e) of title 35, United States Code, is amended to read as follows:

"(e) ESTOPPEL.—

"(1) PROCEEDINGS BEFORE THE OFFICE.—A person petitioning for an inter partes review of a claim in a patent under this chapter, or the real party in interest or privy of the petitioner, may not petition for a subsequent inter partes review before the Office with respect to that patent on any ground that the petitioner raised or reasonably could have raised in the initial petition, unless, after the filing of the initial petition, the petitioner, or the real party in interest or privy of the petitioner, is charged with infringement of additional claims of the patent.

"(2) CIVIL ACTIONS AND OTHER PROCEEDINGS.—A person petitioning for an inter partes review of a claim in a patent under this chapter that results in an institution decision under section 314, or the real party in interest or privy of the petitioner, may not assert either in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) that the claim is invalid based on section 102 or 103 of this title, unless the invalidity argument is based on allegations that the claimed invention was in public use, on sale, or otherwise available to the public before the effective filing date of the claimed invention.".

(g) REAL PARTY IN INTEREST.—

(1) CLARIFICATION OF DEFINITION.—Section 315 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(f) PETITIONER.—For purposes of this chapter, a person that directly or through an affiliate, subsidiary, or proxy makes a financial contribution to the

preparation for, or conduct during, an inter partes review on behalf of the petitioner shall be considered a real party in interest of the petitioner.".

(2) DISCOVERY OF REAL PARTY IN INTEREST.—Section 316(a)(5) of title 35, United States Code, is amended to read as follows:

"(5) setting forth standards and procedures for discovery of relevant evidence, including that such discovery shall be limited to—

"(A) the deposition of witnesses submitting affidavits or declarations;

"(B) evidence identifying the petitioner's real parties in interest; and

"(C) what is otherwise necessary in the interest of justice;".

(h) PRIORITY OF FEDERAL COURT VALIDITY DETERMINATIONS.—

(1) IN GENERAL.—Section 315 of title 35, United States Code, as amended by subsections (f) and (g), is further amended—

(A) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(B) by inserting after subsection (b) the following new subsection:

"(c) FEDERAL COURT VALIDITY DETERMINATIONS.—

"(1) INSTITUTION BARRED.—An inter partes review of a patent claim may not be instituted if, in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), a court has entered a final judgment—

"(A) that decides the validity of the patent claim with respect to section 102 or 103; and

"(B) from which an appeal under section 1295 of title 28 may be taken, or from which an appeal under section 1295 of title 28 was previously available but is no longer available.

"(2) STAY OF PROCEEDINGS.—

"(A) IN GENERAL.—If, in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), a court has entered a final judgment that decides the validity of a patent claim with respect to section 102 or 103 and from which an appeal under section 1295 of title 28 may be taken, the Patent Trial and Appeal Board shall stay any ongoing inter partes review of that patent claim pending a final decision.

"(B) TERMINATION.—If the validity of a patent claim described in subparagraph (A) is finally upheld by a court or the International Trade Commission, as applicable, the Patent Trial and Appeal Board shall terminate the inter partes review.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 31 of title 35, United States Code, is amended—

(A) in section 315(b), by striking "subsection (c)" and inserting "subsection (d)";

(B) in section 316(a)—

(i) in paragraph (11), by striking "section 315(c)" and inserting "section 315(d)"; and

(ii) in paragraph (12), by striking "section 315(c)" and inserting "section 315(d)"; and

(C) in section 317(a), by striking "section 315(e)" and inserting "section 315(f)".

SEC. 806. POST-GRANT REVIEW.

(a) CLAIM CONSTRUCTION.—Section 326(a) of title 35, United States Code, is amended—

(1) in paragraph (9), by inserting after "substitute claims," the following: "including the standard for how substitute claims should be construed,";

(2) in paragraph (11), by striking "; and" and inserting a semicolon;

(3) in paragraph (12), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(13) providing that for all purposes under this chapter—

"(A) each challenged claim of a patent shall be construed as the claim would be construed under section 282(b) in an action to invalidate a patent, including by construing each challenged claim of the patent in accordance with—

"(i) the ordinary and customary meaning of the claim as understood by a person having ordinary skill in the art to which the claimed invention pertains; and

"(ii) the prosecution history pertaining to the patent; and

"(B) if a court has previously construed a challenged claim of a patent or a challenged claim term in a civil action to which the patent owner was a party, the Office shall consider that claim construction.".

(b) BURDEN OF PROOF.—Section 326(e) of title 35, United States Code, is amended to read as follows:

"(e) EVIDENTIARY STANDARDS.—

"(1) PRESUMPTION OF VALIDITY.—The presumption of validity under section 282(a) shall apply to a previously issued claim that is challenged during a proceeding under this chapter.

"(2) BURDEN OF PROOF.—In a post-grant review instituted under this chapter, the petitioner shall have the burden of proving a proposition of unpatentability of a previously issued claim by clear and convincing evidence.".

(c) STANDING.—Section 321 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(d) PERSONS THAT MAY PETITION.—

"(1) DEFINITION.—In this subsection, the term 'charged with infringement' means a real and substantial controversy regarding infringement of a patent exists such that the petitioner would have standing to bring a declaratory judgment action in Federal court.

"(2) NECESSARY CONDITIONS.—A person may not file with the Office a petition to institute a post-grant review of a patent unless

the person, or a real party in interest or privy of the person, demonstrates—

"(A) a reasonable possibility of being—

"(i) sued for infringement of the patent; or

"(ii) charged with infringement under the patent; or

"(B) a competitive harm related to the validity of the patent.".

(d) LIMITATION ON REVIEWS.—Section 324(a) of title 35, United States Code, is amended to read as follows:

"(a) THRESHOLD.—

"(1) LIKELIHOOD OF PREVAILING.—Subject to paragraph (2), the Director may not authorize a post-grant review to be instituted unless the Director determines that the information presented in the petition filed under section 321, if such information is not rebutted, would demonstrate that it is more likely than not that at least one of the claims challenged in the petition is unpatentable.

"(2) PREVIOUS INSTITUTION.—The Director may not authorize a post-grant review to be instituted on a claim challenged in a petition if the Director has previously instituted an inter partes review or post-grant review with respect to that claim.".

(e) REVIEWABILITY OF INSTITUTION DECISIONS.—Section 324 of title 35, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) NO APPEAL.—

"(1) NON-APPEALABLE DETERMINATIONS.—

"(A) THRESHOLD DETERMINATION.—A determination by the Director on the likelihood that the petitioner will prevail under subsection (a)(1) shall be final and nonappealable.

"(B) EXERCISE OF DISCRETION.—A determination by the Director not to institute a post-grant review under this section shall be final and nonappealable.

"(2) APPEALABLE DETERMINATIONS.—Any aspect of a determination by the Director to institute a post-grant review under this

section, other than a determination described in paragraph (1)(A), may be reviewed during an appeal of a final written decision issued under section 328(a).".

(f) ELIMINATING REPETITIVE PROCEEDINGS.—Section 325(e)(1) of title 35, United States Code, is amended to read as follows:

"(1) PROCEEDINGS BEFORE THE OFFICE.—A person petitioning for a post-grant review of a claim in a patent under this chapter, or the real party in interest or privy of the petitioner, may not petition for a subsequent post-grant review before the Office with respect to that patent on any ground that the petitioner raised or reasonably could have raised in the initial petition, unless, after the filing of the initial petition, the petitioner, or the real party in interest or privy of the petitioner, is charged with infringement of additional claims of the patent.".

(g) REAL PARTY IN INTEREST.—

(1) CLARIFICATION OF DEFINITION.—Section 325 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(g) REAL PARTY IN INTEREST.—For purposes of this chapter, a person that directly or through an affiliate, subsidiary, or proxy, makes a financial contribution to the preparation for, or conduct during, a post-grant review on behalf of the petitioner shall be considered a real party in interest of the petitioner.".

(2) DISCOVERY OF REAL PARTY IN INTEREST.—Section 326(a)(5) of title 35, United States Code, is amended to read as follows:

"(5) setting forth standards and procedures for discovery of relevant evidence, including that such discovery shall be limited to—

"(A) the deposition of witnesses submitting affidavits or declarations;

"(B) evidence identifying the petitioner's real parties in interest; and

"(C) what is otherwise necessary in the interest of justice;".

(h) PRIORITY OF FEDERAL COURT VALIDITY DETERMINATIONS.—

(1) IN GENERAL.—Section 325 of title 35, United States Code, as amended by subsections (f) and (g), is further amended—

(A) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(B) by inserting after subsection (b) the following new subsection:

"(c) FEDERAL COURT VALIDITY DETERMINATIONS.—

"(1) INSTITUTION BARRED.—A post-grant review of a patent claim may not be instituted if, in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), a court has entered a final judgment—

"(A) that decides the validity of the patent claim with respect to section 102 or 103; and

"(B) from which an appeal under section 1295 of title 28 may be taken, or from which an appeal under section 1295 of title 28 was previously available but is no longer available.

"(2) STAY OF PROCEEDINGS.—

"(A) IN GENERAL.—If, in a civil action arising in whole or in part under section 1338 of title 28 or in a proceeding before the International Trade Commission under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), a court has entered a final judgment that decides the validity of a patent claim with respect to section 102 or 103 and from which an appeal under section 1295 of title 28 may be taken, the Patent Trial and Appeal Board shall stay any ongoing post-grant review of that patent claim pending a final decision.

"(B) TERMINATION.—If the validity of a patent claim described in subparagraph (A) is finally upheld by a court or the International Trade Commission, as applicable, the Patent Trial and Appeal Board shall terminate the post-grant review.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 32 of title 35, United States Code, is amended—

(A) in section 326(a)(11), by striking "section 325(c)" and inserting "section 325(d)"; and

(B) in section 327(a), by striking "section 325(e)" and inserting "section 325(f)".

SEC. 807. COMPOSITION OF POST-GRANT REVIEW AND INTER PARTES REVIEW PANELS.

Section 6(c) of title 35, United States Code, is amended to read as follows:

"(c) 3-MEMBER PANELS.—

"(1) IN GENERAL.—Each appeal, derivation proceeding, post-grant review, and inter partes review shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director.

"(2) INELIGIBILITY TO HEAR REVIEW.—A member of the Patent Trial and Appeal Board who participates in the decision to institute a post-grant review or an inter partes review of a patent shall be ineligible to hear the review.

"(3) REHEARINGS.—Only the Patent Trial and Appeal Board may grant rehearings.".

SEC. 808. REEXAMINATION OF PATENTS.

(a) REQUEST FOR REEXAMINATION.—Section 302 of title 35, United States Code, is amended to read as follows:

"§ 302. Request for reexamination

"Any person at any time may file a request for reexamination by the Office of any claim of a patent on the basis of any prior art cited under the provisions of section 301. The request must be in writing and must be accompanied by payment of a reexamination fee established by the Director pursuant to the provisions of section 41. The request must identify all real parties in interest and certify that reexamination is not barred under section 303(d). The request must set forth the pertinency and manner of applying cited prior art to every claim for which reexamination is requested. Unless the requesting person is the owner of the patent, the Director promptly will send a copy of the request to the owner of record of the patent.".

(b) REEXAMINATION BARRED BY CIVIL ACTION.—Section 303 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(d) An ex parte reexamination may not be instituted if the request for reexamination is filed more than 1 year after the date on which the requester or a real party in interest or privy of the requester is served with a complaint alleging infringement of the patent.".

SEC. 809. RESTORATION OF PATENTS AS PROPERTY RIGHTS.

Section 283 of title 35, United States Code, is amended—

(1) by striking "The several courts" and inserting the following:

"(a) IN GENERAL.—The several courts"; and

(2) by adding at the end the following:

"(b) INJUNCTION.—Upon a finding by a court of infringement of a patent not proven invalid or unenforceable, the court shall presume that—

"(1) further infringement of the patent would cause irreparable injury; and

"(2) remedies available at law are inadequate to compensate for that injury.".

SEC. 810. INVENTOR PROTECTIONS.

(a) INVENTOR-OWNED PATENT PROTECTIONS.—Chapter 32 of title 35, United States Code, is amended by adding at the end the following new section:

"§ 330. Inventor protections

"(a) PROTECTION FROM POST ISSUANCE PROCEEDINGS IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.—The United States Patent and Trademark Office shall not undertake a proceeding to reexamine, review, or otherwise make a determination about the validity of an inventor-owned patent without the consent of the patentee.

"(b) CHOICE OF VENUE.—Any civil action for infringement of an inventor-owned patent or any action for a declaratory judgment that an inventor-owned patent is invalid or not infringed may be brought in a judicial district—

"(1) in accordance with section 1400(b) of title 28;

"(2) where the defendant has agreed or consented to be sued in the instant action;

"(3) where an inventor named on the patent in suit conducted research or development that led to the application for the patent in suit;

"(4) where a party has a regular and established physical facility that such party controls and operates, not primarily for the purpose of creating venue, and has—

"(A) engaged in management of significant research and development of an invention claimed in a patent in suit prior to the effective filing date of the patent;

"(B) manufactured a tangible good that is alleged to embody an invention claimed in a patent in suit; or

"(C) implemented a manufacturing process for a tangible good in which the process is alleged to embody an invention claimed in a patent in suit; or

"(5) in the case of a foreign defendant that does not meet the requirements of section 1400(b) of title 28, in accordance with section 1391(c)(3) of such title.".

SEC. 811. REGISTRATION OF AGENT.

(a) IN GENERAL.—Chapter 190 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 5002. Registration of an agent for the service of process on covered entities

"(a) IN GENERAL.—A covered entity conducting business in the United States shall register with the Department of Commerce not less than one agent residing in the United States if the covered entity—

"(1) is owned by officers, members, or affiliates of the Chinese Communist Party, the People's Liberation Army of China, or any governmental organ of the People's Republic of China, including regional and local governments;

"(2) is traded in shares and such shares are held in majority by any individual or group of individuals who are officers, members, or affiliates of the Chinese Communist Party, the People's Liberation Army of China, or any governmental organ of the People's Republic of China, including regional and local governments;

"(3) is owned by individuals or other entities who reside or are headquartered outside of the United States and the majority of business earnings of the covered entity are derived from commerce with entities owned by officers, members, or affiliates of the Chinese Communist

Party, the People's Liberation Army of China, or any governmental organ of the People's Republic of China, including regional and local governments of the Chinese Communist Party, of the People's Liberation Army of China, or in the People's Republic of China; or

"(4) is organized under the laws of, or has its principal place of business in, the People's Republic of China.

"(b) FILING.—A registration required under subsection (a) shall be filed with the Department of Commerce not later than 30 days after—

"(1) the date of enactment of this Act, or

"(2) the departure of the previously registered agent from employment or contract with the covered entity.

"(c) PURPOSE OF REGISTERED AGENT.—

"(1) AVAILABILITY.—A covered entity shall ensure that not less than one registered agent on whom process may be served is available at the business address of the registered agent each day from 9 a.m. to 5 p.m. in the time zone of the business address, excluding Saturdays, Sundays, and Federal holidays.

"(2) COMMUNICATION.—The registered agent shall be required to be available to accept service of process on behalf of the covered entity under which the agent is registered by the means of any communication included in the registration submitted to the Department of Commerce.

"(d) COOPERATION.—A registered agent shall cooperate in good faith with the United States Government and representatives of other individuals and entities.

"(e) REQUIRED INFORMATION.—The registration submitted to the Department of Commerce shall include the following information:

"(1) The name of the covered entity registering an agent under this section.

"(2) The name of the Chief Executive Officer, President, Partner, Chairman, or other controlling individual of the covered entity.

"(3) The name of the individual who is being registered as the agent for the service of process.

"(4) The business address of the covered entity registering an agent under this section.

"(5) The business address of the individual who is being registered as the agent for the service of process.

"(6) Contact information, including an email address and phone number for the individual who is being registered as the agent for the service of process.

"(7) The date on which the agent shall begin to accept service of process under this section.

"(f) WEBSITE.—The information submitted to the Department of Commerce pursuant to this section shall be made available on a publicly accessible database on the website of the Department of Commerce.

"(g) PERSONAL JURISDICTION.—A covered entity that registers an agent under this section thereby consents to the personal jurisdiction of the State or Federal courts of the State in which the registered agent is located for the purpose of any regulatory proceeding or civil action relating to such covered entity.

"(h) DEFINITIONS.—In this section:

"(1) COVERED ENTITY.—The term 'covered entity' means—

"(A) a corporation, partnership, association, organization, or other combination of persons established for the purpose of commercial activities; or

"(B) a trust or a fund established for the purpose of commercial activities.

"(2) DEPARTMENT OF COMMERCE.—The term 'Department of Commerce' means the United States Department of Commerce.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 190 of title 28, United States Code, is amended by adding at the end the following:

"5002. Registration of an agent for the service of process on covered entities.".

SEC. 812. EXCEPTION TO SOVEREIGN IMMUNITY.

Section 1603(b)(2) of title 28, United States Code, is amended by inserting "except the People's Republic of China," after "owned by a foreign state,".

SEC. 813. REDRESS OF THEFT OF TRADE SECRETS EXTRATERRITORIALLY.

Section 1836 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) APPLICABILITY TO CONDUCT OUTSIDE UNITED STATES.—Notwithstanding any other provision of law, this section shall apply to conduct occurring outside the United States and impacting United States commerce, including conduct by an offender who is—

"(1) not a United States person or an alien lawfully admitted for permanent residence into the United States; or

"(2) an organization which is created or organized under the laws of a foreign government or which has its principal place of business located outside of the United States.".

SEC. 814. RESTRICTION ON FEDERAL GRANTS AND OTHER FORMS OF ASSISTANCE.

(a) RESTRICTION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the head of each Federal department or agency may not provide grants, awards, or other forms of assistance, that is currently authorized in law, to a United States business to improve the resilience or competitiveness of a business unless such business agrees that it:

(A) will not engage in expanded cooperation activities with any Chinese entity, and

(B) will not expand its own activities within the People's Republic of China (including Hong Kong and Macau).

(2) INELIGIBILITY.—If a United States business that has received a grant or other form of assistance described in paragraph (1) engages in expanded cooperation activities with any Chinese entity, or expands its own activities within the People's Republic of China, such business—

(A) shall provide reimbursement to the Federal Government in an amount equal to the amount of the grant or other form of assistance; and

(B) shall be ineligible for any other grants or other forms of assistance described in paragraph (1) from any Federal department or agency.

(b) REPORT.—The Secretary of the Treasury shall submit to Congress on an annual basis a report on investments made by United States businesses that receive grants or other forms of assistance described in subsection (a) in—

(1) production in the People's Republic of China; and

(2) production elsewhere by any Chinese entity.

(c) CHINESE ENTITY DEFINED.—In this section:

(1) CHINESE ENTITY.—The term "Chinese entity" means any entity organized under the laws of the People's Republic of China or otherwise subject to the jurisdiction of the Government of the People's Republic of China, and any entity owned or controlled by the Government of the People's Republic of China, or an entity subject to the jurisdiction of the Government of the People's Republic of China.

(2) EXPANDED COOPERATION ACTIVITIES.—The term "expanded cooperation activities", with respect to a Chinese entity, means investments in, exports of technology to, any activity that provides capital, technology, or expertise to the entity, or any other form of cooperation with, the entity.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize a new Federal grant or award program.

SEC. 815. RESTRICTION ON NATIONAL SCIENCE FOUNDATION GRANTS AND OTHER FORMS OF ASSISTANCE TO COMMUNIST CHINESE MILITARY COMPANIES AND THEIR AFFILIATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Director of the National Science Foundation may not provide grants or other forms of assistance to any individual or entity that is affiliated or otherwise has a relationship, including but not limited to a research partnership, joint venture, or contract with—

(1) an entity included on the list maintained and set forth in Supplement No. 4 to part 744 of the Export Administration Regulations;

(2) a company on the list required by section 1237 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note), or required by section 1260H of the Mac Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283), or on the Non-SDN Chinese Military-Industrial Complex Companies List (NS–CMIC List) or any successor list; or

(3) any parent, subsidiary, affiliate of, or entity owned by or controlled by, an entity described in (a)(1) and (a)(2).

(b) EXPORT ADMINISTRATION REGULATIONS DEFINED.—In this section, the term "Export Administration Regulations" means the regulations set forth in subchapter C of chapter VII of title 15, Code of Federal Regulations, or successor regulations.

SEC. 816. EXPANDING INADMISSIBILITY ON SECURITY AND RELATED GROUNDS.

(a) In General.—Section 212(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(A)) is amended to read as follows:

"(A) IN GENERAL.—Any alien is inadmissible if a consular officer, an immigration officer, the Secretary of Homeland Security, or the Attorney General knows, or has reasonable ground to believe, that the alien—

"(i) engages, has engaged, or will engage in any activity—

"(I) in violation of any law of the United States relating to espionage or sabotage; or

"(II) that would violate any law of the United States relating to espionage or sabotage if the activity occurred in the United States;

"(ii) engages, has engaged, or will engage in any activity in violation or evasion of any law prohibiting the export from the United States of goods, technology, or sensitive information;

"(iii) seeks to enter the United States to engage solely, principally, or incidentally in any other unlawful activity;

"(iv) seeks to enter the United States to engage solely, principally, or incidentally in any activity a purpose of which is the

opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unlawful means; or

"(v) is the spouse or child of an alien who is inadmissible under this subparagraph, if the activity causing the alien to be found inadmissible occurred within the last 5 years.".

(b) Waiver Authority.—Section 212(d)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(A)) is amended by striking "(other than paragraphs (3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), and clauses (i) and (ii) of paragraph (3)(E) of such subsection)" each place such phrase appears and inserting "(other than subparagraphs (A)(i)(I), (A)(ii), (A)(iii), (A)(iv), (C), (E)(i), and (E)(ii) of paragraph (3) of such subsection)".

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.

(1) The Secretary of the Treasury shall instruct the United States Governor of, and the United States Executive Director at, the International Monetary Fund to use the voice and vote of the United States to oppose any increase in the weight of the Chinese renminbi in the basket of currencies used to determine the value of Special Drawing Rights, unless the Secretary of the Treasury has submitted to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a written report which includes a certification that—

(A) the People's Republic of China is in compliance with all its obligations under Article VIII of the 19 Articles of Agreement of the Fund;

(B) in the preceding 12 months, there has not been a report submitted under section 3005 of the Omnibus Trade and Competitiveness Act of 1988 or section 701 of the Trade Facilitation and Trade Enforcement Act of 2015 in which the People's Republic of China has been found to have manipulated its currency;

(C) the People's Republic of China has instituted and is implementing the policies and practices necessary to ensure that the renminbi is freely usable (within the meaning of Article XXX(f) of the Articles of Agreement of the Fund); and

(D) the People's Republic of China adheres to the rules and principles of the Paris Club and the OECD Arrangement on Officially Supported Export Credits.

SEC. 902. SUNSET.

Section 901 shall have no force or effect beginning 10 years after the date of the enactment of this Act.

SEC. 903. STRENGTHENING CONGRESSIONAL OVERSIGHT OF SPECIAL DRAWING RIGHTS AT THE IMF.

Section 6 of the Special Drawing Rights Act (22 U.S.C. 286q) is amended—

(1) in subsection (a)—

(A) by striking "each basic period" and inserting "any 10-year period"; and

(B) by inserting "25 percent of" before "the United States quota"; and

(2) in subsection (b)—

(A) by inserting ", or consent to or acquiesce in such an allocation," before "without consultations";

(B) by striking "90" and inserting "180"; and

(C) by inserting "Chairman and ranking minority members of" before "the appropriate subcommittees".

SEC. 904. PROHIBITION ON ALLOCATIONS FOR PERPETRATORS OF GENOCIDE AND STATE SPONSORS OF TERRORISM WITHOUT CONGRESSIONAL AUTHORIZATION.

Section 6(b) of the Special Drawing Rights Act (22 U.S.C. 286q(b)) is amended by adding at the end the following:

"(3) Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to allocate Special Drawing Rights under article XVIII, sections 2 and 3, of the Articles of Agreement of the Fund to a member country of the Fund, if the President of the United States has found that the government of the member country—

"(A) has committed genocide at any time during the 10-year period ending with the date of the vote; or

"(B) has repeatedly provided support for acts of international terrorism.".

SEC. 905. OPPOSITION TO QUOTA INCREASE FOR COUNTRIES THAT UNDERMINE IMF PRINCIPLES.

The Bretton Woods Agreements Act (22 U.S.C. 286–286zz) is amended—

(1) by redesignating the 2nd section 73 (as added by section 1901 of division P of Public Law 116–94) as section 74; and

(2) by adding at the end the following:

"SEC. 75. OPPOSITION TO QUOTA INCREASE FOR COUNTRIES THAT UNDERMINE FUND PRINCIPLES.

"(a) IN GENERAL.—Not less than 7 days before consideration of any proposal to increase the quota of a foreign member of the Fund that is one of the 10 largest shareholders in the Fund, the Secretary of the Treasury shall submit a report to the Committee on Financial Services of the House and the Committee on Foreign Relations of the Senate that determines whether the foreign member meets the following criteria:

"(1) The member is in compliance with all obligations set forth in Article VIII of the Articles of Agreement of the Fund.

"(2) The member, in the preceding 12 months, was not found to have manipulated its currency, as determined in a report required by section 3005 of the Omnibus Trade and Competitiveness Act of 1988 or section 701 of the Trade Facilitation and Trade Enforcement Act of 2015.

"(3) In the case of a member whose currency is included in the Special Drawing Rights basket of the Fund, the currency of the member is freely usable (within the meaning of Article XXX(f) of the Articles of Agreement of the Fund) and the Secretary concurs with the determinations of the Fund described in that Article, and, in the preceding 12 months, the member has demonstrated its commitment to ensuring that its currency is widely used and traded internationally.

"(4) The member is committed to the rules and principles of the Paris Club.

"(b) EFFECT OF DETERMINATION.—On determining that a member of the Fund has failed to meet any of the criteria set forth in subsection (a), the Secretary shall instruct the Governor of the Fund to use the voice and vote of the United States to oppose the proposal to increase the quota of the member in the Fund.

"(c) WAIVER.—The President may waive subsection (b) with respect to a member of the Fund on reporting to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that—

"(1) the waiver is important to the national interest of the United States, with an explanation of the reasons therefor; or

"(2) the member is attempting to rectify the failure, with a description of the actions the member is taking to fulfill any unmet criteria.

"(d) PROHIBITION.—Notwithstanding subsection (c), the Governor of the Fund may not use the voice or vote of the United States to support a proposal to increase the quota of a member in the Fund if the President of the United States determines that the government of the member interfered in a United States election for Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971) in the 4 years preceding consideration of the proposal.

"(e) PROPOSAL CONSIDERATION.—For the purposes of this section, consideration of a proposal to increase the quota of a foreign member of the Fund does not include consent to an amendment to the Articles of Agreement of the Fund that has been authorized by law.

"(f) SUNSET.—This section shall cease to have force or effect 10 years after the date of the enactment of this Act.".

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.

(a) IN GENERAL.—Section 68(a) of the Bretton Woods Agreements Act (22 U.S.C. 286tt(a)) is amended—

(1) in paragraph (2), by inserting after the comma the following: "or a staff analytical report of the Fund states that there is not a high probability that the public debt of the country is sustainable in the medium term,"; and

(2) by adding at the end the following:

"(3) WAIVER AUTHORITY.—The Secretary of the Treasury may waive paragraph (2) on a case-by-case basis if the Secretary provides a written certification to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate that the waiver is important to the national interest of the United States, and includes with the certification a written statement of the reasons therefor.".

(b) SUNSET.—This section shall cease to have force or effect 10 years after the date of the enactment of this Act.

SEC. 907. CONGRESSIONAL NOTIFICATION WITH RESPECT TO EXCEPTIONAL ACCESS LENDING.

(a) IN GENERAL.—The Bretton Woods Agreements Act (22 U.S.C. 286–286zz), as amended by section 2 of this Act, is amended by adding at the end the following:

"SEC. 76. CONGRESSIONAL NOTIFICATION WITH RESPECT TO EXCEPTIONAL ACCESS LENDING.

"(a) IN GENERAL.—The United States Executive Director at the International Monetary Fund may not support any proposal that would alter the criteria used by the Fund for exceptional access lending if the proposal would permit a country that is ineligible, before the proposed alteration, to receive exceptional access lending, unless, not later than 15 days before consideration of the proposal by the Board of Executive Directors of the Fund, the Secretary of the Treasury has submitted to the Committee on Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the justification for the proposal and the effects of the proposed alteration on moral hazard and repayment risk at the Fund.

"(b) WAIVER.—The President may reduce the applicable notice period required under subsection (a) to not less than 7 days on reporting to the Committee on Financial Services of the House of Representatives and Committee on Foreign Relations of the Senate that the reduction is important to the national interest of the United States, with an explanation of the reasons therefor.".

(b) SUNSET.—This section shall cease to have force or effect 10 years after the date of the enactment of this Act.

SEC. 908. CONDITION ON IMF QUOTA INCREASE FOR THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—The United States Governor of the International Monetary Fund (in this section referred to as the "Fund") shall use the voice and vote of the United States to oppose, and may not consent to, an increase in the quota of the

People's Republic of China in the Fund, unless the Secretary of the Treasury reports to the Congress that—

(1) the Board of Governors of the Fund is considering admission of Taiwan as a member of the Fund, pursuant to the recommendation of the Board of Executive Directors of the Fund; or

(2) Taiwan enjoys meaningful participation in the Fund, including through—

(A) participation in regular surveillance activities of the Fund with respect to the economic and financial policies of Taiwan, consistent with Article IV consultation procedures of the Fund;

(B) employment opportunities for Taiwan nationals, without regard to any consideration that, in the determination of the Secretary, does not generally restrict the employment of nationals of member countries of the Fund; and

(C) the ability to receive appropriate technical assistance and training by the Fund.

(b) WAIVER.—The Secretary of the Treasury may waive subsection (a) of this section with respect to a proposal on reporting to the Congress that providing the waiver will substantially promote the objective of securing more equitable treatment of Taiwan at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act).

(c) SUNSET.—This section shall have no force or effect beginning with the date that is 7 years after the date of the enactment of this Act.

SEC. 909. ENSURING NON-DISCRIMINATION WITH RESPECT TO TRAVEL POLICIES AT THE INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—The Secretary shall instruct the United States Executive Director at each international financial institution to use the voice and vote of the United States to ensure that the travel policies and procedures of the respective institution with respect to Taiwan as a destination or transit point do not impose any administrative conditions, including through restrictions on logistical arrangements or meeting participants, that do not generally apply to a member country of the institution as a destination or transit point, except as required temporarily for reasons of public safety or public health.

(b) DEFINITIONS.—In this section:

(1) INTERNATIONAL FINANCIAL INSTITUTION.—The term "international financial institution" has the meaning given the term in section 1701(c)(2) of the International Financial Institutions Act.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(c) WAIVER.—The Secretary may waive subsection (a) with respect to an international financial institution for up to 1 year at a time on reporting to the Congress that providing the waiver—

(1) will substantially promote the objective of securing more equitable treatment of Taiwan at the international financial institution; or

(2) is in the national interest of the United States, with a detailed explanation of the reasons therefor.

(d) PROGRESS REPORT.—The Chairman of the National Advisory Council on International Monetary and Financial Policies shall submit to the Congress an annual report that describes the progress made in advancing the travel policies and procedures described in subsection (a), and may consolidate that report with the annual report required by section 1701 of the International Financial Institutions Act or any other report required to be submitted to the Secretary.

(e) SUNSET.—This section shall have no force or effect beginning with the earlier of—

(1) the date that is 7 years after the date of the enactment of this Act; or

(2) the date on which the Secretary reports to the Congress that each international financial institution has adopted the travel policies and procedures described in subsection (a).

SEC. 910. TESTIMONY REQUIREMENT.

In each of the next 7 years in which the Secretary of the Treasury is required by section 1705(b) of the International Financial Institutions Act to present testimony, the Secretary shall include in the testimony a description of the efforts of the United States to support the greatest participation practicable by Taiwan at each international financial institution (as defined in section 1701(c)(2) of such Act).

SEC. 911. STATEMENT OF UNITED STATES POLICY REGARDING THE DOLLAR.

It is the policy of the United States to facilitate the position of the dollar as the primary global reserve currency, including through vigorous support of—

(1) deep, open, and transparent financial markets;

(2) continuous improvements to domestic and international payment methods that facilitate dollar transactions;

(3) sound macroeconomic governance and a rules-based system of international trade; and

(4) clear and realistic objectives in the deployment of financial restrictions arising from national security considerations.

SEC. 912. REPORT ON DOLLAR STRATEGY.

(a) IN GENERAL.—The Secretary of the Treasury (in this section referred to as the "Secretary") shall establish a strategy that implements the policy described in section 2.

(b) CONSULTATION.—The Secretary shall, as appropriate, consult with the Board of Governors of the Federal Reserve System when establishing the strategy pursuant to subsection (a).

(c) REPORT.—Not later than 180 days after the date of the enactment of this section, the Secretary shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that describes—

(1) the strategy established by the Secretary pursuant to subsection (a);

(2) key measures taken by the Secretary to implement the strategy;

(3) any legislative recommendations that would strengthen the ability of the United States to advance the policy described in section 2;

(4) a description of efforts by major foreign central banks, including the People's Bank of China, to create an official digital currency, as well as any risks to the national interest of the United States posed by such efforts;

(5) the status of efforts to assess or develop an official United States digital currency by the Board of Governors of the Federal Reserve System; and

(6) any implications for the strategy established by the Secretary pursuant to subsection (a) arising from the relative state of development of an official digital currency by the United States and other nations, including the People's Republic of China.

(d) RENMINBI ASSESSMENT.—The report described in subsection (c) shall—

(1) evaluate the role of the renminbi in international payments and foreign exchange reserves;

(2) assess currency-related policies in China, including—

(A) the provision of Chinese government-backed assets;

(B) the extension of credit abroad by the Chinese government; and

(C) the development of cross-border payment systems as tools to advance strategic objectives of the government of the People's Republic of China; and

(3) recommend policy options aimed at mitigating medium-term and long-term risks to the national interest of the United States that may arise as a result of the internationalization of the renminbi.

(e) ANNUAL UPDATES.—After submitting an initial report in accordance with subsection (c), the Secretary shall submit, to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, an updated version of such report each year.

SEC. 913. SUNSET.

Section 912 shall have no force or effect after the date that is 7 years after the date of the enactment of this Act.

TITLE X—OFFSETS

SEC. 1001. RESCISSION OF CERTAIN FEDERAL FUNDS APPROPRIATED FOR STATE, CITY, LOCAL, AND TRIBAL GOVERNMENTS.

Notwithstanding any other provision of law, the total amount of unobligated funds available under any of sections 601 through 603 of title VI of the Social Security Act are hereby permanently rescinded.

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.

The Secretary of the Treasury, acting through the Director of the Office of Foreign Assets Control, is authorized to hire an additional 10 full-time employees to carry out activities of the Office associated with the People's Republic of China.

SEC. 1102. AUTHORIZATION TO HIRE ADDITIONAL STAFF FOR THE OFFICE OF CUSTOMS AND BORDER PROTECTION FORCE LABOR ACTIVITIES.

The Director of the Office of Trade is authorized to hire an additional 28 full time employees for carrying out section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 1103. AUTHORIZATION FOR THE DEPARTMENT OF JUSTICE'S CHINA INITIATIVE.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this section, the Attorney General shall establish an initiative to be known as the "China Initiative", which shall be carried out by Assistant Attorney General for National Security (hereinafter in this Act referred to as the "AAGNS") to counter and deter the wide range of national security threats posed by the policies and practices of the People's Republic of China (PRC) government.

(b) STAFF.—The Assistant Attorney General for National Security is authorized to direct employees assigned to the National Security Division of the Department of Justice to assist with the China Initiative and shall hire an additional 10 full-time employees to carry out activities of the China Initiative.

TITLE XII—FENTANYL

[SEC. 1201. IMPORTS PROHIBITION.

[(a) IN GENERAL.—The President shall take such steps as may be necessary to ban the importation into the United States of any goods produced by a company the President determines is a Chinese company producing fentanyl precursors.**]]**

[(b) WAIVER.—The prohibition under subsection (a) may be waived on a case-by-case basis if the President, acting through the Director of National Intelligence, the Attorney General, the Administrator of the Drug Enforcement Administration, and the Secretary of State, certifies to Congress that the company that is the subject of such waiver is proactively cooperating with United States efforts to interdict and identify shipments of fentanyl precursors to cartels.**][***Client Note:* This section would expand the State Department's Rewards for Justice Program to authorize

financial rewards to individuals who provide credible information regarding the illicit development and shipment of fentanyl precursors which eventually find their way into the United States. *Note: to what extent is this not already covered by the existing rewards for persons providing information leading to " the arrest or conviction in any country of any individual for[...]conduct that involves a violation of United States narcotics laws such that the individual would be a major violator of such laws"? is fentanyl or its precursors not a narcotic for this purpose? or is the intent that these rewards do not have to lead to the arrest or conviction of anyone, in which case they should not be made part of this program? something else?***]**

]

SEC. 1202. STOP CCP FENTANYL.

(a) SHORT TITLE.—This section may be cited as the "Stop CCP Fentanyl Act".

(b) FINDINGS.—Congress finds the following:

(1) According to the Drug Enforcement Administration, the People's Republic of China remains the number one source of fentanyl precursor chemicals, which are then processed and manufactured into synthetic opioids by Mexican drug cartels to bring into the United States.

(2) Of the more than 100,000 drug overdose-related deaths in the United States in 2021, roughly 64,000 were from illicit fentanyl which is more than double the number of such deaths since 2019.

(3) Almost 100 percent of fentanyl derives from precursor drugs from China.

(4) The amount of fentanyl seized by U.S. Customs and Border Protection skyrocketed from 2020 to 2022. In the fiscal year 2022, U.S. Customs and Border Protection seized a record 14,700 pounds of fentanyl, compared with 11,200 pounds in 2021 and 4,800 pounds in 2020.

(c) IMPOSITION OF SANCTIONS ON THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) IN GENERAL.—On and after the date that is 120 days after the date of the enactment of this Act, the President shall impose the sanctions described in this subsection with respect to—

(A) the President of the People's Republic of China;

(B) the Chairman of the Chinese Communist Party;

(C) the State Council of the People's Republic of China; and

(D) the Politburo Standing Committee of the People's Republic of China.

(2) WAIVER.—The President may waive the application of sanctions under paragraph (1) if the President submits to the appropriate congressional committees a written determination that—

(A) the People's Republic of China and Chinese Communist Party have taken all reasonable measures to prevent the flow of fentanyl produced within the People's Republic of China into the United States, including through implementing and enforcing laws controlling and restricting the export of fentanyl precursors such as—

(i) N–Phenethyl-4-piperidone (NPP) 4–Anilino-N phenethylpiperidine (ANPP) N–Phenyl-4-piperidinamine (4–AP) tert-Butyl 4-(phenylamino); and

(ii) piperidine-1-carboxylate (boc-4–AP) norfentanyl; and

(B) the intelligence community (as such term is defined in the National Security Act of 1947), in consultation with the Department of Homeland Security and the Department of Justice, has determined that the supply of fentanyl of Chinese origin in the United States and the number of deaths of United States persons due to overdoses of such fentanyl have each been reduced by at least 98 percent during the most-recent 18-month period as compared to the immediately preceding 18-month period.

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

(d) SANCTIONS DESCRIBED.—

(1) IN GENERAL.—The sanctions described in this section are the following:

(A) BLOCKING OF PROPERTY.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(i) VISAS, ADMISSION, OR PAROLE.—An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reason to believe, has knowingly engaged in any activity described in paragraph (1) is—

(I) inadmissible to the United States;

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

(III) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry documentation issued to an alien described in subparagraph (A) regardless of when the visa or other entry documentation is issued.

(II) EFFECT OF REVOCATION.—A revocation under subclause (I) shall take effect immediately and shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(2) EXCEPTIONS.—

(A) UNITED NATIONS HEADQUARTERS AGREEMENT.—The sanctions described under paragraph (1)(B) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(B) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under paragraph (1) shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(C) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(i) IN GENERAL.—Notwithstanding any other provision of this section, the authorities and requirements to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(ii) GOOD DEFINED.—In this paragraph, the term "good" means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(e) RIGHT OF ACTION TO SEIZE PRIVATE ASSETS.—

(1) IN GENERAL.—Notwithstanding chapter 97 of title 28, United States Code (commonly referred to as the "Foreign Sovereign Immunities Act"), a national of the United States or an alien lawfully admitted for permanent residence in the United States who is an immediate family member of a covered individual may bring an action in an appropriate district court of the United States against a covered Chinese official or against China for harm suffered as a result of the covered individual's death seeking money damages. Any property that is blocked pursuant to subsection (d)(1)(A) may be used to satisfy a judgment under this subsection.

(2) DEFINITIONS.—In this subsection:

(A) The term "covered individual" means an individual who dies from an overdose (whether accidental or intentional) of fentanyl, or any analogue of fentanyl, that was manufactured from

fentanyl precursors that originated in China and were imported into the United States.

(B) The term "covered Chinese official" means—

(i) the President of the People's Republic of China;

(ii) the Chairman of the Chinese Communist Party; and

(iii) the Politburo Standing Committee of the People's Republic of China, or any member thereof.

(C) The term "immediate family member" means a spouse, parent, stepparent, foster parent, child, stepchild, foster child, grandparent, grandchild, brother, or sister.

TITLE XIII—ENERGY

SEC. 1301. SECURING AMERICA'S CRITICAL MINERALS SUPPLY.

(a) AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.—The Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended—

(1) in section 2, by adding at the end the following:

"(d) As used in sections 102(20) and 203(a)(12), the term 'critical energy resource' means any energy resource—

"(1) that is essential to the energy sector and energy systems of the United States; and

"(2) the supply chain of which is vulnerable to disruption.";

(2) in section 102, by adding at the end the following:

"(20) To ensure there is an adequate and reliable supply of critical energy resources that are essential to the energy security of the United States."; and

(3) in section 203(a), by adding at the end the following:

"(12) Functions that relate to securing the supply of critical energy resources, including identifying and mitigating the effects of a disruption of such supply on—

"(A) the development and use of energy technologies; and

"(B) the operation of energy systems.".

(b) SECURING CRITICAL ENERGY RESOURCE SUPPLY CHAINS.—

(1) IN GENERAL.—In carrying out the requirements of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), the Secretary of Energy, in consultation with the appropriate Federal agencies, representatives of the energy sector, States, and other stakeholders, shall—

(A) conduct ongoing assessments of—

(i) energy resource criticality based on the importance of critical energy resources to the development of energy technologies and the supply of energy;

(ii) the critical energy resource supply chain of the United States;

(iii) the vulnerability of such supply chain; and

(iv) how the energy security of the United States is affected by the reliance of the United States on importation of critical energy resources;

(B) facilitate development of strategies to strengthen critical energy resource supply chains in the United States, including by—

(i) diversifying the sources of the supply of critical energy resources; and

(ii) increasing domestic production, separation, and processing of critical energy resources;

(C) develop substitutes and alternatives to critical energy resources; and

(D) improve technology that reuses and recycles critical energy resources.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Energy shall submit to Congress a report containing—

(A) the results of the ongoing assessments conducted under paragraph (1)(A);

(B) a description of any actions taken pursuant to the Department of Energy Organization Act to mitigate potential effects of critical energy resource supply chain disruptions on energy technologies or the operation of energy systems; and

(C) any recommendations relating to strengthening critical energy resource supply chains that are essential to the energy security of the United States.

(3) CRITICAL ENERGY RESOURCE DEFINED.—In this section, the term "critical energy resource" has the meaning given such term in section 2 of the Department of Energy Organization Act (42 U.S.C. 7101).

SEC. 1302. INTERIM HAZARDOUS WASTE PERMITS FOR CRITICAL ENERGY RESOURCE FACILITIES.

Section 3005(e) of the Solid Waste Disposal Act (42 U.S.C. 6925(e)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (i), by striking "or" at the end;

(B) in clause (ii), by inserting "or" after "this section,"; and

(C) by adding at the end the following:

"(iii) is a critical energy resource facility,"; and

(2) by adding at the end the following:

"(4) DEFINITIONS.—For the purposes of this subsection:

"(A) CRITICAL ENERGY RESOURCE.—The term 'critical energy resource' means, as determined by the Secretary of Energy, any energy resource—

"(i) that is essential to the energy sector and energy systems of the United States; and

"(ii) the supply chain of which is vulnerable to disruption.

"(B) CRITICAL ENERGY RESOURCE FACILITY.—The term 'critical energy resource facility' means a facility that processes or refines a critical energy resource.".

SEC. 1303. NATIONAL SECURITY OR ENERGY SECURITY WAIVERS TO PRODUCE CRITICAL ENERGY RESOURCES.

(a) CLEAN AIR ACT REQUIREMENTS.—

(1) IN GENERAL.—If the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, determines that, by reason of a sudden increase in demand for, or a shortage of, a critical energy resource, or another cause, the processing or refining of a critical energy resource at a critical energy resource facility is necessary to meet the national security or energy security needs of the United States, then the Administrator may, with or without notice, hearing, or other report, issue a temporary waiver of any requirement under the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to such critical energy resource facility that, in the judgment of the Administrator, will allow for such processing or refining at such critical energy resource facility as necessary to best meet such needs and serve the public interest.

(2) CONFLICT WITH OTHER ENVIRONMENTAL LAWS.—The Administrator shall ensure that any waiver of a requirement under the Clean Air Act under this subsection, to the maximum extent practicable, does not result in a conflict with a requirement of any other applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

(3) VIOLATIONS OF OTHER ENVIRONMENTAL LAWS.—To the extent any omission or action taken by a party under a waiver issued under this subsection is in conflict with any requirement of a Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.

(4) EXPIRATION AND RENEWAL OF WAIVERS.—A waiver issued under this subsection shall expire not later than 90 days after it is issued. The Administrator may renew or reissue such waiver pursuant to paragraphs (1) and (2) for subsequent periods, not to exceed 90 days for each period, as the Administrator determines necessary to meet the national security or energy security needs described in paragraph (1) and serve the public interest. In renewing or reissuing a waiver under

this paragraph, the Administrator shall include in any such renewed or reissued waiver such conditions as are necessary to minimize any adverse environmental impacts to the extent practicable.

(5) SUBSEQUENT ACTION BY COURT.—If a waiver issued under this subsection is subsequently stayed, modified, or set aside by a court pursuant a provision of law, any omission or action previously taken by a party under the waiver while the waiver was in effect shall remain subject to paragraph (3).

(6) CRITICAL ENERGY RESOURCE; CRITICAL ENERGY RESOURCE FACILITY DEFINED.—The terms "critical energy resource" and "critical energy resource facility" have the meanings given such terms in section 3025(f) of the Solid Waste Disposal Act (as added by this section).

(b) SOLID WASTE DISPOSAL ACT REQUIREMENTS.—

(1) HAZARDOUS WASTE MANAGEMENT.—The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) is amended by inserting after section 3024 the following:

"SEC. 3025. WAIVERS FOR CRITICAL ENERGY RESOURCE FACILITIES.

"(a) IN GENERAL.—If the Administrator, in consultation with the Secretary of Energy, determines that, by reason of a sudden increase in demand for, or a shortage of, a critical energy resource, or another cause, the processing or refining of a critical energy resource at a critical energy resource facility is necessary to meet the national security or energy security needs of the United States, then the Administrator may, with or without notice, hearing, or other report, issue a temporary waiver of any covered requirement with respect to such critical energy resource facility that, in the judgment of the Administrator, will allow for such processing or refining at such critical energy resource facility as necessary to best meet such needs and serve the public interest.

"(b) CONFLICT WITH OTHER ENVIRONMENTAL LAWS.—The Administrator shall ensure that any waiver of a covered requirement under this section, to the maximum extent practicable, does not result in a conflict with a requirement of any other applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

"(c) VIOLATIONS OF OTHER ENVIRONMENTAL LAWS.—To the extent any omission or action taken by a party under a waiver issued under this section is in conflict with any requirement of a Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such

environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.

"(d) EXPIRATION AND RENEWAL OF WAIVERS.—A waiver issued under this section shall expire not later than 90 days after it is issued. The Administrator may renew or reissue such waiver pursuant to subsections (a) and (b) for subsequent periods, not to exceed 90 days for each period, as the Administrator determines necessary to meet the national security or energy security needs described in subsection (a) and serve the public interest. In renewing or reissuing a waiver under this subsection, the Administrator shall include in any such renewed or reissued waiver such conditions as are necessary to minimize any adverse environmental impacts to the extent practicable.

"(e) SUBSEQUENT ACTION BY COURT.—If a waiver issued under this section is subsequently stayed, modified, or set aside by a court pursuant a provision of law, any omission or action previously taken by a party under the waiver while the waiver was in effect shall remain subject to subsection (c).

"(f) DEFINITIONS.—In this section:

"(1) COVERED REQUIREMENT.—The term 'covered requirement' means—

"(A) any standard established under section 3002, 3003, or 3004;

"(B) the permit requirement under section 3005; or

"(C) any other requirement of this Act, as the Administrator determines appropriate.

"(2) CRITICAL ENERGY RESOURCE.—The term 'critical energy resource' means, as determined by the Secretary of Energy, any energy resource—

"(A) that is essential to the energy sector and energy systems of the United States; and

"(B) the supply chain of which is vulnerable to disruption.

"(3) CRITICAL ENERGY RESOURCE FACILITY.—The term 'critical energy resource facility' means a facility that processes or refines a critical energy resource.".

(2) TABLE OF CONTENTS.—The table of contents of the Solid Waste Disposal Act is amended by inserting after the item relating to section 3024 the following:

"Sec. 3025. Waivers for critical energy resource facilities.".

SEC. 1304. ENSURING CONSIDERATION OF URANIUM AS A CRITICAL MINERAL.

(a) IN GENERAL.—Section 7002(a)(3)(B)(i) of the Energy Act of 2020 (30 U.S.C. 1606(a)(3)(B)(i)) is amended to read as follows:

"(i) oil, oil shale, coal, or natural gas;".

(b) UPDATE.—Not later than 60 days after the date of the enactment of this section, the Secretary, acting through the Director of the United States Geological Survey, shall publish in the Federal Register an update to the final list established in section 7002(c)(3) of the Energy Act of 2020 (30 U.S.C. 1606(c)(3)) in accordance with subsection (a) of this section.

(c) REPORT.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Director of the United States Geological Survey, in consultation with the Secretary of Energy, shall submit to the appropriate committees of Congress a report that includes the following:

(1) The current status of uranium deposits in the United States with respect to the amount and quality of uranium contained in such deposits.

(2) A comparison of the United States to the rest of the world with respect to the amount and quality of uranium contained in uranium deposits.

(3) Policy considerations, including potential challenges, of utilizing the uranium from the deposits described in paragraph (1).

D**[SEC. 1306. ACQUIRING SECURE SUPPLIERS TO UPHOLD RESILIENCE IN ELECTRIC VEHICLES.**

[(a) IN GENERAL.—No Federal funds are authorized to be appropriated or otherwise made available to procure any electric vehicle or component parts of an electric vehicle manufactured by any of the following:**]**

[(1) Contemporary Amperex Technology;**]**

[(2) BYD Auto;**]**

[(3) Envision Energy;**]**

[(4) EVE Energy;**]**

[(5) Gotion High tech Company;**]**

[(6) Hithium Energy Storage Technology;**]**

[(7) any successor entity to such entities; and**]**

[(8) any other Chinese entity determined to be a large electric vehicle or electric vehicle component parts manufacturer.**]**

]

[(b) ONGOING REVIEW.—Not later than 120 days after the date of the enactment of this Act, and biannually thereafter until 2030, the President shall conduct a review to determine whether any entity, including an entity listed in subsection (a), should be included in the list of Chinese military companies required to be submitted under section 1260H of the National Defense Authorization Act for Fiscal Year 2021 or the UFLPA entity list.**][**

]

TITLE XIV—MATTERS RELATED TO THE COMPACT OF FREE ASSOCIATION

SECTION 1401. SHORT TITLE.

This joint resolution may be cited as the "Compact of Free Association Amendments Act of 2024".

SEC. 1402. FINDINGS.

Congress finds the following:

(1) The United States (in accordance with the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the United Nations Charter, and the objectives of the international trusteeship system of the United Nations) fulfilled its obligations to promote the development of the people of the Trust Territory toward self-government or independence, as appropriate, to the particular

circumstances of the Trust Territory and the people of the Trust Territory and the freely expressed wishes of the people concerned.

(2) The United States, the Federated States of Micronesia, and the Republic of the Marshall Islands entered into the Compact of Free Association set forth in section 201 of the Compact of Free Association Act of 1985 (48 U.S.C. 1901 note; Public Law 99–239) and the United States and the Republic of Palau entered into the Compact of Free Association set forth in section 201 of Public Law 99–658 (48 U.S.C. 1931 note) to create and maintain a close and mutually beneficial relationship.

(3) The "Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia", the "Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands", and related agreements were signed by the Government of the United States and the Governments of the Federated States of Micronesia and the Republic of the Marshall Islands and approved, as applicable, by section 201 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921 note; Public Law 108–188).

(4) The "Agreement between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review", was signed by the Government of the United States and the Government of the Republic of Palau on September 3, 2010, and amended on September 19, 2018.

(5) On May 22, 2023, the United States signed the "Agreement between the Government of the United States of America and the Government of the Republic of Palau Resulting From the 2023 Compact of Free Association Section 432 Review".

(6) On May 23, 2023, the United States signed 3 agreements related to the U.S.-FSM Compact of Free Association, including an Agreement to Amend the Compact, as amended, a new fiscal procedures agreement, and a new trust fund agreement and on September 28, 2023, the United States signed a Federal Programs and Services agreement related to the U.S.-FSM Compact of Free Association.

(7) On October 16, 2023, the United States signed 3 agreements relating to the U.S.-RMI Compact of Free Association, including an

Agreement to Amend the Compact, as amended, a new fiscal procedures agreement, and a new trust fund agreement.

SEC. 1403. DEFINITIONS.

In this joint resolution:

(1) 1986 COMPACT.—The term "1986 Compact" means the Compact of Free Association between the Government of the United States and the Governments of the Marshall Islands and the Federated States of Micronesia set forth in section 201 of the Compact of Free Association Act of 1985 (48 U.S.C. 1901 note; Public Law 99–239).

(2) 2003 AMENDED U.S.-FSM COMPACT.—The term "2003 Amended U.S.-FSM Compact" means the Compact of Free Association amending the 1986 Compact entitled the "Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia" set forth in section 201(a) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921 note; Public Law 108–188).

(3) 2003 AMENDED U.S.-RMI COMPACT.—The term "2003 Amended U.S.-RMI Compact" means the Compact of Free Association amending the 1986 Compact entitled "Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands" set forth in section 201(b) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921 note; Public Law 108–188).

(4) 2023 AGREEMENT TO AMEND THE U.S.-FSM COMPACT.—The term "2023 Agreement to Amend the U.S.-FSM Compact" means the Agreement between the Government of the United States of America and the Government of the Federated States of Micronesia to Amend the Compact of Free Association, as Amended, done at Palikir May 23, 2023.

(5) 2023 AGREEMENT TO AMEND THE U.S.-RMI COMPACT.—The term "2023 Agreement to Amend the U.S.-RMI Compact" means the Agreement between the Government of the United States of America and the Government of the Republic of the Marshall Islands to Amend the Compact of Free Association, as Amended, done at Honolulu October 16, 2023.

(6) 2023 AMENDED U.S.-FSM COMPACT.—The term "2023 Amended U.S.-FSM Compact" means the 2003 Amended U.S.-FSM Compact, as amended by the 2023 Agreement to Amend the U.S.-FSM Compact.

(7) 2023 AMENDED U.S.-RMI COMPACT.—The term "2023 Amended U.S.-RMI Compact" means the 2003 Amended U.S.-RMI Compact, as amended by the 2023 Agreement to Amend the U.S.-RMI Compact.

(8) 2023 U.S.-FSM FEDERAL PROGRAMS AND SERVICES AGREEMENT.—The term "2023 U.S.-FSM Federal Programs and Services Agreement" means the 2023 Federal Programs and Services Agreement between the Government of the United States of America and the Government of the Federated States of Micronesia, done at Washington September 28, 2023.

(9) 2023 U.S.-FSM FISCAL PROCEDURES AGREEMENT.—The term "2023 U.S.-FSM Fiscal Procedures Agreement" means the Agreement Concerning Procedures for the Implementation of United States Economic Assistance provided in the 2023 Amended U.S.-FSM Compact between the Government of the United States of America and the Government of the Federated States of Micronesia, done at Palikir May 23, 2023.

(10) 2023 U.S.-FSM TRUST FUND AGREEMENT.—The term "2023 U.S.-FSM Trust Fund Agreement" means the Agreement between the Government of the United States of America and the Government of the Federated States of Micronesia Regarding the Compact Trust Fund, done at Palikir May 23, 2023.

(11) 2023 U.S.-PALAU COMPACT REVIEW AGREEMENT.—The term "2023 U.S.-Palau Compact Review Agreement" means the Agreement between the Government of the United States of America and the Government of the Republic of Palau Resulting From the 2023 Compact of Free Association Section 432 Review, done at Port Moresby May 22, 2023.

(12) 2023 U.S.-RMI FISCAL PROCEDURES AGREEMENT.—The term "2023 U.S.-RMI Fiscal Procedures Agreement" means the Agreement Concerning Procedures for the Implementation of United States Economic Assistance Provided in the 2023 Amended Compact Between the Government of the United States of America and the Government of the Republic of the Marshall Islands, done at Honolulu October 16, 2023.

(13) 2023 U.S.-RMI TRUST FUND AGREEMENT.—The term "2023 U.S.-RMI Trust Fund Agreement" means the Agreement between the Government of the United States of America and the Government of the Republic of the Marshall Islands Regarding the Compact Trust Fund, done at Honolulu October 16, 2023.

(14) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Natural Resources of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(15) FREELY ASSOCIATED STATES.—The term "Freely Associated States" means—

(A) the Federated States of Micronesia;

(B) the Republic of the Marshall Islands; and

(C) the Republic of Palau.

(16) SUBSIDIARY AGREEMENT.—The term "subsidiary agreement" means any of the following:

(A) The 2023 U.S.-FSM Federal Programs and Services Agreement.

(B) The 2023 U.S.-FSM Fiscal Procedures Agreement.

(C) The 2023 U.S.-FSM Trust Fund Agreement.

(D) The 2023 U.S.-RMI Fiscal Procedures Agreement.

(E) The 2023 U.S.-RMI Trust Fund Agreement.

(F) Any Federal Programs and Services Agreement in force between the United States and the Republic of the Marshall Islands.

(G) Any Federal Programs and Services Agreement in force between the United States and the Republic of Palau.

(H) Any other agreement that the United States may from time-to-time enter into with the Government of the Federated States of Micronesia, the Government of the Republic of Palau, or the Government of the Republic of the Marshall Islands, in accordance with—

(i) the 2023 Amended U.S.-FSM Compact;

(ii) the 2023 U.S.-Palau Compact Review Agreement; or

(iii) the 2023 Amended U.S.-RMI Compact.

(17) U.S.-PALAU COMPACT.—The term "U.S.-Palau Compact" means the Compact of Free Association between the United States and the Government of Palau set forth in section 201 of Public Law 99–658 (48 U.S.C. 1931 note).

SEC. 1404. APPROVAL OF 2023 AGREEMENT TO AMEND THE U.S.-FSM COMPACT, 2023 AGREEMENT TO AMEND THE U.S.-RMI COMPACT, 2023 U.S.-PALAU COMPACT REVIEW AGREEMENT, AND SUBSIDIARY AGREEMENTS.

(a) FEDERATED STATES OF MICRONESIA.—

(1) APPROVAL.—The 2023 Agreement to Amend the U.S.-FSM Compact and the 2023 U.S.-FSM Trust Fund Agreement, as submitted to Congress on June 15, 2023, are approved and incorporated by reference.

(2) CONSENT OF CONGRESS.—Congress consents to—

(A) the 2023 U.S.-FSM Fiscal Procedures Agreement, as submitted to Congress on June 15, 2023; and

(B) the 2023 U.S.-FSM Federal Programs and Services Agreement.

(3) AUTHORITY OF PRESIDENT.—Notwithstanding section 101(f) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921(f)), the President is authorized to bring into force and implement the agreements described in paragraphs (1) and (2).

(b) REPUBLIC OF THE MARSHALL ISLANDS.—

(1) APPROVAL.—The 2023 Agreement to Amend the U.S.-RMI Compact and the 2023 U.S.-RMI Trust Fund Agreement, as submitted to Congress on October 17, 2023, are approved and incorporated by reference.

(2) CONSENT OF CONGRESS.—Congress consents to the 2023 U.S.-RMI Fiscal Procedures Agreement as submitted to Congress on October 17, 2023.

(3) AUTHORITY OF PRESIDENT.—Notwithstanding section 101(f) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921(f)), the President is authorized to bring into force and implement the agreements described in paragraphs (1) and (2).

(c) REPUBLIC OF PALAU.—

(1) APPROVAL.—The 2023 U.S.-Palau Compact Review Agreement, as submitted to Congress on June 15, 2023, is approved.

(2) AUTHORITY OF PRESIDENT.—The President is authorized to bring into force and implement the 2023 U.S.-Palau Compact Review Agreement.

(d) AMENDMENTS, CHANGES, OR TERMINATION TO COMPACTS AND CERTAIN AGREEMENTS.—

(1) IN GENERAL.—Any amendment to, change to, or termination of all or any part of the 2023 Amended U.S.-FSM Compact, 2023 Amended U.S.-RMI Compact, or the U.S.-Palau Compact, by mutual agreement or unilateral action of the Government of the United States, shall not enter into force until the date on which Congress has incorporated the applicable amendment, change, or termination into an Act of Congress.

(2) ADDITIONAL ACTIONS AND AGREEMENTS.—In addition to the Compacts described in paragraph (1), the requirements of that paragraph shall apply to—

(A) any action of the Government of the United States under the 2023 Amended U.S.-FSM Compact, 2023 Amended U.S.-RMI Compact, or U.S.-Palau Compact, including an action taken pursuant to section 431, 441, or 442 of the 2023 Amended U.S.-FSM Compact, 2023 Amended U.S.-RMI Compact, or U.S.-Palau Compact; and

(B) any amendment to, change to, or termination of—

(i) the agreement described in section 462(a)(2) of the 2023 Amended U.S.-FSM Compact;

(ii) the agreement described in section 462(a)(5) of the 2023 Amended U.S.-RMI Compact;

(iii) an agreement concluded pursuant to section 265 of the 2023 Amended U.S.-FSM Compact;

(iv) an agreement concluded pursuant to section 265 of the 2023 Amended U.S.-RMI Compact;

(v) an agreement concluded pursuant to section 177 of the 2023 Amended U.S.-RMI Compact;

(vi) Articles III and IV of the agreement described in section 462(b)(6) of the 2023 Amended U.S.-FSM Compact;

(vii) Articles III, IV, and X of the agreement described in section 462(b)(6) of the 2023 Amended U.S.-RMI Compact;

(viii) the agreement described in section 462(h) of the U.S.-Palau Compact; and

(ix) Articles VI, XV, and XVII of the agreement described in section 462(b)(7) of the 2023 Amended U.S.-FSM Compact and 2023 Amended U.S.-RMI Compact and section 462(i) of the U.S.-Palau Compact.

(e) ENTRY INTO FORCE OF FUTURE AMENDMENTS TO SUBSIDIARY AGREEMENTS.—An agreement between the United States and the Government of the Federated States of Micronesia, the Government of the Republic of the Marshall Islands, or the Government of the Republic of Palau that would amend, change, or terminate any subsidiary agreement or portion of a subsidiary agreement (other than an amendment to, change to, or termination of an agreement described in subsection (d)) shall not enter into force until the date that is 90 days after the date on which the President has transmitted to the President of the Senate and the Speaker of the House of Representatives—

(1) the agreement to amend, change, or terminate the subsidiary agreement;

(2) an explanation of the amendment, change, or termination;

(3) a description of the reasons for the amendment, change, or termination; and

(4) in the case of an agreement that would amend, change, or terminate any agreement described in section 462(b)(3) of the 2023 Amended U.S.-FSM Compact or the 2023 Amended U.S.-RMI Compact, a statement by the Secretary of Labor that describes—

(A) the necessity of the amendment, change, or termination; and

(B) any impacts of the amendment, change, or termination.

SEC. 1405. AGREEMENTS WITH FEDERATED STATES OF MICRONESIA.

(a) LAW ENFORCEMENT ASSISTANCE.—

(1) IN GENERAL.—Pursuant to sections 222 and 224 of the 2023 Amended U.S.-FSM Compact, the United States shall provide nonreimbursable technical and training assistance, as appropriate, including training and

equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Federated States of Micronesia—

(A) to develop and adequately enforce laws of the Federated States of Micronesia; and

(B) to cooperate with the United States in the enforcement of criminal laws of the United States.

(2) USE OF APPROPRIATED FUNDS.—Funds appropriated pursuant to subsection (j) of section 105 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d) (as amended by section 1409(j)) may be used in accordance with section 102(a) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921a(a)).

(b) UNITED STATES APPOINTEES TO JOINT ECONOMIC MANAGEMENT COMMITTEE.—

(1) IN GENERAL.—The 3 United States appointees (which are composed of the United States chair and 2 other members from the Government of the United States) to the Joint Economic Management Committee established under section 213 of the 2023 Amended U.S.-FSM Compact (referred to in this subsection as the "Committee") shall—

(A) be voting members of the Committee; and

(B) continue to be officers or employees of the Federal Government.

(2) TERM; APPOINTMENT.—The 3 United States members of the Committee described in paragraph (1) shall be appointed for a term of 2 years as follows:

(A) 1 member shall be appointed by the Secretary of State, in consultation with the Secretary of the Treasury.

(B) 1 member shall be appointed by the Secretary of the Interior, in consultation with the Secretary of the Treasury.

(C) 1 member shall be appointed by the Interagency Group on Freely Associated States established under section 1408(d)(1).

(3) REAPPOINTMENT.—A United States member of the Committee appointed under paragraph (2) may be reappointed for not more than 2 additional 2-year terms.

(4) QUALIFICATIONS.—Not fewer than 2 United States members of the Committee appointed under paragraph (2) shall be individuals who—

(A) by reason of knowledge, experience, or training, are especially qualified in accounting, auditing, budget analysis, compliance, grant administration, program management, or international economics; and

(B) possess not less than 5 years of full-time experience in accounting, auditing, budget analysis, compliance, grant administration, program management, or international economics.

(5) NOTICE.—

(A) IN GENERAL.—Not later than 90 days after the date of appointment of a United States member of the Committee under paragraph (2), the Secretary of the Interior shall notify the appropriate committees of Congress that an individual has been appointed as a voting member of the Committee under that paragraph, including a statement prepared by the Secretary of the Interior attesting to the qualifications of the member described in paragraph (4), subject to subparagraph (B).

(B) REQUIREMENT.—For purposes of a statement required under subparagraph (A)—

(i) in the case of a member appointed under paragraph (2)(A), the Secretary of the Interior shall compile information on the member provided to the Secretary of the Interior by the Secretary of State on request of the Secretary of the Interior; and

(ii) in the case of a member appointed under paragraph (2)(C), the Secretary of the Interior shall compile information on the member provided to the Secretary of the Interior by the Interagency Group on Freely Associated States established under section 1408(d)(1) on request of the Secretary of the Interior.

(6) REPORTS TO CONGRESS.—Not later than 90 days after the date on which the Committee receives or completes any report required under the 2023 Amended U.S.-FSM Compact, or any related subsidiary agreement, the Secretary of the Interior shall submit the report to the appropriate committees of Congress.

(7) NOTICE TO CONGRESS.—Not later than 90 days after the date on which the Government of the Federated States of Micronesia submits to the Committee a report required under the 2023 Amended U.S.-FSM Compact, or any related subsidiary agreement, the Secretary of the Interior shall submit to the appropriate committees of Congress—

(A) if the report is submitted by the applicable deadline, written notice attesting that the report is complete and accurate; or

(B) if the report is not submitted by the applicable deadline, written notice that the report has not been timely submitted.

(c) UNITED STATES APPOINTEES TO JOINT TRUST FUND COMMITTEE.—

(1) IN GENERAL.—The 3 United States voting members (which are composed of the United States chair and 2 other members from the Government of the United States) to the Joint Trust Fund Committee established pursuant to the agreement described in section 462(b)(5) of the 2023 Amended U.S.-FSM Compact (referred to in this subsection as the "Committee") shall continue to be officers or employees of the Federal Government.

(2) TERM; APPOINTMENT.—The 3 United States members of the Committee described in paragraph (1) shall be appointed for a term not more than 2 years as follows:

(A) 1 member shall be appointed by the Secretary of State.

(B) 1 member shall be appointed by the Secretary of the Interior.

(C) 1 member shall be appointed by the Secretary of the Treasury.

(3) REAPPOINTMENT.—A United States member of the Committee appointed under paragraph (2) may be reappointed for not more than 2 additional 2-year terms.

(4) QUALIFICATIONS.—Not fewer than 2 members of the Committee appointed under paragraph (2) shall be individuals who—

(A) by reason of knowledge, experience, or training, are especially qualified in accounting, auditing, budget analysis, compliance, financial investment, grant administration, program management, or international economics; and

(B) possess not less than 5 years of full-time experience in accounting, auditing, budget analysis, compliance, financial investment, grant administration, program management, or international economics.

(5) NOTICE.—

(A) IN GENERAL.—Not later than 90 days after the date of appointment of a United States member to the Committee under paragraph (2), the Secretary of the Interior shall notify the appropriate committees of Congress that an individual has been appointed as a voting member of the Committee under that paragraph, including a statement attesting to the qualifications of the member described in paragraph (4), subject to subparagraph (B).

(B) REQUIREMENT.—For purposes of a statement required under subparagraph (A)—

(i) in the case of a member appointed under paragraph (2)(A), the Secretary of the Interior shall compile information on the member provided to the Secretary of the Interior by the Secretary of State on request of the Secretary of the Interior; and

(ii) in the case of a member appointed under paragraph (2)(C), the Secretary of the Interior shall compile information on the member provided to the Secretary of the Interior by the Secretary of the Treasury on request of the Secretary of the Interior.

(6) REPORTS TO CONGRESS.—Not later than 90 days after the date on which the Committee receives or completes any report required under the 2023 Amended U.S.-FSM Compact, or any related subsidiary agreement, the Secretary of the Interior shall submit the report to the appropriate committees of Congress.

(7) NOTICE TO CONGRESS.—Not later than 90 days after the date on which the Government of the Federated States of Micronesia submits to the Committee a report required under the 2023 Amended U.S.-FSM Compact, or any related subsidiary agreement, the Secretary of the Interior shall submit to the appropriate committees of Congress—

(A) if the report is submitted by the applicable deadline, written notice attesting that the report is complete and accurate; or

(B) if the report is not submitted by the applicable deadline, written notice that the report has not been timely submitted.

SEC. 1406. AGREEMENTS WITH AND OTHER PROVISIONS RELATED TO THE REPUBLIC OF THE MARSHALL ISLANDS.

(a) LAW ENFORCEMENT ASSISTANCE.—

(1) IN GENERAL.—Pursuant to sections 222 and 224 of the 2023 Amended U.S.-RMI Compact, the United States shall provide nonreimbursable

technical and training assistance, as appropriate, including training and equipment for postal inspection of illicit drugs and other contraband, to enable the Government of the Republic of the Marshall Islands—

(A) to develop and adequately enforce laws of the Marshall Islands; and

(B) to cooperate with the United States in the enforcement of criminal laws of the United States.

(2) USE OF APPROPRIATED FUNDS.—Funds appropriated pursuant to subsection (j) of section 105 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d) (as amended by section 1409(j)) may be used in accordance with section 103(a) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(a)).

(b) ESPOUSAL PROVISIONS.—

(1) IN GENERAL.—Congress reaffirms that—

(A) section 103(g)(1) of the Compact of Free Association Act of 1985 (48 U.S.C. 1903(g)(1)) and section 103(e)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(e)(1)) provided that "It is the intention of the Congress of the United States that the provisions of section 177 of the Compact of Free Association and the Agreement between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the 'Section 177 Agreement') constitute a full and final settlement of all claims described in Articles X and XI of the Section 177 Agreement, and that any such claims be terminated and barred except insofar as provided for in the Section 177 Agreement."; and

(B) section 103(g)(2) of the Compact of Free Association Act of 1985 (48 U.S.C. 1903(g)(2)) and section 103(e)(2) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(e)(2)) provided that "In furtherance of the intention of Congress as stated in paragraph (1) of this subsection, the Section 177 Agreement is hereby ratified and approved. It is the explicit understanding and intent of Congress that the jurisdictional limitations set forth in Article XII of such Agreement are enacted solely and exclusively to accomplish the objective of Article X of such Agreement and only as a clarification of the effect of Article X, and are not to be construed or implemented separately from Article X.".

(2) EFFECT.—Nothing in the 2023 Agreement to Amend the U.S.-RMI Compact affects the application of the provisions of law reaffirmed by paragraph (1).

(c) CERTAIN SECTION 177 AGREEMENT PROVISIONS.—Congress reaffirms that—

(1) Article IX of the Agreement Between the Government of the United States and the Government of the Marshall Islands for the Implementation of Section 177 of the Compact of Free Association, done at Majuro June 25, 1983, provided that "If loss or damage to property and person of the citizens of the Marshall Islands, resulting from the Nuclear Testing Program, arises or is discovered after the effective date of this Agreement, and such injuries were not and could not reasonably have been identified as of the effective date of this Agreement, and if such injuries render the provisions of this Agreement manifestly inadequate, the Government of the Marshall Islands may request that the Government of the United States provide for such injuries by submitting such a request to the Congress of the United States for its consideration. It is understood that this Article does not commit the Congress of the United States to authorize and appropriate funds."; and

(2) section 3(a) of Article XIII of the agreement described in paragraph (1) provided that "The Government of the United States and the Government of the Marshall Islands shall consult at the request of either of them on matters relating to the provisions of this Agreement.".

(d) UNITED STATES APPOINTEES TO JOINT ECONOMIC MANAGEMENT AND FINANCIAL ACCOUNTABILITY COMMITTEE.—

(1) IN GENERAL.—The 2 United States appointees (which are composed of the United States chair and 1 other member from the Government of the United States) to the Joint Economic Management and Financial Accountability Committee established under section 214 of the 2003 Amended U.S.-RMI Compact (referred to in this subsection as the "Committee") shall—

(A) be voting members of the Committee; and

(B) continue to be officers or employees of the Federal Government.

(2) TERM; APPOINTMENT.—The 2 United States members of the Committee described in paragraph (1) shall be appointed for a term of 2 years as follows:

(A) 1 member shall be appointed by the Secretary of State, in consultation with the Secretary of the Treasury.

(B) 1 member shall be appointed by the Secretary of the Interior, in consultation with the Secretary of the Treasury.

(3) REAPPOINTMENT.—A United States member of the Committee appointed under paragraph (2) may be reappointed for not more than 2 additional 2-year terms.

(4) QUALIFICATIONS.—At least 1 United States member of the Committee appointed under paragraph (2) shall be an individual who—

(A) by reason of knowledge, experience, or training, is especially qualified in accounting, auditing, budget analysis, compliance, grant administration, program management, or international economics; and

(B) possesses not less than 5 years of full-time experience in accounting, auditing, budget analysis, compliance, grant administration, program management, or international economics.

(5) NOTICE.—

(A) IN GENERAL.—Not later than 90 days after the date of appointment of a United States member under paragraph (2), the Secretary of the Interior shall notify the appropriate committees of Congress that an individual has been appointed as a voting member of the Committee under that paragraph, including a statement attesting to the qualifications of the member described in paragraph (4), subject to subparagraph (B).

(B) REQUIREMENT.—For purposes of a statement required under subparagraph (A), in the case of a member appointed under paragraph (2)(A), the Secretary of the Interior shall compile information on the member provided to the Secretary of the Interior by the Secretary of State on request of the Secretary of the Interior.

(6) REPORTS TO CONGRESS.—Not later than 90 days after the date on which the Committee receives or completes any report required under the 2023 Amended U.S.-RMI Compact, or any related subsidiary agreement, the Secretary of the Interior shall submit the report to the appropriate committees of Congress.

(7) NOTICE TO CONGRESS.—Not later than 90 days after the date on which the Government of the Republic of the Marshall Islands submits to the Committee a report required under the 2023 Amended U.S.-RMI Compact, or any related subsidiary agreement, the Secretary of the Interior shall submit to the appropriate committees of Congress—

(A) if the report is submitted by the applicable deadline, written notice attesting that the report is complete and accurate; or

(B) if the report is not submitted by the applicable deadline, written notice that the report has not been timely submitted.

(e) UNITED STATES APPOINTEES TO TRUST FUND COMMITTEE.—

(1) IN GENERAL.—The 3 United States voting members (which are composed of the United States chair and 2 other members from the Government of the United States) to the Trust Fund Committee established pursuant to the agreement described in section 462(b)(5) of the 2003 Amended U.S.-RMI Compact (referred to in this subsection as the "Committee") shall continue to be officers or employees of the Federal Government.

(2) TERM; APPOINTMENT.—The 3 United States members of the Committee described in paragraph (1) shall be appointed for a term not more than 5 years as follows:

(A) 1 member shall be appointed by the Secretary of State.

(B) 1 member shall be appointed by the Secretary of the Interior.

(C) 1 member shall be appointed by the Secretary of the Treasury.

(3) REAPPOINTMENT.—A United States member of the Committee appointed under paragraph (2) may be reappointed for not more than 2 additional 2-year terms.

(4) QUALIFICATIONS.—Not fewer than 2 members of the Committee appointed under paragraph (2) shall be individuals who—

(A) by reason of knowledge, experience, or training, are especially qualified in accounting, auditing, budget analysis, compliance, financial investment, grant administration, program management, or international economics; and

(B) possess not less than 5 years of full-time experience in accounting, auditing, budget analysis, compliance, financial investment, grant administration, program management, or international economics.

(5) NOTICE.—

(A) IN GENERAL.—Not later than 90 days after the date of appointment of a United States Member under paragraph (2), the Secretary of the Interior shall notify the appropriate committees of Congress that an

individual has been appointed as a voting member of the Committee under that paragraph, including a statement attesting to the qualifications of the appointee described in paragraph (4), subject to subparagraph (B).

(B) REQUIREMENT.—For purposes of a statement required under subparagraph (A)—

(i) in the case of a member appointed under paragraph (2)(A), the Secretary of the Interior shall compile information on the member provided to the Secretary of the Interior by the Secretary of State on request of the Secretary of the Interior; and

(ii) in the case of a member appointed under paragraph (2)(C), the Secretary of the Interior shall compile information on the member provided to the Secretary of the Interior by the Secretary of the Treasury on request of the Secretary of the Interior.

(6) REPORTS TO CONGRESS.—Not later than 90 days after the date on which the Committee receives or completes any report required under the 2023 Amended U.S.-RMI Compact, or any related subsidiary agreement, the Secretary of the Interior shall submit the report to the appropriate committees of Congress.

(7) NOTICE TO CONGRESS.—Not later than 90 days after the date on which the Government of the Republic of the Marshall Islands submits to the Committee a report required under the 2023 Amended U.S.-RMI Compact, or any related subsidiary agreement, the Secretary of the Interior shall submit to the appropriate committees of Congress—

(A) if the report is submitted by the applicable deadline, written notice attesting that the report is complete and accurate; or

(B) if the report is not submitted by the applicable deadline, written notice that the report has not been timely submitted.

(f) FOUR ATOLL HEALTH CARE PROGRAM.—Congress reaffirms that—

(1) section 103(j)(1) of the Compact of Free Association Act of 1985 (48 U.S.C. 1903(j)(1)) and section 103(h)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(h)(1)) provided that services "provided by the United States Public Health Service or any other United States agency pursuant to section 1(a) of Article II of the Agreement for the Implementation of Section 177 of the Compact (hereafter in this subsection referred to as the 'Section 177 Agreement') shall be only for services to the people of the Atolls of Bikini, Enewetak, Rongelap, and Utrik who were affected by the consequences of the United States nuclear testing program,

pursuant to the program described in Public Law 95–134 and Public Law 96–205 and their descendants (and any other persons identified as having been so affected if such identification occurs in the manner described in such public laws). Nothing in this subsection shall be construed as prejudicial to the views or policies of the Government of the Marshall Islands as to the persons affected by the consequences of the United States nuclear testing program.";

(2) section 103(j)(2) of the Compact of Free Association Act of 1985 (48 U.S.C. 1903(j)(2)) and section 103(h)(2) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(h)(2)) provided that "at the end of the first year after the effective date of the Compact and at the end of each year thereafter, the providing agency or agencies shall return to the Government of the Marshall Islands any unexpended funds to be returned to the Fund Manager (as described in Article I of the Section 177 Agreement) to be covered into the Fund to be available for future use."; and

(3) section 103(j)(3) of the Compact of Free Association Act of 1985 (48 U.S.C. 1903(j)(3)) and section 103(h)(3) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(h)(3)) provided that "the Fund Manager shall retain the funds returned by the Government of the Marshall Islands pursuant to paragraph (2) of this subsection, shall invest and manage such funds, and at the end of 15 years after the effective date of the Compact, shall make from the total amount so retained and the proceeds thereof annual disbursements sufficient to continue to make payments for the provision of health services as specified in paragraph (1) of this subsection to such extent as may be provided in contracts between the Government of the Marshall Islands and appropriate United States providers of such health services.".

(g) RADIOLOGICAL HEALTH CARE PROGRAM.—Notwithstanding any other provision of law, on the request of the Government of the Republic of the Marshall Islands, the President (through an appropriate department or agency of the United States) shall continue to provide special medical care and logistical support for the remaining members of the population of Rongelap and Utrik who were exposed to radiation resulting from the 1954 United States thermonuclear "Bravo" test, pursuant to Public Law 95–134 (91 Stat. 1159) and Public Law 96–205 (94 Stat. 84).

(h) AGRICULTURAL AND FOOD PROGRAMS.—

(1) IN GENERAL.—Congress reaffirms that—

(A) section 103(h)(2) of the Compact of Free Association Act of 1985 (48 U.S.C. 1903(h)(2)) and section 103(f)(2)(A) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(f)(2)(A)) provided that notwithstanding "any other provision of law, upon the

request of the Government of the Marshall Islands, for the first fifteen years after the effective date of the Compact, the President (either through an appropriate department or agency of the United States or by contract with a United States firm or by a grant to the Government of the Republic of the Marshall Islands which may further contract only with a United States firm or a Republic of the Marshall Islands firm, the owners, officers and majority of the employees of which are citizens of the United States or the Republic of the Marshall Islands) shall provide technical and other assistance without reimbursement, to continue the planting and agricultural maintenance program on Enewetak; without reimbursement, to continue the food programs of the Bikini, Rongelap, Utrik, and Enewetak people described in section 1(d) of Article II of the Subsidiary Agreement for the Implementation of Section 177 of the Compact and for continued waterborne transportation of agricultural products to Enewetak including operations and maintenance of the vessel used for such purposes.";

(B) section 103(h)(2) of the Compact of Free Association Act of 1985 (48 U.S.C. 1903(h)(2)) and section 103(f)(2)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(f)(2)(B)) provided that "The President shall ensure the assistance provided under these programs reflects the changes in the population since the inception of such programs."; and

(C) section 103(h)(3) of the Compact of Free Association Act of 1985 (48 U.S.C. 1903(h)(3)) and section 103(f)(3) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(f)(3)) provided that "payments under this subsection shall be provided to such extent or in such amounts as are necessary for services and other assistance provided pursuant to this subsection. It is the sense of Congress that after the periods of time specified in paragraphs (1) and (2) of this subsection, consideration will be given to such additional funding for these programs as may be necessary.".

(2) PLANTING AND AGRICULTURAL MAINTENANCE PROGRAM.—The Secretary of the Interior may provide grants to the Government of the Republic of the Marshall Islands to carry out a planting and agricultural maintenance program on Bikini, Enewetak, Rongelap, and Utrik.

(3) FOOD PROGRAMS.—The Secretary of Agriculture may provide, without reimbursement, food programs to the people of the Republic of the Marshall Islands.

SEC. 1407. AGREEMENTS WITH AND OTHER PROVISIONS RELATED TO THE REPUBLIC OF PALAU.

(a) BILATERAL ECONOMIC CONSULTATIONS.—United States participation in the annual economic consultations referred to in Article 8 of the 2023 U.S.-Palau Compact Review Agreement shall be by officers or employees of the Federal Government.

(b) ECONOMIC ADVISORY GROUP.—

(1) QUALIFICATIONS.—A member of the Economic Advisory Group described in Article 7 of the 2023 U.S.-Palau Compact Review Agreement (referred to in this subsection as the "Advisory Group") who is appointed by the Secretary of the Interior shall be an individual who, by reason of knowledge, experience, or training, is especially qualified in private sector business development, economic development, or national development.

(2) FUNDS.—With respect to the Advisory Group, the Secretary of the Interior may use available funds for—

(A) the costs of the 2 members of the Advisory Group designated by the United States in accordance with Article 7 of the 2023 U.S.-Palau Compact Review Agreement;

(B) 50 percent of the costs of the 5th member of the Advisory Group designated by the Secretary of the Interior in accordance with the Article described in subparagraph (A); and

(C) the costs of—

(i) technical and administrative assistance for the Advisory Group; and

(ii) other support necessary for the Advisory Group to accomplish the purpose of the Advisory Group.

(3) REPORTS TO CONGRESS.—Not later than 90 days after the date on which the Advisory Group receives or completes any report required under the 2023 U.S.-Palau Compact Review Agreement, or any related subsidiary agreement, the Secretary of the Interior shall submit the report to the appropriate committees of Congress.

(c) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after the date on which the Government of the Republic of Palau completes any report required under the 2023 U.S.-Palau Compact Review Agreement, or any related subsidiary agreement, the Secretary of the Interior shall submit the report to the appropriate committees of Congress.

(2) NOTICE TO CONGRESS.—Not later than 90 days after the date on which the Government of the Republic of Palau submits a report required under the 2023 U.S.-Palau Compact Review Agreement, or any related subsidiary agreement, the Secretary of the Interior shall submit to the appropriate committees of Congress—

(A) if the report is submitted by the applicable deadline, written notice attesting that the report is complete and accurate; or

(B) if the report is not submitted by the applicable deadline, written notice that the report has not been timely submitted.

SEC. 1408. OVERSIGHT PROVISIONS.

(a) AUTHORITIES AND DUTIES OF THE COMPTROLLER GENERAL OF THE UNITED STATES.—

(1) IN GENERAL.—The Comptroller General of the United States (including any duly authorized representative of the Comptroller General of the United States) shall have the authorities necessary to carry out the responsibilities of the Comptroller General of the United States under—

(A) the 2023 Amended U.S.-FSM Compact and related subsidiary agreements, including the authorities and privileges described in section 102(b) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921a(b));

(B) the 2023 Amended U.S.-RMI Compact and related subsidiary agreements, including the authorities and privileges described in section 103(k) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(k)); and

(C) the 2023 U.S.-Palau Compact Review Agreement, related subsidiary agreements, and the authorities described in appendix D of the "Agreement between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review" signed by the United States and the Republic of Palau on September 3, 2010.

(2) REPORTS.—Not later than 18 months after the date of the enactment of this Act, and every 4 years thereafter, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report with respect to the Freely Associated States, including addressing—

(A) the topics described in subparagraphs (A) through (E) of section 104(h)(1) of the Compact of Free Association Amendments Act of 2003

(48 U.S.C. 1921c(h)(1)), except that for purposes of a report submitted under this paragraph, the report shall address those topics with respect to each of the Freely Associated States; and

(B) the effectiveness of administrative oversight by the United States of the Freely Associated States.

(b) SECRETARY OF THE INTERIOR OVERSIGHT AUTHORITY.—The Secretary of the Interior shall have the authority necessary to fulfill the responsibilities for monitoring and managing the funds appropriated to the Compact of Free Association account of the Department of the Interior by section 1411(a) to carry out—

(1) the 2023 Amended U.S.-FSM Compact;

(2) the 2023 Amended U.S.-RMI Compact;

(3) the 2023 U.S.-Palau Compact Review Agreement; and

(4) subsidiary agreements.

(c) POSTMASTER GENERAL OVERSIGHT AUTHORITY.—The Postmaster General shall have the authority necessary to fulfill the responsibilities for monitoring and managing the funds appropriated to the United States Postal Service under paragraph (1) of section 1411(b) and deposited in the Postal Service Fund under paragraph (2)(A) of that section to carry out—

(1) section 221(a)(2) of the 2023 Amended U.S.-FSM Compact;

(2) section 221(a)(2) of the 2023 Amended U.S.-RMI Compact;

(3) section 221(a)(2) of the U.S.-Palau Compact; and

(4) Article 6(a) of the 2023 U.S.-Palau Compact Review Agreement.

(d) INTERAGENCY GROUP ON FREELY ASSOCIATED STATES.—

(1) ESTABLISHMENT.—The President, in consultation with the Secretary of State, the Secretary of the Interior, and the Secretary of Defense, shall establish an Interagency Group on Freely Associated States (referred to in this subsection as the “Interagency Group”).

(2) PURPOSE.—The purposes of the Interagency Group are—

(A) to coordinate development and implementation of executive branch policies, programs, services, and other activities in or relating to the Freely Associated States; and

(B) to provide policy guidance, recommendations, and oversight to Federal agencies, departments, and instrumentalities with respect to the implementation of—

(i) the 2023 Amended U.S.-FSM Compact;

(ii) the 2023 Amended U.S.-RMI Compact; and

(iii) the 2023 U.S.-Palau Compact Review Agreement.

(3) MEMBERSHIP.—The Interagency Group shall consist of—

(A) the Secretary of State, who shall serve as co-chair of the Interagency Group;

(B) the Secretary of the Interior, who shall serve as co-chair of the Interagency Group;

(C) the Secretary of Defense;

(D) the Secretary of the Treasury;

(E) the heads of relevant Federal agencies, departments, and instrumentalities carrying out obligations under—

(i) sections 131 and 132 of the 2003 Amended U.S.-FSM Compact and subsections (a) and (b) of section 221 and section 261 of the 2023 Amended U.S.-FSM Compact;

(ii) sections 131 and 132 of the 2003 Amended U.S.-RMI Compact and subsections (a) and (b) of section 221 and section 261 of the 2023 Amended U.S.-RMI Compact;

(iii) sections 131 and 132 and subsections (a) and (b) of section 221 of the U.S.-Palau Compact;

(iv) Article 6 of the 2023 U.S.-Palau Compact Review Agreement;

(v) any applicable subsidiary agreement; and

(vi) section 1409; and

(F) the head of any other Federal agency, department, or instrumentality that the Secretary of State or the Secretary of the Interior may designate.

(4) DUTIES OF SECRETARY OF STATE AND SECRETARY OF THE INTERIOR.—The Secretary of State (or a senior official designee of the Secretary of State) and the Secretary of the Interior (or a senior official designee of the Secretary of the Interior) shall—

(A) co-lead and preside at a meeting of the Interagency Group not less frequently than annually;

(B) determine, in consultation with the Secretary of Defense, the agenda for meetings of the Interagency Group; and

(C) facilitate and coordinate the work of the Interagency Group.

(5) DUTIES OF THE INTERAGENCY GROUP.—The Interagency Group shall—

(A) provide advice on the establishment or implementation of policies relating to the Freely Associated States to the President, acting through the Office of Intergovernmental Affairs, in the form of a written report not less frequently than annually;

(B) obtain information and advice relating to the Freely Associated States from the Presidents, other elected officials, and members of civil society of the Freely Associated States, including through the members of the Interagency Group (including senior official designees of the members) meeting not less frequently than annually with any Presidents of the Freely Associated States who elect to participate;

(C) at the request of the head of any Federal agency (or a senior official designee of the head of a Federal agency) who is a member of the Interagency Group, promptly review and provide advice on a policy or policy implementation action affecting 1 or more of the Freely Associated States proposed by the Federal agency, department, or instrumentality; and

(D) facilitate coordination of relevant policies, programs, initiatives, and activities involving 1 or more of the Freely Associated States, including ensuring coherence and avoiding duplication between programs, initiatives, and activities conducted pursuant to a Compact with a Freely Associated State and non-Compact programs, initiatives, and activities.

(6) REPORTS.—Not later than 1 year after the date of the enactment of this joint resolution and each year thereafter in which a Compact of Free

Association with a Freely Associated State is in effect, the President shall submit to the majority leader and minority leader of the Senate, the Speaker and minority leader of the House of Representatives, and the appropriate committees of Congress a report that describes the activities and recommendations of the Interagency Group during the applicable year.

(e) FEDERAL AGENCY COORDINATION.—The head of any Federal agency providing programs and services to the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau shall coordinate with the Secretary of the Interior and the Secretary of State regarding the provision of the programs and services.

(f) FOREIGN LOANS OR DEBT.—Congress reaffirms that—

(1) the foreign loans or debt of the Government of the Federated States of Micronesia, the Government of the Republic of the Marshall Islands, or the Government of the Republic of Palau shall not constitute an obligation of the United States; and

(2) the full faith and credit of the United States Government shall not be pledged for the payment and performance of any foreign loan or debt referred to in paragraph (1) without specific further authorization.

(g) COMPACT COMPILATION.—Not later than 180 days after the date of enactment of this joint resolution, the Secretary of the Interior shall submit a report to the appropriate committees of Congress that includes a compilation of the Compact of Free Association with the Federated State of Micronesia, the Compact of Free Association with the Republic of Palau, and the Compact of Free Association with Republic of the Marshall Islands.

(h) PUBLICATION; REVISION BY OFFICE OF THE LAW REVISION COUNSEL.—

(1) PUBLICATION.—In publishing this joint resolution in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end an appendix setting forth the text of—

(A) the 2023 Agreement to Amend the U.S.-FSM Compact; and

(B) the 2023 Agreement to Amend the U.S.-RMI Compact.

(2) REVISION BY OFFICE OF THE LAW REVISION COUNSEL.—The Office of the Law Revision Counsel is directed to revise—

(A) the 2003 Amended U.S.-FSM Compact set forth in the note following section 1921 of title 48, United States Code, to reflect the amendments to the 2003 Amended U.S.-FSM Compact made by the 2023 Agreement to Amend the U.S.-FSM Compact; and

(B) the 2003 Amended U.S.-RMI Compact set forth in the note following section 1921 of title 48, United States Code, to reflect the amendments to the 2003 Amended U.S.-RMI Compact made by the 2023 Agreement to Amend the U.S.-RMI Compact.

SEC. 1409. UNITED STATES POLICY REGARDING THE FREELY ASSOCIATED STATES.

(a) AUTHORIZATION FOR VETERANS' SERVICES.—

(1) DEFINITION OF FREELY ASSOCIATED STATES.—In this subsection, the term "Freely Associated States" means—

(A) the Federated States of Micronesia, during such time as it is a party to the Compact of Free Association set forth in section 201 of the Compact of Free Association Act of 1985 (Public Law 99–239; 48 U.S.C. 1901 note);

(B) the Republic of the Marshall Islands, during such time as it is a party to the Compact of Free Association set forth in section 201 of the Compact of Free Association Act of 1985 (Public Law 99–239; 48 U.S.C. 1901 note); and

(C) the Republic of Palau, during such time as it is a party to the Compact of Free Association between the United States and the Government of Palau set forth in section 201 of Joint Resolution entitled "Joint Resolution to approve the 'Compact of Free Association' between the United States and the Government of Palau, and for other purposes" (Public Law 99–658; 48 U.S.C. 1931 note).

(2) HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME CARE ABROAD.—Section 1724 of title 38, United States Code, is amended—

(A) in subsection (a), by striking "subsections (b) and (c)" and inserting "subsections (b), (c), and (f)"; and

(B) by adding at the end the following:

"(f) (1) (A) The Secretary may furnish hospital care and medical services in the Freely Associated States, subject to agreements the Secretary shall enter into with

the governments of the Freely Associated States as described in section 2009(a)(4)(A) of the Compact of Free Association Amendments Act of 2024, and subject to subparagraph (B), to a veteran who is otherwise eligible to receive hospital care and medical services.

"(B) The agreements described in subparagraph (A) shall incorporate, to the extent practicable, the applicable laws of the Freely Associated States and define the care and services that can be legally provided by the Secretary in the Freely Associated States.

"(2) In furnishing hospital care and medical services under paragraph (1), the Secretary may furnish hospital care and medical services through—

"(A) contracts or other agreements;

"(B) reimbursement; or

"(C) the direct provision of care by health care personnel of the Department.

"(3) In furnishing hospital care and medical services under paragraph (1), the Secretary may furnish hospital care and medical services for any condition regardless of whether the condition is connected to the service of the veteran in the Armed Forces.

"(4) (A) A veteran who has received hospital care or medical services in a country pursuant to this subsection shall remain eligible, to the extent determined advisable and practicable by the Secretary, for hospital care or medical services in that country regardless of whether the country continues to qualify as a Freely Associated State for purposes of this subsection.

"(B) If the Secretary determines it is no longer advisable or practicable to allow veterans described in subparagraph (A) to remain eligible for hospital care or medical services pursuant to such subparagraph, the Secretary shall—

"(i) provide direct notice of that determination to such veterans; and

"(ii) publish that determination and the reasons for that determination in the Federal Register.

"(5) In this subsection, the term 'Freely Associated States' means—

"(A) the Federated States of Micronesia, during such time as it is a party to the Compact of Free Association set forth in section 201 of the Compact of Free Association Act of 1985 (Public Law 99–239; 48 U.S.C. 1901 note);

"(B) the Republic of the Marshall Islands, during such time as it is a party to the Compact of Free Association set forth in section 201 of the Compact of Free Association Act of 1985 (Public Law 99–239; 48 U.S.C. 1901 note); and

"(C) the Republic of Palau, during such time as it is a party to the Compact of Free Association between the United States and the Government of Palau set forth in section 201 of Joint Resolution entitled 'Joint Resolution to approve the 'Compact of Free Association' between the United States and the Government of Palau, and for other purposes' (Public Law 99–658; 48 U.S.C. 1931 note).".

(3) BENEFICIARY TRAVEL.—Section 111 of title 38, United States Code, is amended by adding at the end the following:

"(h) (1) Notwithstanding any other provision of law, the Secretary may make payments to or for any person traveling in, to, or from the Freely Associated States for receipt of care or services authorized to be legally provided by the Secretary in the Freely Associated States under section 1724(f)(1) of this title.

"(2) A person who has received payment for travel in a country pursuant to this subsection shall remain eligible for payment for such travel in that country regardless of whether the country continues to qualify as a Freely Associated State for purposes of this subsection.

"(3) The Secretary shall prescribe regulations to carry out this subsection.

"(4) In this subsection, the term 'Freely Associated States' means—

"(A) the Federated States of Micronesia, during such time as it is a party to the Compact of Free Association set forth in section 201 of the Compact of Free Association Act of 1985 (Public Law 99–239; 48 U.S.C. 1901 note);

"(B) the Republic of the Marshall Islands, during such time as it is a party to the Compact of Free Association set forth in section 201 of the Compact of Free Association Act of 1985 (Public Law 99–239; 48 U.S.C. 1901 note); and

"(C) the Republic of Palau, during such time as it is a party to the Compact of Free Association between the United States and the Government of Palau set forth in section 201 of Joint Resolution entitled 'Joint Resolution to approve the 'Compact of Free Association' between the United States and the Government of Palau, and for other purposes' (Public Law 99–658; 48 U.S.C. 1931 note).".

(4) LEGAL ISSUES.—

(A) AGREEMENTS TO FURNISH CARE AND SERVICES.—

(i) IN GENERAL.—Before delivering hospital care or medical services under subsection (f) of section 1724 of title 38, United States Code, as added by paragraph (2)(B), the Secretary of Veterans Affairs, in consultation with the Secretary of State, shall enter into agreements with the governments of the Freely Associated States to—

(I) facilitate the furnishing of health services, including telehealth, under the laws administered by the Secretary of Veterans Affairs, to veterans in the Freely Associated States, such as by addressing—

(aa) licensure, certification, registration, and tort issues relating to health care personnel;

(bb) the scope of health services the Secretary may furnish, as well as the means for furnishing such services; and

(cc) matters relating to delivery of pharmaceutical products and medical surgical products, including delivery of such products through the Consolidated Mail Outpatient Pharmacy of the Department of Veterans Affairs, to the Freely Associated States;

(II) clarify the authority of the Secretary of Veterans Affairs to pay for tort claims as set forth under subparagraph (C); and

(III) clarify authority and responsibility on any other matters determined relevant by the Secretary of Veterans Affairs or the governments of the Freely Associated States.

(ii) SCOPE OF AGREEMENTS.—The agreements described in clause (i) shall incorporate, to the extent practicable, the applicable laws of the Freely Associated States and define the care and services that can be legally provided by the Secretary of Veterans Affairs in the Freely Associated States.

(iii) REPORT TO CONGRESS.—

(I) IN GENERAL.—Not later than 90 days after entering into an agreement described in clause (i), the Secretary of Veterans Affairs shall submit the agreement to the appropriate committees of Congress.

(II) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this clause, the term "appropriate committees of Congress" means—

(aa) the Committee on Energy and Natural Resources, the Committee on Foreign Relations, and the Committee on Veterans' Affairs of the Senate; and

(bb) the Committee on Natural Resources, the Committee on Foreign Affairs, and the Committee on Veterans' Affairs of the House of Representatives.

(B) LICENSURE OF HEALTH CARE PROFESSIONALS PROVIDING TREATMENT VIA TELEMEDICINE IN THE FREELY ASSOCIATED STATES.—Section 1730C(a) of title 38, United States Code, is amended by striking "any State" and inserting "any State or any of the Freely Associated States (as defined in section 1724(f) of this title)".

(C) PAYMENT OF CLAIMS.—The Secretary of Veterans Affairs may pay tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in the Freely Associated States in connection with furnishing hospital care or medical services or providing medical consultation or medical advice to a veteran under the laws administered by the Secretary, including through a remote or telehealth program.

(5) OUTREACH AND ASSESSMENT OF OPTIONS.—During the 1-year period beginning on the date of enactment of this joint resolution, the Secretary of Veterans Affairs shall, subject to the availability of appropriations—

(A) conduct robust outreach to, and engage with, each government of the Freely Associated States;

(B) assess options for the delivery of care through the use of authorities provided pursuant to the amendments made by this subsection; and

(C) increase staffing as necessary to conduct outreach under subparagraph (A).

(b) AUTHORIZATION OF EDUCATION PROGRAMS.—

(1) ELIGIBILITY.—For fiscal year 2024 and each fiscal year thereafter, the Government of the United States shall—

(A) continue to make available to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, grants for services to individuals eligible for such services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) to the extent that those services continue to be available to individuals in the United States;

(B) continue to make available to the Federated States of Micronesia and the Republic of the Marshall Islands and make available to the Republic of Palau, competitive grants under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), and part D of the Individuals with Disabilities Education Act (20 U.S.C. 1450 et seq.), to the extent that those grants continue to be available to State and local governments in the United States;

(C) continue to make grants available to the Republic of Palau under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), the Adult Education and Family Literacy Act (29 U.S.C. 3271 et seq.), and the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);

(D) continue to make available to eligible institutions of higher education in the Republic of Palau and make available to eligible institutions of higher education in the Federated States of Micronesia and the Republic of the Marshall Islands and to students enrolled in those institutions of higher education, and to students who are citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau and enrolled in institutions of higher education in the United States and territories of the United States, grants under—

(i) subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.);

(ii) subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.); and

(iii) part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq.);

(E) require, as a condition of eligibility for a public institution of higher education in any State (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) that is not a Freely Associated State to participate in or receive funds under any program under title IV of such Act (20 U.S.C. 1070 et seq.), that the institution charge students who are citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau tuition for attendance at a rate that is not greater than the rate charged for residents of the State in which such public institution of higher education is located; and

(F) continue to make available, to eligible institutions of higher education, secondary schools, and nonprofit organizations in the Federated

States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, competitive grants under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(2) OTHER FORMULA GRANTS.—Except as provided in paragraph (1), the Secretary of Education shall not make a grant under any formula grant program administered by the Department of Education to the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.

(3) GRANTS TO THE FREELY ASSOCIATED STATES UNDER PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 611(b)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(b)(1)) is amended by striking subparagraph (A) and inserting the following:

"(A) FUNDS RESERVED.—From the amount appropriated for any fiscal year under subsection (i), the Secretary shall reserve not more than 1 percent, which shall be used as follows:

"(i) To provide assistance to the outlying areas in accordance with their respective populations of individuals aged 3 through 21.

"(ii) (I) To provide each freely associated State a grant so that no freely associated State receives a lesser share of the total funds reserved for the freely associated State than the freely associated State received of those funds for fiscal year 2023.

"(II) Each freely associated State shall establish its eligibility under this subparagraph consistent with the requirements for a State under section 612.

"(III) The funds provided to each freely associated State under this part may be used to provide, to each infant or toddler with a disability (as defined in section 632), either a free appropriate public education, consistent with section 612, or early intervention services consistent with part C, notwithstanding the application and eligibility requirements of sections 634(2), 635, and 637.".

(4) TECHNICAL AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(A) by striking subparagraph (A) of section 1121(b)(1) (20 U.S.C. 6331(b)(1)) and inserting the following:

"(A) first reserve $1,000,000 for the Republic of Palau, subject to such terms and conditions as the Secretary may establish, except that Public Law 95–134, permitting the consolidation of grants, shall not apply; and"; and

(B) in section 8101 (20 U.S.C. 7801), by amending paragraph (36) to read as follows:

"(36) OUTLYING AREA.—The term 'outlying area'—

"(A) means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands; and

"(B) for the purpose of any discretionary grant program under this Act, includes the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, to the extent that any such grant program continues to be available to State and local governments in the United States.".

(5) TECHNICAL AMENDMENT TO THE COMPACT OF FREE ASSOCIATION AMENDMENTS ACT OF 2003.—Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended by striking clause (ix).

(6) HEAD START PROGRAMS.—

(A) DEFINITIONS.—Section 637 of the Head Start Act (42 U.S.C. 9832) is amended, in the paragraph defining the term "State", by striking the second sentence and inserting "The term 'State' includes the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.".

(B) ALLOTMENT OF FUNDS.—Section 640(a)(2)(B) of the Head Start Act (42 U.S.C. 9835(a)(2)(B)) is amended—

(i) in clause (iv), by inserting "the Republic of Palau," before "and the Virgin Islands"; and

(ii) by amending clause (v) to read as follows:

"(v) if a base grant has been established through appropriations for the Federated States of Micronesia or the Republic of the Marshall Islands, to provide an amount for that jurisdiction (for Head Start agencies (including Early Head Start agencies) in the jurisdiction) that is equal to the amount provided for base grants for such jurisdiction under this subchapter for the prior fiscal year, by allotting to each

agency described in this clause an amount equal to that agency's base grant for the prior fiscal year; and".

(7) COORDINATION REQUIRED.—The Secretary of the Interior, in coordination with the Secretary of Education and the Secretary of Health and Human Services, as applicable, shall, to the maximum extent practicable, coordinate with the 3 United States appointees to the Joint Economic Management Committee described in section 1405(b)(1) and the 2 United States appointees to the Joint Economic Management and Financial Accountability Committee described in section 1406(d)(1) to avoid duplication of economic assistance for education provided under section 261(a)(1) of the 2023 Amended U.S.-FSM Compact or section 261(a)(1) of the 2023 Amended U.S.-RMI Compact of activities or services provided under—

(A) the Head Start Act (42 U.S.C. 9831 et seq.);

(B) subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.); or

(C) part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq.).

(c) AUTHORIZATION OF DEPARTMENT OF DEFENSE PROGRAMS.—

(1) DEPARTMENT OF DEFENSE MEDICAL FACILITIES.—The Secretary of Defense shall make available, on a space available and reimbursable basis, the medical facilities of the Department of Defense for use by citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, who are properly referred to the facilities by government authorities responsible for provision of medical services in the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and the affected jurisdictions (as defined in section 104(e)(2) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c(e)(2))).

(2) PARTICIPATION BY SECONDARY SCHOOLS IN THE ARMED SERVICES VOCATIONAL APTITUDE BATTERY STUDENT TESTING PROGRAM.—It is the sense of Congress that the Department of Defense may extend the Armed Services Vocational Aptitude Battery (ASVAB) Student Testing Program and the ASVAB Career Exploration Program to selected secondary schools in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau to the extent such programs are available to Department of Defense dependent secondary schools established under section 2164 of title 10, United States Code, and located outside the United States.

(d) JUDICIAL TRAINING.—In addition to amounts provided under section 261(a)(4) of the 2023 Amended U.S.-FSM Compact and the 2023 Amended U.S.-RMI Compact and under subsections (a) and (b) of Article 1 of the 2023 U.S.-Palau Compact Review Agreement, for each of fiscal years 2024 through 2043, the Secretary of the Interior shall use the amounts made available to the Secretary of the Interior under section 1411(c) to train judges and officials of the judiciary in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, in cooperation with the Pacific Islands Committee of the judicial council of the ninth judicial circuit of the United States.

(e) ELIGIBILITY FOR THE REPUBLIC OF PALAU.—

(1) NATIONAL HEALTH SERVICE CORPS.—The Secretary of Health and Human Services shall make the services of the National Health Service Corps available to the residents of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau to the same extent, and for the same duration, as services are authorized to be provided to persons residing in any other areas within or outside the United States.

(2) ADDITIONAL PROGRAMS AND SERVICES.—The Republic of Palau shall be eligible for the programs and services made available to the Federated States of Micronesia and the Republic of the Marshall Islands under section 108(a) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921g(a)).

(3) PROGRAMS AND SERVICES OF CERTAIN AGENCIES.—In addition to the programs and services set forth in the operative Federal Programs and Services Agreement between the United States and the Republic of Palau, the programs and services of the following agencies shall be made available to the Republic of Palau:

(A) The Legal Services Corporation.

(B) The Public Health Service.

(C) The Rural Housing Service.

(f) COMPACT IMPACT FAIRNESS.—

(1) IN GENERAL.—Section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612) is amended—

(A) in subsection (a)(2), by adding at the end the following:

"(N) EXCEPTION FOR CITIZENS OF FREELY ASSOCIATED STATES.—With respect to eligibility for benefits for any specified

Federal program, paragraph (1) shall not apply to any individual who lawfully resides in the United States in accordance with section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau."; and

(B) in subsection (b)(2)(G)—

(i) in the subparagraph heading, by striking "MEDICAID EXCEPTION FOR" and inserting "EXCEPTION FOR"; and

(ii) by striking "the designated Federal program defined in paragraph (3)(C) (relating to the Medicaid program)" and inserting "any designated Federal program".

(2) EXCEPTION TO 5-YEAR WAIT REQUIREMENT.—Section 403(b)(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(b)(3)) is amended by striking ", but only with respect to the designated Federal program defined in section 402(b)(3)(C)".

(3) DEFINITION OF QUALIFIED ALIEN.—Section 431(b)(8) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)(8)) is amended by striking ", but only with respect to the designated Federal program defined in section 402(b)(3)(C) (relating to the Medicaid program)".

(g) CONSULTATION WITH INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury, in coordination with the Secretary of the Interior and the Secretary of State, shall consult with appropriate officials of the Asian Development Bank and relevant international financial institutions (as defined in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c))), as appropriate, with respect to overall economic conditions in, and the activities of other providers of assistance to, the Freely Associated States.

(h) CHIEF OF MISSION.—Section 105(b) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(b)) is amended by striking paragraph (5) and inserting the following:

"(5) Pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), all United States Government executive branch employees in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau fall under the authority of the respective applicable chief of mission, except for employees identified as excepted from the authority under Federal law or by Presidential directive.".

(i) ESTABLISHMENT OF A UNIT FOR THE FREELY ASSOCIATED STATES IN THE BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS OF THE DEPARTMENT OF STATE AND INCREASING PERSONNEL FOCUSED ON OCEANIA.—

(1) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) REQUIREMENTS.—The Secretary of State shall—

(A) assign additional full-time equivalent personnel to the Office of Australia, New Zealand, and Pacific Island Affairs of the Bureau of East Asian and Pacific Affairs of the Department of State, including to the unit established under subparagraph (B), as the Secretary of State determines to be appropriate, in accordance with paragraph (4)(A); and

(B) establish a unit in the Bureau of East Asian and Pacific Affairs of the Department of State to carry out the functions described in paragraph (3).

(3) FUNCTIONS OF UNIT.—The unit established under paragraph (2)(B) shall be responsible for the following:

(A) Managing the bilateral and regional relations with the Freely Associated States.

(B) Supporting the Secretary of State in leading negotiations relating to the Compacts of Free Association with the Freely Associated States.

(C) Coordinating, in consultation with the Department of the Interior, the Department of Defense, and other interagency partners as appropriate, implementation of the Compacts of Free Association with the Freely Associated States.

(4) FULL-TIME EQUIVALENT EMPLOYEES.—The Secretary of State shall—

(A) not later than 5 years after the date of enactment of this joint resolution, assign to the Office of Australia, New Zealand, and Pacific Island Affairs of the Bureau of East Asian and Pacific Affairs, including to the unit established under paragraph (2)(B), not less than 4 additional full-time equivalent staff, who shall not be dual-hatted, including by considering—

(i) the use of existing flexible hiring authorities, including Domestic Employees Teleworking Overseas (DETOs); and

(ii) the realignment of existing personnel, including from the United States Mission in Australia, as appropriate;

(B) reduce the number of vacant foreign service positions in the Pacific Island region by establishing an incentive program within the Foreign Service for overseas positions related to the Pacific Island region; and

(C) report to the appropriate congressional committees on progress toward objectives outlined in this subsection beginning 1 year from the date of the enactment of this joint resolution and annually thereafter for 5 years.

(j) TECHNICAL ASSISTANCE.—Section 105 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d) is amended by striking subsection (j) and inserting the following:

"(j) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—Technical assistance may be provided pursuant to section 224 of the 2023 Amended U.S.-FSM Compact, section 224 of the 2023 Amended U.S.-RMI Compact, or section 222 of the U.S.-Palau Compact (as those terms are defined in section 1403 of the Compact of Free Association Amendments Act of 2024) by Federal agencies and institutions of the Government of the United States to the extent the assistance shall be provided to States, territories, or units of local government.

"(2) HISTORIC PRESERVATION.—

"(A) IN GENERAL.—Any technical assistance authorized under paragraph (1) that is provided by the Forest Service, the Natural Resources Conservation Service, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the United States Coast Guard, the Advisory Council on Historic Preservation, the Department of the Interior, or any other Federal agency providing assistance under division A of subtitle III of title 54, United States Code, may be provided on a nonreimbursable basis.

"(B) GRANTS.—During the period in which the 2023 Amended U.S.-FSM Compact (as so defined) and the 2023 Amended U.S.-RMI Compact (as so defined) are in force, the grant programs under division A of subtitle III of title 54, United States Code, shall continue to apply to the Federated States of Micronesia and the Republic of the Marshall Islands in

the same manner and to the same extent as those programs applied prior to the approval of the U.S.-FSM Compact and U.S.-RMI Compact.

"(3) ADDITIONAL FUNDS.—Any funds provided pursuant to this subsection, subsections (c), (g), (h), (i), (k), (l), and (m), section 102(a), and subsections (a), (b), (f), (g), (h), and (j) of section 103 shall be in addition to, and not charged against, any amounts to be paid to the Federated States of Micronesia or the Republic of the Marshall Islands pursuant to—

"(A) the U.S.-FSM Compact;

"(B) the U.S.-RMI Compact; or

"(C) any related subsidiary agreement.".

(k) CONTINUING TRUST TERRITORY AUTHORIZATION.—The authorization provided by the Act of June 30, 1954 (68 Stat. 330, chapter 423), shall remain available after the effective date of the 2023 Amended U.S.-FSM Compact and the 2023 Amended U.S.-RMI Compact with respect to the Federated States of Micronesia and the Republic of the Marshall Islands for transition purposes, including—

(1) completion of projects and fulfillment of commitments or obligations;

(2) termination of the Trust Territory Government and termination of the High Court;

(3) health and education as a result of exceptional circumstances;

(4) ex gratia contributions for the populations of Bikini, Enewetak, Rongelap, and Utrik; and

(5) technical assistance and training in financial management, program administration, and maintenance of infrastructure.

(l) TECHNICAL AMENDMENTS.—

(1) PUBLIC HEALTH SERVICE ACT DEFINITION.—Section 2(f) of the Public Health Service Act (42 U.S.C. 201(f)) is amended by striking "and the Trust Territory of the Pacific Islands" and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau".

(2) COMPACT IMPACT AMENDMENTS.—Section 104(e) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c(e)) is amended—

(A) in paragraph (4)—

(i) in subparagraph (A), by striking "beginning in fiscal year 2003" and inserting "during the period of fiscal years 2003 through 2023"; and

(ii) in subparagraph (C), by striking "after fiscal year 2003" and inserting "for the period of fiscal years 2004 through 2023";

(B) by striking paragraph (5); and

(C) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively.

SEC. 14010. ADDITIONAL AUTHORITIES.

(a) AGENCIES, DEPARTMENTS, AND INSTRUMENTALITIES.—

(1) IN GENERAL.—Appropriations to carry out the obligations, services, and programs described in paragraph (2) shall be made directly to the Federal agencies, departments, and instrumentalities carrying out the obligations, services and programs.

(2) OBLIGATIONS, SERVICES, AND PROGRAMS DESCRIBED.—The obligations, services, and programs referred to in paragraphs (1) and (3) are the obligations, services, and programs under—

(A) sections 131 and 132, paragraphs (1) and (3) through (6) of section 221(a), and section 221(b) of the 2023 Amended U.S.-FSM Compact;

(B) sections 131 and 132, paragraphs (1) and (3) through (6) of section 221(a), and section 221(b) of the 2023 Amended U.S.-RMI Compact;

(C) sections 131 and 132 and paragraphs (1), (3), and (4) of section 221(a) of the U.S.-Palau Compact;

(D) Article 6 of the 2023 U.S.-Palau Compact Review Agreement; and

(E) section 1409.

(3) AUTHORITY.—The heads of the Federal agencies, departments, and instrumentalities to which appropriations are made available under paragraph (1) as well as the Federal Deposit Insurance Corporation shall—

(A) have the authority to carry out any activities that are necessary to fulfill the obligations, services, and programs described in paragraph (2); and

(B) use available funds to carry out the activities under subparagraph (A).

(b) ADDITIONAL ASSISTANCE.—Any assistance provided pursuant to section 105(j) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(j)) (as amended by section 1409(j)) and sections 1405(a), 1406(a), 1407(b), and 1409 shall be in addition to and not charged against any amounts to be paid to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau pursuant to—

(1) the 2023 Amended U.S.-FSM Compact;

(2) the 2023 Amended U.S.-RMI Compact;

(3) the 2023 U.S.-Palau Compact Review Agreement; or

(4) any related subsidiary agreement.

(c) REMAINING BALANCES.—Notwithstanding any other provision of law, including section 109 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921h)—

(1) remaining balances appropriated to carry out sections 211, 212(b), 215, and 217 of the 2023 Amended U.S.-FSM Compact, shall be programmed pursuant to Article IX of the 2023 U.S.-FSM Fiscal Procedures Agreement; and

(2) remaining balances appropriated to carry out sections 211, 213(b), 216, and 218 of the 2023 Amended U.S.-RMI Compact, shall be programmed pursuant to Article XI of the 2023 U.S.-RMI Fiscal Procedures Agreement.

(d) GRANTS.—Notwithstanding any other provision of law—

(1) contributions under the 2023 Amended U.S.-FSM Compact, the 2023 U.S.-Palau Compact Review Agreement, and the 2023 Amended U.S.-RMI Compact may be provided as grants for purposes of implementation of the 2023 Amended U.S.-FSM Compact, the 2023 U.S.-Palau Compact Review Agreement, and the 2023 Amended U.S.-RMI Compact under the laws of the United States; and

(2) funds appropriated pursuant to section 1411 may be deposited in interest-bearing accounts and any interest earned may be retained in and form part of those accounts for use consistent with the purpose of the deposit.

(e) RULE OF CONSTRUCTION.—Except as specifically provided, nothing in this joint resolution or the amendments made by this joint resolution amends the following:

(1) Title I of the Compact of Free Association Act of 1985 (48 U.S.C. 1901 et seq.).

(2) Title I of Public Law 99–658 (48 U.S.C. 1931 et seq.).

(3) Title I of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921 et seq.).

(4) Section 1259C of the National Defense Authorization Act for Fiscal Year 2018 (48 U.S.C. 1931 note; Public Law 115–91).

(5) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2018 (Public Law 115–141; 132 Stat. 635).

(f) CLARIFICATION RELATING TO APPROPRIATED FUNDS.—Notwithstanding section 109 of the Compacts of Free Association Amendments Act of 2003 (48 U.S.C. 1921h)—

(1) funds appropriated by that section and deposited into the RMI Compact Trust Fund shall be governed by the 2023 U.S.-RMI Trust Fund Agreement on entry into force of the 2023 U.S.-RMI Trust Fund Agreement;

(2) funds appropriated by that section and deposited into the FSM Compact Trust Fund shall be governed by the 2023 U.S.-FSM Trust Fund Agreement on entry into force of the 2023 U.S.-FSM Trust Fund Agreement;

(3) funds appropriated by that section and made available for fiscal year 2024 or any fiscal year thereafter as grants to carry out the purposes of section 211(b) of the 2003 U.S.-RMI Amended Compact shall be subject to the provisions of the 2023 U.S.-RMI Fiscal Procedures Agreement on entry into force of the 2023 U.S.-RMI Fiscal Procedures Agreement;

(4) funds appropriated by that section and made available for fiscal year 2024 or any fiscal year thereafter as grants to carry out the purposes of section 221 of the 2003 U.S.-RMI Amended Compact shall be subject to the provisions of the 2023 U.S.-RMI Fiscal Procedures Agreement on entry into force of the 2023 U.S.-RMI Fiscal Procedures Agreement, except as modified in the Federal Programs and Services Agreement in force between the United States and the Republic of the Marshall Islands; and

(5) funds appropriated by that section and made available for fiscal year 2024 or any fiscal year thereafter as grants to carry out the purposes of section

221 of the 2003 U.S.-FSM Amended Compact shall be subject to the provisions of the 2023 U.S.-FSM Fiscal Procedures Agreement on entry into force of the 2023 U.S.-FSM Fiscal Procedures Agreement, except as modified in the 2023 U.S.-FSM Federal Programs and Services Agreement.

SEC. 1411. COMPACT APPROPRIATIONS.

(a) FUNDING FOR ACTIVITIES OF THE SECRETARY OF THE INTERIOR.—For the period of fiscal years 2024 through 2043, there are appropriated to the Compact of Free Association account of the Department of the Interior, out of any funds in the Treasury not otherwise appropriated, to remain available until expended, the amounts described in and to carry out the purposes of—

(1) sections 261, 265, and 266 of the 2023 Amended U.S.-FSM Compact;

(2) sections 261, 265, and 266 of the 2023 Amended U.S.-RMI Compact; and

(3) Articles 1, 2, and 3 of the 2023 U.S.-Palau Compact Review Agreement.

(b) FUNDING FOR ACTIVITIES OF THE UNITED STATES POSTAL SERVICE.—

(1) APPROPRIATION.—There is appropriated to the United States Postal Service, out of any funds in the Treasury not otherwise appropriated for each of fiscal years 2024 through 2043, $31,700,000, to remain available until expended, to carry out the costs of the following provisions that are not otherwise funded:

(A) Section 221(a)(2) of the 2023 Amended U.S.-FSM Compact.

(B) Section 221(a)(2) of the 2023 Amended U.S.-RMI Compact.

(C) Section 221(a)(2) of the U.S.-Palau Compact.

(D) Article 6(a) of the 2023 U.S.-Palau Compact Review Agreement.

(2) DEPOSIT.—

(A) IN GENERAL.—The amounts appropriated to the United States Postal Service under paragraph (1) shall be deposited into the Postal Service Fund established under section 2003 of title 39, United States Code, to carry out the provisions described in that paragraph.

(B) REQUIREMENT.—Any amounts deposited into the Postal Service Fund under subparagraph (A) shall be the fiduciary, fiscal, and audit responsibility of the Postal Service.

(c) FUNDING FOR JUDICIAL TRAINING.—There is appropriated to the Secretary of the Interior to carry out section 1409(d) out of any funds in the Treasury not otherwise appropriated, $550,000 for each of fiscal years 2024 through 2043, to remain available until expended.

(d) Treatment of Previously Appropriated Amounts.—The total amounts made available to the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands under subsection (a) shall be reduced by amounts made available to the Government of the Federated States of Micronesia and the Government of the Republic of the Marshall Islands, as applicable, under section 2101(a) of the Continuing Appropriations Act, 2024 and Other Extensions Act (Public Law 118–15; 137 Stat. 81) (as amended by section 101 of division B of the Further Continuing Appropriations and Other Extensions Act, 2024 (Public Law 118–22; 137 Stat. 114) and section 201 of the Further Additional Continuing Appropriations and Other Extensions Act, 2024 (Public Law 118–35; 138 Stat. 7)).

SEC. 14212. RESCISSION OF INFLATION REDUCTION ACT FUNDS

The unobligated balances of amounts appropriated or otherwise made available by each of the following provisions of Public Law 117–169 (commonly referred to as the ‘‘Inflation Reduction Act’’) are hereby permanently rescinded:

(1) Section 50131.

(2) Section 50144.

(4) Section 60114.

(5) Section 60501.

TITLE XV—MISCELANEOUS MATTERS

SEC 1501. COUNTERING THE EVASION OF EXPORT CONTROLS. – Section 1756 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 50 U.S.C. 4815) is amended—

(a) by redesignating subsections (c) and (d) as subsections (d) and (e); and

(b) by inserting after subsection (b) the following new subsection:

"(c) EXPORT CONTROL EVASION RISKS. –

(1) EXPORT CONTROL EVASION RISK DEFINED. – In this Act, the term "export control evasion risk" means any foreign person –

(A) listed pursuant to Section 1754(a)(2) of this Act and subject to restrictions pursuant to Section 1754(a)(4) of this Act; and

(B) domiciled in a country subject to an arms embargo imposed by the United States.

(2) LICENSING POLICIES FOR EXPORT CONTROL EVASION RISKS. – Procedures pursuant to subsection (a) of this section applied to an export control evasion risk shall apply to any person that—

(A) is a successor, subunit, parent company or subsidiary of that export control evasion risk;

(B) is owned or controlled by, or is acting for or on behalf of, directly or indirectly, any person described in subparagraph (A);

(C) owns or controls, directly or indirectly, a person described in subparagraphs (A) and (B); or

(D) is owned or controlled by, directly or indirectly, a person described in subparagraph (C)."

SEC. 1502. TECHNOLOGY CONTROL OPERATING COMMITTEE DECISION MAKING.

Licensing decisions shall be determined by the four agencies on the Operating Committee. Each agency shall 5 have one vote for license applications. A majority vote shall be the Operating Committee's final disposition. In the event of a two-to-two tie vote, a license shall be denied. Escalation to the Advisory Committee on

Export Policy shall only be allowed in instances when agencies on the Operating Committee seek to overturn the approval of a license at the Operating Committee level. All votes at the Operating Committee shall be recorded and transmitted to the House Foreign Affairs Committee and Senate Banking Committee every 30 days.

SEC. 1502. REPORT RELATING TO IDENTIFICATION AND CONTROL OF EMERGING AND FOUNDATIONAL TECHNOLOGIES.

Section 1758 of the Export Control Reform Act of 2018 (50 U.S.C. 4817) is amended by striking subsection (e) and inserting the following:
"(e) REPORT TO CONGRESS.— "(1) IN GENERAL.—Not less frequently than every 90 days, the Secretary, in coordination with the Secretary of Defense, the Secretary of State, the Secretary of Energy, and the heads of other Federal agencies, as appropriate, shall submit to the appropriate congressional committees a report on efforts to identify and control emerging and foundational technologies pursuant to this section.

"(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

"(A) A description of the methods and 2 process used to evaluate and identify such technologies, including— '(i) the agendas and participants for 5 all meetings to discuss technologies during the reporting time period; "(ii) experts within and outside government, including national labs, used to consult on technologies; and "(iii) use of open source and classified information. "(B) Potential methods to improve the evaluation and identification of such technologies, including— "(i) leadership of the interagency process and what agency is best equipped to carry out this requirement. "(ii) the level of financial resources needed; and "(iii) whether the government has existing technical expertise to carry out this requirement or new partnerships or hiring authorities are needed. "(C) An individual description of such technologies evaluated and recommended for identification, including— "(i) what agency proposed the identification; "(ii) the justification for the identification; "(iii) end-uses and end-users of concern that will be able to access the technology; "(iv) foreign availability of the technology and levels of control; "(v) development of the technology in embargoed countries; and "(vi) anticipated impacts, including loss of revenue, on the United States industrial base of the control. "(D) An individual description of such technologies evaluated and not recommended for identification and control, including— "(i) what agency proposed the control; "(ii) what agency objected to the proposed control; "(iii) foreign availability of the technology and levels of control "(iv) end-uses and end-users of concern that will be able to access the technology; "(v) development of the technology in embargoed countries; "(vi) justifications, risk-based and economic analyses, for not establishing controls; and "(vii) anticipated impacts, including gains to revenue that will be used for research and development, on the United States industrial base. "(E) A summary of actions taken pursuant to this section, including actions taken pursuant to this section and

the results of such actions. ‘‘(3) FORM.—The report required by this subsection shall be submitted in unclassified form, but may contain a classified annex. ‘‘(4) DEFINITIONS.—In this section, the term ‘appropriate congressional committees’ means— ‘‘(A) the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; ‘‘(B) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.’’.

SEC. 1503. TRANSFER OF BUREAU OF INDUSTRY AND SECURITY TO THE DEPARTMENT OF STATE. (a) IN GENERAL.—The Bureau of Industry and Security is abolished. (b) TRANSFER OF FUNCTIONS.—There are transferred to the Secretary of State all functions that, on the day before the date of the enactment of this Act, were authorized to be performed by the Bureau of Industry and Security under any statute, reorganization plan, Executive order, or other provision of law. (c) TRANSFER OF ASSETS AND LIABILITIES.—The Secretary of Commerce shall transfer to the Secretary of State all contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions of the Bureau of Industry and Security transferred.

Section 1503. **SHORT TITLE.**

This Act may be cited as the “Telling Everyone the Location of data Leaving the U.S. Act” or the “TELL Act”.

SEC. 1504. COUNTRY DISCLOSURE REQUIREMENTS.

(a) Disclosure Requirements.—Any person that maintains an internet website or that sells or distributes a mobile application that stores and maintains information collected from such website or application in the People’s Republic of China shall disclose to any individual who downloads or otherwise uses such website or application, in a clear and conspicuous manner, the following:

(1) That such information is stored and maintained in the People’s Republic of China.

(2) Whether the Chinese Communist Party or a Chinese State-owned entity has access to such information.

(b) False Information.—It shall be unlawful for a person required to disclose information under subsection (a) to knowingly disclose false information under such subsection.

SEC. 1505. ENFORCEMENT.

(a) Unfair Or Deceptive Acts Or Practices.—A violation of this Act shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) Powers Of Federal Trade Commission.—

(1) IN GENERAL.—The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(2) PRIVILEGES AND IMMUNITIES.—Any person that violates this Act shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

TITLE IVI—LICENSING POLICY FOR NATIONAL SECURITY THREATS

SEC. 1601. REPORT ON LICENSE APPLICATIONS AND OTHER REQUESTS FOR AUTHORIZATION FOR THE EXPORT, REEXPORT, AND IN-COUNTRY TRANSFER OF ITEMS CONTROLLED UNDER PART I OF THE EXPORT CONTROL REFORM ACT OF 2018 TO LISTED ENTITIES THAT THREATEN UNITED STATES NATIONAL SECURITY AND FOREIGN POLICY INTERESTS.

Section 1756 of the Export Control Reform Act of 2018 (50 U.S.C. 4815) is amended by adding at the end

the following:

"(e) REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not less frequently than every 90 days, the Secretary, in coordination with the Secretary of Defense, the Secretary of State, the Secretary of Energy, and the heads of other Federal

agencies, as appropriate, shall submit to the appropriate congressional committees a report on license applications and other requests for authorization for the export, reexport, and in-country transfer of items controlled under this part to covered entities.

"(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

"(A) For each license application or other request for authorization—

"(i) the name of the entity submitting the application (both parent company as well as the subsidiary directly involved), a brief description of the item (including the Export Control Classification Number (ECCN) and level of control, if applicable), the name of the end-user in both English and Chinese characters, the end-user's location (not confined only to entities operating in the People's Republic of China), a value estimate, decision with respect to the license application or authorization, and the date of submission; and

"(ii) the date, location, and result of site inspections, monitoring, and enforce-

ment actions to ensure compliance with the terms of the license or authorization.

"(B) Aggregate statistics on all license applications and other requests for authorization as described in subparagraph (A).

"(3) DEFINITIONS.—In this section:

"(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

"(i) the Committee on Foreign Affairs of the House of Representatives; and

"(ii) the Committee on Banking, Housing, and Urban Affairs of the Senate.

"(B) COVERED ENTITY.—The term 'covered entity' means any entity on—

"(i) the list maintained and set forth in Supplement No. 4 to part 744 of the Export Administration Regulations;

"(ii) the list maintained and set forth in Supplement No. 7 to part 744 of the Export Administration Regulations; or

"(iii) the list maintained and published under section 1237 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701

note) or any successor provision of law.''.

SEC. 702. DESIGNATION ON ENTITY LIST OF ENTITIES IDENTIFIED ON THE DEPARTMENT OF DEFENSE'S CHINESE COMMUNIST PARTY MILITARY LIST.

(a) IN GENERAL.—The Secretary of Commerce shall designate on the list maintained and set forth in Supplement No. 4 to part 744 of the Export Administration Regulations each entity identified on the list maintained and published under section 1237 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note) or any successor provision of law.

(b) LICENSING POLICY.—Any entity designated under subsection (a) shall be required to obtain an export control license from the Department of Commerce under a licensing policy of a presumption of denial.

TITLE IVII—IMMIGRATION

Sec. 1701. **SCRUTINY OF VISAS FOR CHINESE COMMUNIST PARTY MEMBERS.**

(a) Inadmissibility.—Section 212(a)(3)(D) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(D)) is amended—

(1) in the subparagraph heading, by striking "IMMIGRANT MEMBERSHIP" and inserting "MEMBERSHIP"; and

(2) by adding at the end the following:

"(v) PROHIBITION ON ISSUANCE OF CERTAIN VISAS TO MEMBERS OF THE CHINESE COMMUNIST PARTY.—An alien who is or has been a member of or affiliated with the Chinese Communist Party—

"(I) is inadmissible; and

"(II) shall not be issued a visa as a nonimmigrant described in section 101(a)(15)(B).".

(b) Applications For Visa Extensions.—With respect to applications to extend visas issued to nonimmigrants described in section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)) through enrollment in the Electronic Visa Update System or any successor system—

(1) the Commissioner of U.S. Customs and Border Protection shall ensure that such system has a functionality for determining whether an applicant is a covered alien; and

(2) in the case of an applicant determined to be a covered alien, the applicant's request for enrollment shall be denied.

(c) Cancellation Of Visas Authorized.—

(1) IN GENERAL.—On encountering a covered alien who is in possession of a valid, unexpired visa issued under section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)), the Commissioner of U.S. Customs and Border Protection shall cancel such visa.

(2) ROLE OF BUREAU OF CONSULAR AFFAIRS.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary for Consular Affairs shall—

(A) cancel all nonimmigrant visas issued to covered aliens under section 101(a)(15)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(B)); and

(B) update the Consular Consolidated Database and the Consular Lookout and Support System to reflect such cancellations.

(3) REMEDY.—The sole legal remedy available to an alien whose visa has been cancelled under this subsection shall be to submit a new application for a visa in accordance with the procedures established by the Bureau of Consular Affairs.

(d) Definition Of Covered Alien.—In this section, the term "covered alien" means an alien who is or has been a member of or affiliated with the Chinese Communist Party.

SECTION 1702. LIMITATION ON ELIGIBILITY FOR INVESTOR VISAS.

(a) DEFINITIONS.—In this section:

(1) COUNTRY OF CONCERN.—The term "country of concern"—

(A) has the meaning given the term "covered nation" in section 4872(d) of title 10, United States Code; and

(B) includes a jurisdiction that the Commission, in consultation with the Secretary of State and the Secretary of the Treasury, determines to be subject to the political and legal control of a covered nation, as defined in section 4872(d) of title 10, United States Code.

(b) Section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)) is amended by adding at the end the following:

''(E) Country of Concern LIMITATION.—

''(i) IN GENERAL.—A citizen or national of a country of concern is prohibited from receiving any visa made available under this paragraph.

(c) Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by adding at the end the following:

''(e)(1) A citizen or national of a country of concern shall be ineligible for the pilot program described in this section. ''

TITLE 14
subtitle A—Onshore and offshore leasing and oversight

SEC. 101. ONSHORE OIL AND GAS LEASING.

(a) REQUIREMENT TO IMMEDIATELY RESUME ONSHORE OIL AND GAS LEASE SALES.—

(1) IN GENERAL.—The Secretary of the Interior shall immediately resume quarterly onshore oil and gas lease sales in compliance with the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) REQUIREMENT.—The Secretary of the Interior shall ensure—

(A) that any oil and gas lease sale pursuant to paragraph (1) is conducted immediately on completion of all applicable scoping, public comment, and environmental analysis requirements under the Mineral Leasing Act (30 U.S.C. 181 et seq.) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) that the processes described in subparagraph (A) are conducted in a timely manner to ensure compliance with subsection (b)(1).

(3) LEASE OF OIL AND GAS LANDS.—Section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)) is amended by inserting "Eligible lands comprise all lands subject to leasing under this Act and not excluded from leasing by a statutory or regulatory prohibition. Available lands are those lands that have been designated as open for leasing under a land use plan developed under section 202 of the Federal Land Policy and Management Act of 1976 and that have been nominated for leasing through the submission of an expression of interest, are subject to drainage in the absence of leasing, or are otherwise designated as available pursuant to regulations adopted by the Secretary." after "sales are necessary.".

(b) QUARTERLY LEASE SALES.—

(1) IN GENERAL.—In accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.), each fiscal year, the Secretary of the Interior shall conduct a minimum of four oil and gas lease sales in each of the following States:

(A) Wyoming.

(B) New Mexico.

(C) Colorado.

(D) Utah.

(E) Montana.

(F) North Dakota.

(G) Oklahoma.

(H) Nevada.

(I) Alaska.

(J) Any other State in which there is land available for oil and gas leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or any other mineral leasing law.

(2) REQUIREMENT.—In conducting a lease sale under paragraph (1) in a State described in that paragraph, the Secretary of the Interior shall offer all parcels nominated and eligible pursuant to the requirements of the Mineral Leasing Act (30 U.S.C. 181 et seq.) for oil and gas exploration, development, and production under the resource management plan in effect for the State.

(3) REPLACEMENT SALES.—The Secretary of the Interior shall conduct a replacement sale during the same fiscal year if—

(A) a lease sale under paragraph (1) is canceled, delayed, or deferred, including for a lack of eligible parcels; or

(B) during a lease sale under paragraph (1) the percentage of acreage that does not receive a bid is equal to or greater than 25 percent of the acreage offered.

(4) NOTICE REGARDING MISSED SALES.—Not later than 30 days after a sale required under this subsection is canceled, delayed, deferred, or otherwise missed the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that states what sale was missed and why it was missed.

SEC. 102. LEASE REINSTATEMENT.

The reinstatement of a lease entered into under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) by the Secretary shall be not considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

SEC. 103. PROTESTED LEASE SALES.

Section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)) is amended by inserting "The Secretary shall resolve any protest to a lease sale not later than 60 days after such payment." after "annual rental for the first lease year.".

SEC. 104. SUSPENSION OF OPERATIONS.

Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

"(r) SUSPENSION OF OPERATIONS PERMITS.—In the event that an oil and gas lease owner has submitted an expression of interest for adjacent acreage that is part of the nature of the geological play and has yet to be offered in a lease sale by the Secretary, they may request a suspension of operations from the Secretary of the Interior and upon request, the Secretary shall grant the suspension of operations within 15 days. Any payment of acreage rental or of minimum royalty prescribed by such lease likewise shall be suspended during such period of suspension of operations and production; and the term of such lease shall be extended by adding any such suspension period thereto.".

SEC. 105. ADMINISTRATIVE PROTEST PROCESS REFORM.

Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by adding at the end the following:

"(s) PROTEST FILING FEE.—

"(1) IN GENERAL.—Before processing any protest filed under this section, the Secretary shall collect a filing fee in the amount described in paragraph (2) from the protestor to recover the cost for processing documents filed for each administrative protest.

"(2) AMOUNT.—The amount described in this paragraph is calculated as follows:

"(A) For each protest filed in a submission not exceeding 10 pages in length, the base filing fee shall be $150.

"(B) For each submission exceeding 10 pages in length, in addition to the base filing fee, an assessment of $5 per page in excess of 10 pages shall apply.

"(C) For protests that include more than one oil and gas lease parcel, right-of-way, or application for permit to drill in a submission, an additional assessment of $10 per additional lease parcel, right-of-way, or application for permit to drill shall apply.

"(3) ADJUSTMENT.—

"(A) IN GENERAL.—Beginning on January 1, 2025, and annually thereafter, the Secretary shall adjust the filing fees established in this subsection to whole dollar amounts to reflect changes in the Producer Price Index, as published by the Bureau of Labor Statistics, for the previous 12 months.

"(B) PUBLICATION OF ADJUSTED FILING FEES.—At least 30 days before the filing fees as adjusted under this paragraph take effect, the Secretary shall publish notification of the adjustment of such fees in the Federal Register.".

SEC. 106. LEASING AND PERMITTING TRANSPARENCY.

(a) REPORT.—Not later than 30 days after the date of the enactment of this section, and annually thereafter, the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the status of nominated parcels for future onshore oil and gas and geothermal lease sales, including—

(A) the number of expressions of interest received each month during the period of 365 days that ends on the date on which the report is submitted with respect to which the Bureau of Land Management—

(i) has not taken any action to review;

(ii) has not completed review; or

(iii) has completed review and determined that the relevant area meets all applicable requirements for leasing, but has not offered the relevant area in a lease sale;

(B) how long expressions of interest described in subparagraph (A) have been pending; and

(C) a plan, including timelines, for how the Secretary of the Interior plans to—

(i) work through future expressions of interest to prevent delays;

(ii) put expressions of interest described in subparagraph (A) into a lease sale; and

(iii) complete review for expressions of interest described in clauses (i) and (ii) of subparagraph (A);

(2) the status of each pending application for permit to drill received during the period of 365 days that ends on the date on which the report is submitted, including the number of applications received each month, by each Bureau of Land Management office, including—

(A) a description of the cause of delay for pending applications, including as a result of staffing shortages, technical limitations, incomplete applications, and incomplete review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable laws;

(B) the number of days an application has been pending in violation of section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)); and

(C) a plan for how the office intends to come into compliance with the requirements of section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2));

(3) the number of permits to drill issued each month by each Bureau of Land Management office during the 5-year period ending on the date on which the report is submitted;

(4) the status of each pending application for a license for offshore geological and geophysical surveys received during the period of 365 days that ends on the date on which the report is submitted, including the number of applications received each month, by each Bureau of Ocean Energy management regional office, including—

(A) a description of any cause of delay for pending applications, including as a result of staffing shortages, technical limitations, incomplete applications, and incomplete review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable laws;

(B) the number of days an application has been pending; and

(C) a plan for how the Bureau of Ocean Energy Management intends to complete review of each application;

(5) the number of licenses for offshore geological and geophysical surveys issued each month by each Bureau of Ocean Energy Management regional office during the 5-year period ending on the date on which the report is submitted;

(6) the status of each pending application for a permit to drill received during the period of 365 days that ends on the date on which the report is submitted, including the number of applications received each month, by each Bureau of Safety and Environmental Enforcement regional office, including—

(A) a description of any cause of delay for pending applications, including as a result of staffing shortages, technical limitations, incomplete applications, and incomplete review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable laws;

(B) the number of days an application has been pending; and

(C) steps the Bureau of Safety and Environmental Enforcement is taking to complete review of each application;

(7) the number of permits to drill issued each month by each Bureau of Safety and Environmental Enforcement regional office during the period of 365 days that ends on the date on which the report is submitted;

(8) how, as applicable, the Bureau of Land Management, the Bureau of Ocean Energy Management, and the Bureau of Safety and Environmental Enforcement determines whether to—

(A) issue a license for geological and geophysical surveys;

(B) issue a permit to drill; and

(C) issue, extend, or suspend an oil and gas lease;

(9) when determinations described in paragraph (8) are sent to the national office of the Bureau of Land Management, the Bureau of Ocean Energy Management, or the Bureau of Safety and Environmental Enforcement for final approval;

(10) the degree to which Bureau of Land Management, Bureau of Ocean Energy Management, and Bureau of Safety and Environmental Enforcement field, State, and regional offices exercise discretion on such final approval;

(11) during the period of 365 days that ends on the date on which the report is submitted, the number of auctioned leases receiving accepted bids that have not been issued to winning bidders and the number of days such leases have not been issued; and

(12) a description of the uses of application for permit to drill fees paid by permit holders during the 5-year period ending on the date on which the report is submitted.

(b) PENDING APPLICATIONS FOR PERMITS TO DRILL.—Not later than 30 days after the date of the enactment of this section, the Secretary of the Interior shall—

(1) complete all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable law that must be met before issuance of a permit to drill described in paragraph (2); and

(2) issue a permit for all completed applications to drill that are pending on the date of the enactment of this Act.

(c) PUBLIC AVAILABILITY OF DATA.—

(1) MINERAL LEASING ACT.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by adding at the end the following:

"(t) PUBLIC AVAILABILITY OF DATA.—

"(1) EXPRESSIONS OF INTEREST.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of the Interior the number of pending, approved, and not approved expressions of interest in nominated parcels for future onshore oil and gas lease sales in the preceding month.

"(2) APPLICATIONS FOR PERMITS TO DRILL.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of the Interior the number of pending and approved applications for permits to drill in the preceding month in each State office.

"(3) PAST DATA.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall publish on the website of the Department of the Interior, with respect to each month during the 5-year period ending on the date of the enactment of this subsection—

"(A) the number of approved and not approved expressions of interest for onshore oil and gas lease sales during such 5-year period; and

"(B) the number of approved and not approved applications for permits to drill during such 5-year period.".

(2) OUTER CONTINENTAL SHELF LANDS ACT.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

"(q) PUBLIC AVAILABILITY OF DATA.—

"(1) OFFSHORE GEOLOGICAL AND GEOPHYSICAL SURVEY LICENSES.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of the Interior the number of pending and approved applications for licenses for offshore geological and geophysical surveys in the preceding month.

"(2) APPLICATIONS FOR PERMITS TO DRILL.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of the Interior the number of pending and approved applications for permits to drill on the outer Continental Shelf in the preceding month in each regional office.

"(3) PAST DATA.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall publish on the website of the Department of the Interior, with respect each month during the 5-year period ending on the date of the enactment of this subsection—

"(A) the number of approved applications for licenses for offshore geological and geophysical surveys; and

"(B) the number of approved applications for permits to drill on the outer Continental Shelf.".

(d) REQUIREMENT TO SUBMIT DOCUMENTS AND COMMUNICATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this section, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives all documents and communications relating to the comprehensive review of Federal oil and gas permitting and leasing practices required under section 208 of Executive Order 14008 (86 Fed. Reg. 7624; relating to tackling the climate crisis at home and abroad).

(2) INCLUSIONS.—The submission under paragraph (1) shall include all documents and communications submitted to the Secretary of the Interior by members of the public in response to any public meeting or forum relating to the comprehensive review described in that paragraph.

SEC. 107. OFFSHORE OIL AND GAS LEASING.

(a) IN GENERAL.—The Secretary shall conduct all lease sales described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016) that have not been conducted as of the date of the enactment of this Act by not later than September 30, 2023.

(b) GULF OF MEXICO REGION ANNUAL LEASE SALES.—Notwithstanding any other provision of law, and except within areas subject to existing oil and gas leasing moratoria beginning in fiscal year 2024, the Secretary of the Interior shall annually conduct a minimum of 2 region-wide oil and gas lease sales in the following planning areas of the Gulf of Mexico region, as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016):

(1) The Central Gulf of Mexico Planning Area.

(2) The Western Gulf of Mexico Planning Area.

(c) ALASKA REGION ANNUAL LEASE SALES.—Notwithstanding any other provision of law, beginning in fiscal year 2024, the Secretary of the Interior shall annually conduct a minimum of 2 region-wide oil and gas lease sales in the Alaska region of the Outer Continental Shelf, as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016).

(d) REQUIREMENTS.—In conducting lease sales under subsections (b) and (c), the Secretary of the Interior shall—

(1) issue such leases in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1332 et seq.); and

(2) include in each such lease sale all unleased areas that are not subject to a moratorium as of the date of the lease sale.

SEC. 108. FIVE-YEAR PLAN FOR OFFSHORE OIL AND GAS LEASING.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a)—

(A) by striking "subsections (c) and (d) of this section, shall prepare and periodically revise," and inserting "this section, shall issue every five years";

(B) by adding at the end the following:

"(5) Each five-year program shall include at least two Gulf of Mexico region-wide lease sales per year."; and

(C) in paragraph (3), by inserting "domestic energy security," after "between";

(2) by redesignating subsections (f) through (i) as subsections (h) through (k), respectively; and

(3) by inserting after subsection (e) the following:

"(f) FIVE-YEAR PROGRAM FOR 2023–2028.—The Secretary shall issue the five-year oil and gas leasing program for 2023 through 2028 and issue the Record of Decision on the Final Programmatic Environmental Impact Statement by not later than July 1, 2023.

"(g) SUBSEQUENT LEASING PROGRAMS.—

"(1) IN GENERAL.—Not later than 36 months after conducting the first lease sale under an oil and gas leasing program prepared pursuant to this section, the Secretary shall begin preparing the subsequent oil and gas leasing program under this section.

"(2) REQUIREMENT.—Each subsequent oil and gas leasing program under this section shall be approved by not later than 180 days before the expiration of the previous oil and gas leasing program.".

SEC. 109. GEOTHERMAL LEASING.

(a) ANNUAL LEASING.—Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended—

(1) in paragraph (2), by striking "2 years" and inserting "year";

(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(3) after paragraph (2), by inserting the following:

"(3) REPLACEMENT SALES.—If a lease sale under paragraph (1) for a year is canceled or delayed, the Secretary of the Interior shall conduct a replacement sale during the same year.

"(4) REQUIREMENT.—In conducting a lease sale under paragraph (2) in a State described in that paragraph, the Secretary of the Interior shall offer all nominated parcels eligible for geothermal development and utilization under the resource management plan in effect for the State.".

(b) DEADLINES FOR CONSIDERATION OF GEOTHERMAL DRILLING PERMITS.—Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is amended by adding at the end the following:

"(h) DEADLINES FOR CONSIDERATION OF GEOTHERMAL DRILLING PERMITS.—

"(1) NOTICE.—Not later than 30 days after the date on which the Secretary receives an application for any geothermal drilling permit, the Secretary shall—

"(A) provide written notice to the applicant that the application is complete; or

"(B) notify the applicant that information is missing and specify any information that is required to be submitted for the application to be complete.

"(2) ISSUANCE OF DECISION.—If the Secretary determines that an application for a geothermal drilling permit is complete under paragraph (1)(A), the Secretary shall issue a final decision on the application not later than 30 days after the Secretary notifies the applicant that the application is complete.".

SEC. 110. LEASING FOR CERTAIN QUALIFIED COAL APPLICATIONS.

(a) DEFINITIONS.—In this section:

(1) COAL LEASE.—The term "coal lease" means a lease entered into by the United States as lessor, through the Bureau of Land Management, and the applicant on Bureau of Land Management Form 3400–012.

(2) QUALIFIED APPLICATION.—The term "qualified application" means any application pending under the lease by application program administered by the Bureau of Land Management pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subpart 3425 of title 43, Code of Federal Regulations (as in effect on the date of the enactment of this Act), for which the environmental review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has commenced.

(b) MANDATORY LEASING AND OTHER REQUIRED APPROVALS.—As soon as practicable after the date of the enactment of this Act, the Secretary shall promptly—

(1) with respect to each qualified application—

(A) if not previously published for public comment, publish a draft environmental assessment, as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable implementing regulations;

(B) finalize the fair market value of the coal tract for which a lease by application is pending;

(C) take all intermediate actions necessary to grant the qualified application; and

(D) grant the qualified application; and

(2) with respect to previously awarded coal leases, grant any additional approvals of the Department of the Interior or any bureau, agency, or division of the Department of the Interior required for mining activities to commence.

SEC. 111. FUTURE COAL LEASING.

Notwithstanding any judicial decision to the contrary or a departmental review of the Federal coal leasing program, Secretarial Order 3338, issued by the Secretary of the Interior on January 15, 2016, shall have no force or effect.

SEC. 112. STAFF PLANNING REPORT.

The Secretary of the Interior and the Secretary of Agriculture shall each annually submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the staffing capacity of each respective agency with respect to issuing oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits. Each such report shall include—

(1) the number of staff assigned to process and issue oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits;

(2) a description of how many staff are needed to meet statutory requirements for such oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits; and

(3) how, as applicable, the Department of the Interior or the Department of Agriculture plans to address staffing shortfalls and turnover to ensure adequate staffing to process and issue such oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits.

SEC. 113. EFFECT ON OTHER LAW.

Nothing in this Act, or any amendments made by this Act, shall affect—

(1) the Presidential memorandum titled "Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing Disposition" and dated September 8, 2020;

(2) the Presidential memorandum titled "Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing Disposition" and dated September 25, 2020;

(3) the Presidential memorandum titled "Memorandum on Withdrawal of Certain Areas off the Atlantic Coast on the Outer Continental Shelf From Leasing Disposition" and dated December 20, 2016; or

(4) the ban on oil and gas development in the Great Lakes described in section 386 of the Energy Policy Act of 2005 (42 U.S.C. 15941).

subtitle B—Permitting streamlining

SEC. 201. DEFINITIONS.

In this subtitle:

(1) ENERGY FACILITY.—The term "energy facility" means a facility the primary purpose of which is the exploration for, or the development, production, conversion, gathering, storage, transfer, processing, or transportation of, any energy resource.

(2) ENERGY STORAGE DEVICE.—The term "energy storage device"—

(A) means any equipment that stores energy, including electricity, compressed air, pumped water, heat, and hydrogen, which may be converted into, or used to produce, electricity; and

(B) includes a battery, regenerative fuel cell, flywheel, capacitor, superconducting magnet, and any other equipment the Secretary concerned determines may be used to store energy which may be converted into, or used to produce, electricity.

(3) PUBLIC LANDS.—The term "public lands" means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior or the Secretary of Agriculture without regard to how the United States acquired ownership, except—

(A) lands located on the Outer Continental Shelf; and

(B) lands held in trust by the United States for the benefit of Indians, Indian Tribes, Aleuts, and Eskimos.

(4) RIGHT-OF-WAY.—The term "right-of-way" means—

(A) a right-of-way issued, granted, or renewed under section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761); or

(B) a right-of-way granted under section 28 of the Mineral Leasing Act (30 U.S.C. 185).

(5) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) with respect to public lands, the Secretary of the Interior; and

(B) with respect to National Forest System lands, the Secretary of Agriculture.

(6) LAND USE PLAN.—The term "land use plan" means—

(A) a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604);

(B) a Land Management Plan developed by the Bureau of Land Management under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(C) a comprehensive conservation plan developed by the United States Fish and Wildlife Service under section 4(e)(1)(A) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)(1)(A)).

SEC. 202. BUILDER ACT.

(a) PARAGRAPH (2) OF SECTION 102.—Section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) is amended—

(1) in subparagraph (A), by striking "insure" and inserting "ensure";

(2) in subparagraph (B), by striking "insure" and inserting "ensure";

(3) in subparagraph (C)—

(A) by inserting "consistent with the provisions of this Act and except as provided by other provisions of law," before "include in every";

(B) by striking clauses (i) through (v) and inserting the following:

"(i) reasonably foreseeable environmental effects with a reasonably close causal relationship to the proposed agency action;

"(ii) any reasonably foreseeable adverse environmental effects which cannot be avoided should the proposal be implemented;

"(iii) a reasonable number of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are technically and economically feasible, are within the

jurisdiction of the agency, meet the purpose and need of the proposal, and, where applicable, meet the goals of the applicant;

"(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

"(v) any irreversible and irretrievable commitments of Federal resources which would be involved in the proposed agency action should it be implemented."; and

(C) by striking "the responsible Federal official" and inserting "the head of the lead agency";

(4) in subparagraph (D), by striking "Any" and inserting "any";

(5) by redesignating subparagraphs (D) through (I) as subparagraphs (F) through (K), respectively;

(6) by inserting after subparagraph (C) the following:

"(D) ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document;

"(E) make use of reliable existing data and resources in carrying out this Act;";

(7) by amending subparagraph (G), as redesignated, to read as follows:

"(G) consistent with the provisions of this Act, study, develop, and describe technically and economically feasible alternatives within the jurisdiction and authority of the agency;"; and

(8) in subparagraph (H), as amended, by inserting "consistent with the provisions of this Act," before "recognize".

(b) NEW SECTIONS.—Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is amended by adding at the end the following:

"SEC. 106. PROCEDURE FOR DETERMINATION OF LEVEL OF REVIEW.

"(a) THRESHOLD DETERMINATIONS.—An agency is not required to prepare an environmental document with respect to a proposed agency action if—

"(1) the proposed agency action is not a final agency action within the meaning of such term in chapter 5 of title 5, United States Code;

"(2) the proposed agency action is covered by a categorical exclusion established by the agency, another Federal agency, or another provision of law;

"(3) the preparation of such document would clearly and fundamentally conflict with the requirements of another provision of law;

"(4) the proposed agency action is, in whole or in part, a nondiscretionary action with respect to which such agency does not have authority to take environmental factors into consideration in determining whether to take the proposed action;

"(5) the proposed agency action is a rulemaking that is subject to section 553 of title 5, United States Code; or

"(6) the proposed agency action is an action for which such agency's compliance with another statute's requirements serve the same or similar function as the requirements of this Act with respect to such action.

"(b) LEVELS OF REVIEW.—

"(1) ENVIRONMENTAL IMPACT STATEMENT.—An agency shall issue an environmental impact statement with respect to a proposed agency action that has a significant effect on the quality of the human environment.

"(2) ENVIRONMENTAL ASSESSMENT.—An agency shall prepare an environmental assessment with respect to a proposed agency action that is not likely to have a significant effect on the quality of the human environment, or if the significance of such effect is unknown, unless the agency finds that a categorical exclusion established by the agency, another Federal agency, or another provision of law applies. Such environmental assessment shall be a concise public document prepared by a Federal agency to set forth the basis of such agency's finding of no significant impact.

"(3) SOURCES OF INFORMATION.—In making a determination under this subsection, an agency—

"(A) may make use of any reliable data source; and

"(B) is not required to undertake new scientific or technical research.

"SEC. 107. TIMELY AND UNIFIED FEDERAL REVIEWS.

"(a) LEAD AGENCY.—

"(1) DESIGNATION.—

"(A) IN GENERAL.—If there are two or more involved Federal agencies, such agencies shall determine, by letter or memorandum, which agency shall be the lead agency based on consideration of the following factors:

"(i) Magnitude of agency's involvement.

"(ii) Project approval or disapproval authority.

"(iii) Expertise concerning the action's environmental effects.

"(iv) Duration of agency's involvement.

"(v) Sequence of agency's involvement.

"(B) JOINT LEAD AGENCIES.—In making a determination under subparagraph (A), the involved Federal agencies may, in addition to a Federal agency, appoint such Federal, State, Tribal, or local agencies as joint lead agencies as the involved Federal agencies shall determine appropriate. Joint lead agencies shall jointly fulfill the role described in paragraph (2).

"(C) MINERAL PROJECTS.—This paragraph shall not apply with respect to a mineral exploration or mine permit.

"(2) ROLE.—A lead agency shall, with respect to a proposed agency action—

"(A) supervise the preparation of an environmental document if, with respect to such proposed agency action, there is more than one involved Federal agency;

"(B) request the participation of each cooperating agency at the earliest practicable time;

"(C) in preparing an environmental document, give consideration to any analysis or proposal created by a cooperating agency with jurisdiction by law or a cooperating agency with special expertise;

"(D) develop a schedule, in consultation with each involved cooperating agency, the applicant, and such other entities as the lead agency determines appropriate, for completion of any environmental review, permit, or authorization required to carry out the proposed agency action;

"(E) if the lead agency determines that a review, permit, or authorization will not be completed in accordance with the schedule developed under subparagraph (D), notify the agency responsible for issuing such review, permit, or authorization of the discrepancy and request that such agency take such measures as such agency determines appropriate to comply with such schedule; and

"(F) meet with a cooperating agency that requests such a meeting.

"(3) COOPERATING AGENCY.—The lead agency may, with respect to a proposed agency action, designate any involved Federal agency or a State, Tribal, or local agency as a cooperating agency. A cooperating agency may, not later than a date specified by the lead agency, submit comments to the lead agency. Such comments shall be limited to matters relating to the proposed agency action with respect to which such agency has special expertise or jurisdiction by law with respect to an environmental issue.

"(4) REQUEST FOR DESIGNATION.—Any Federal, State, Tribal, or local agency or person that is substantially affected by the lack of a designation of a lead agency with respect to a proposed agency action under paragraph (1) may submit a written request for such a designation to an involved Federal agency. An agency that receives a request under this paragraph shall transmit such request to each involved Federal agency and to the Council.

"(5) COUNCIL DESIGNATION.—

"(A) REQUEST.—Not earlier than 45 days after the date on which a request is submitted under paragraph (4), if no designation has been made under paragraph (1), a Federal, State, Tribal, or local agency or person that is substantially affected by the lack of a designation of a lead agency may request that the Council designate a lead agency. Such request shall consist of—

"(i) a precise description of the nature and extent of the proposed agency action; and

"(ii) a detailed statement with respect to each involved Federal agency and each factor listed in paragraph (1) regarding which agency should serve as lead agency.

"(B) TRANSMISSION.—The Council shall transmit a request received under subparagraph (A) to each involved Federal agency.

"(C) RESPONSE.—An involved Federal agency may, not later than 20 days after the date of the submission of a request under subparagraph (A), submit to the Council a response to such request.

"(D) DESIGNATION.—Not later than 40 days after the date of the submission of a request under subparagraph (A), the Council shall designate the lead agency with respect to the relevant proposed agency action.

"(b) ONE DOCUMENT.—

"(1) DOCUMENT.—To the extent practicable, if there are 2 or more involved Federal agencies with respect to a proposed agency action and the lead agency has determined that an environmental document is required, such requirement shall be deemed satisfied with respect to all involved Federal agencies if the lead agency issues such an environmental document.

"(2) CONSIDERATION TIMING.—In developing an environmental document for a proposed agency action, no involved Federal agency shall be required to consider any information that becomes available after the sooner of, as applicable—

"(A) receipt of a complete application with respect to such proposed agency action; or

"(B) publication of a notice of intent or decision to prepare an environmental impact statement for such proposed agency action.

"(3) SCOPE OF REVIEW.—In developing an environmental document for a proposed agency action, the lead agency and any other involved Federal agencies shall only consider the effects of the proposed agency action that—

"(A) occur on Federal land; or

"(B) are subject to Federal control and responsibility.

"(c) REQUEST FOR PUBLIC COMMENT.—Each notice of intent to prepare an environmental impact statement under section 102 shall include a request for public comment on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed agency action.

"(d) STATEMENT OF PURPOSE AND NEED.—Each environmental impact statement shall include a statement of purpose and need that briefly summarizes the underlying purpose and need for the proposed agency action.

"(e) ESTIMATED TOTAL COST.—The cover sheet for each environmental impact statement shall include a statement of the estimated total cost of preparing such environmental impact statement, including the costs of agency full-time equivalent personnel hours, contractor costs, and other direct costs.

"(f) PAGE LIMITS.—

"(1) ENVIRONMENTAL IMPACT STATEMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an environmental impact statement shall not exceed 150 pages, not including any citations or appendices.

"(B) EXTRAORDINARY COMPLEXITY.—An environmental impact statement for a proposed agency action of extraordinary complexity shall not exceed 300 pages, not including any citations or appendices.

"(2) ENVIRONMENTAL ASSESSMENTS.—An environmental assessment shall not exceed 75 pages, not including any citations or appendices.

"(g) SPONSOR PREPARATION.—A lead agency shall allow a project sponsor to prepare an environmental assessment or an environmental impact statement upon request of the project sponsor. Such agency may provide such sponsor with appropriate guidance and assist in the preparation. The lead agency shall independently evaluate the environmental document and shall take responsibility for the contents upon adoption.

"(h) DEADLINES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a proposed agency action, a lead agency shall complete, as applicable—

"(A) the environmental impact statement not later than the date that is 2 years after the sooner of, as applicable—

"(i) the date on which such agency determines that section 102(2)(C) requires the issuance of an environmental impact statement with respect to such action;

"(ii) the date on which such agency notifies the applicant that the application to establish a right-of-way for such action is complete; and

"(iii) the date on which such agency issues a notice of intent to prepare the environmental impact statement for such action; and

"(B) the environmental assessment not later than the date that is 1 year after the sooner of, as applicable—

"(i) the date on which such agency determines that section 106(b)(2) requires the preparation of an environmental assessment with respect to such action;

"(ii) the date on which such agency notifies the applicant that the application to establish a right-of-way for such action is complete; and

"(iii) the date on which such agency issues a notice of intent to prepare the environmental assessment for such action.

"(2) DELAY.—A lead agency that determines it is not able to meet the deadline described in paragraph (1) may extend such deadline with the approval of the applicant. If the applicant approves such an extension, the lead agency shall establish a new deadline that provides only so much additional time as is necessary to complete such environmental impact statement or environmental assessment.

"(3) EXPENDITURES FOR DELAY.—If a lead agency is unable to meet the deadline described in paragraph (1) or extended under paragraph (2), the lead agency must pay $100 per day, to the extent funding is provided in advance in an appropriations Act, out of the office of the head of the department of the lead agency to the applicant starting on the first day immediately following the deadline described in paragraph (1) or extended under paragraph (2) up until the date that an applicant approves a new deadline. This paragraph does not apply when the lead agency misses a deadline solely due to delays caused by litigation.

"(i) REPORT.—

"(1) IN GENERAL.—The head of each lead agency shall annually submit to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

"(A) identifies any environmental assessment and environmental impact statement that such lead agency did not complete by the deadline described in subsection (h); and

"(B) provides an explanation for any failure to meet such deadline.

"(2) INCLUSIONS.—Each report submitted under paragraph (1) shall identify, as applicable—

"(A) the office, bureau, division, unit, or other entity within the Federal agency responsible for each such environmental assessment and environmental impact statement;

"(B) the date on which—

"(i) such lead agency notified the applicant that the application to establish a right-of-way for the major Federal action is complete;

"(ii) such lead agency began the scoping for the major Federal action; or

"(iii) such lead agency issued a notice of intent to prepare the environmental assessment or environmental impact statement for the major Federal action; and

"(C) when such environmental assessment and environmental impact statement is expected to be complete.

"SEC. 108. JUDICIAL REVIEW.

"(a) LIMITATIONS ON CLAIMS.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of compliance with this Act, of a determination made under this Act, or of Federal action resulting from a determination made under this Act, shall be barred unless—

"(1) in the case of a claim pertaining to a proposed agency action for which—

"(A) an environmental document was prepared and an opportunity for comment was provided;

"(B) the claim is filed by a party that participated in the administrative proceedings regarding such environmental document; and

"(C) the claim—

"(i) is filed by a party that submitted a comment during the public comment period for such administrative proceedings and such comment was sufficiently detailed to put the lead agency on notice of the issue upon which the party seeks judicial review; and

"(ii) is related to such comment;

"(2) except as provided in subsection (b), such claim is filed not later than 120 days after the date of publication of a notice in the Federal Register of agency intent to carry out the proposed agency action;

"(3) such claim is filed after the issuance of a record of decision or other final agency action with respect to the relevant proposed agency action;

"(4) such claim does not challenge the establishment or use of a categorical exclusion under section 102; and

"(5) such claim concerns—

"(A) an alternative included in the environmental document; or

"(B) an environmental effect considered in the environmental document.

"(b) SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT.—

"(1) SEPARATE FINAL AGENCY ACTION.—The issuance of a Federal action resulting from a final supplemental environmental impact statement shall be considered a final agency action for the purposes of chapter 5 of title 5, United States Code, separate from the issuance of any previous environmental impact statement with respect to the same proposed agency action.

"(2) DEADLINE FOR FILING A CLAIM.—A claim seeking judicial review of a Federal action resulting from a final supplemental environmental review issued under section 102(2)(C) shall be barred unless—

"(A) such claim is filed within 120 days of the date on which a notice of the Federal agency action resulting from a final supplemental environmental impact statement is issued; and

"(B) such claim is based on information contained in such supplemental environmental impact statement that was not contained in a previous environmental document pertaining to the same proposed agency action.

"(c) PROHIBITION ON INJUNCTIVE RELIEF.—Notwithstanding any other provision of law, a violation of this Act shall not constitute the basis for injunctive relief.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to create a right of judicial review or place any limit on filing a claim with respect to the violation of the terms of a permit, license, or approval.

"(e) REMAND.—Notwithstanding any other provision of law, no proposed agency action for which an environmental document is required shall be vacated or otherwise limited, delayed, or enjoined unless a court concludes allowing such proposed action will pose a risk of an imminent and substantial environmental harm and there is no other equitable remedy available as a matter of law.

"SEC. 109. DEFINITIONS.

"In this title:

"(1) CATEGORICAL EXCLUSION.—The term 'categorical exclusion' means a category of actions that a Federal agency has determined normally does not significantly affect the quality of the human environment within the meaning of section 102(2)(C).

"(2) COOPERATING AGENCY.—The term 'cooperating agency' means any Federal, State, Tribal, or local agency that has been designated as a cooperating agency under section 107(a)(3).

"(3) COUNCIL.—The term 'Council' means the Council on Environmental Quality established in title II.

"(4) ENVIRONMENTAL ASSESSMENT.—The term 'environmental assessment' means an environmental assessment prepared under section 106(b)(2).

"(5) ENVIRONMENTAL DOCUMENT.—The term 'environmental document' means an environmental impact statement, an environmental assessment, or a finding of no significant impact.

"(6) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means a detailed written statement that is required by section 102(2)(C).

"(7) FINDING OF NO SIGNIFICANT IMPACT.—The term 'finding of no significant impact' means a determination by a Federal agency that a proposed agency action does not require the issuance of an environmental impact statement.

"(8) INVOLVED FEDERAL AGENCY.—The term 'involved Federal agency' means an agency that, with respect to a proposed agency action—

"(A) proposed such action; or

"(B) is involved in such action because such action is directly related, through functional interdependence or geographic proximity, to an action such agency has taken or has proposed to take.

"(9) LEAD AGENCY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'lead agency' means, with respect to a proposed agency action—

"(i) the agency that proposed such action; or

"(ii) if there are 2 or more involved Federal agencies with respect to such action, the agency designated under section 107(a)(1).

"(B) SPECIFICATION FOR MINERAL EXPLORATION OR MINE PERMITS.—With respect to a proposed mineral exploration or mine permit, the term 'lead agency' has the meaning given such term in section 40206(a) of the Infrastructure Investment and Jobs Act.

"(10) MAJOR FEDERAL ACTION.—

"(A) IN GENERAL.—The term 'major Federal action' means an action that the agency carrying out such action determines is subject to substantial Federal control and responsibility.

"(B) EXCLUSION.—The term 'major Federal action' does not include—

"(i) a non-Federal action—

"(I) with no or minimal Federal funding;

"(II) with no or minimal Federal involvement where a Federal agency cannot control the outcome of the project; or

"(III) that does not include Federal land;

"(ii) funding assistance solely in the form of general revenue sharing funds which do not provide Federal agency compliance or enforcement responsibility over the subsequent use of such funds;

"(iii) loans, loan guarantees, or other forms of financial assistance where a Federal agency does not exercise sufficient control and responsibility over the effect of the action;

"(iv) farm ownership and operating loan guarantees by the Farm Service Agency pursuant to sections 305 and 311 through 319 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1925 and 1941 through 1949);

"(v) business loan guarantees provided by the Small Business Administration pursuant to section 7(a) or (b) and of the Small Business Act (15 U.S.C. 636(a)), or title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

"(vi) bringing judicial or administrative civil or criminal enforcement actions; or

"(vii) extraterritorial activities or decisions, which means agency activities or decisions with effects located entirely outside of the jurisdiction of the United States.

"(C) ADDITIONAL EXCLUSIONS.—An agency action may not be determined to be a major Federal action on the basis of—

"(i) an interstate effect of the action or related project; or

"(ii) the provision of Federal funds for the action or related project.

"(11) MINERAL EXPLORATION OR MINE PERMIT.—The term 'mineral exploration or mine permit' has the meaning given such term in section 40206(a) of the Infrastructure Investment and Jobs Act.

"(12) PROPOSAL.—The term 'proposal' means a proposed action at a stage when an agency has a goal, is actively preparing to make a decision on one or more alternative means of accomplishing that goal, and can meaningfully evaluate its effects.

"(13) REASONABLY FORESEEABLE.—The term 'reasonably foreseeable' means likely to occur—

"(A) not later than 10 years after the lead agency begins preparing the environmental document; and

"(B) in an area directly affected by the proposed agency action such that an individual of ordinary prudence would take such occurrence into account in reaching a decision.

"(14) SPECIAL EXPERTISE.—The term 'special expertise' means statutory responsibility, agency mission, or related program experience.".

SEC. 203. CODIFICATION OF NATIONAL ENVIRONMENTAL POLICY ACT REGULATIONS.

The revisions to the Code of Federal Regulations made pursuant to the final rule of the Council on Environmental Quality titled "Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act" and published on July 16, 2020 (85 Fed. Reg. 43304), shall have the same force and effect of law as if enacted by an Act of Congress.

SEC. 204. NON-MAJOR FEDERAL ACTIONS.

(a) EXEMPTION.—An action by the Secretary concerned with respect to a covered activity shall be not considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) COVERED ACTIVITY.—In this section, the term "covered activity" includes—

(1) geotechnical investigations;

(2) off-road travel in an existing right-of-way;

(3) construction of meteorological towers where the total surface disturbance at the location is less than 5 acres;

(4) adding a battery or other energy storage device to an existing or planned energy facility, if that storage resource is located within the physical footprint of the existing or planned energy facility;

(5) drilling temperature gradient wells and other geothermal exploratory wells, including construction or making improvements for such activities, where—

(A) the last cemented casing string is less than 12 inches in diameter; and

(B) the total unreclaimed surface disturbance at any one time within the project area is less than 5 acres;

(6) any repair, maintenance, upgrade, optimization, or minor addition to existing transmission and distribution infrastructure, including—

(A) operation, maintenance, or repair of power equipment and structures within existing substations, switching stations, transmission, and distribution lines;

(B) the addition, modification, retirement, or replacement of breakers, transmission towers, transformers, bushings, or relays;

(C) the voltage uprating, modification, reconductoring with conventional or advanced conductors, and clearance resolution of transmission lines;

(D) activities to minimize fire risk, including vegetation management, routine fire mitigation, inspection, and maintenance activities, and removal of hazard trees and other hazard vegetation within or adjacent to an existing right-of-way;

(E) improvements to or construction of structure pads for such infrastructure; and

(F) access and access route maintenance and repairs associated with any activity described in subparagraph (A) through (E);

(7) approval of and activities conducted in accordance with operating plans or agreements for transmission and distribution facilities or under a

special use authorization for an electric transmission and distribution facility right-of-way; and

(8) construction, maintenance, realignment, or repair of an existing permanent or temporary access road—

(A) within an existing right-of-way or within a transmission or utility corridor established by Congress or in a land use plan;

(B) that serves an existing transmission line, distribution line, or energy facility or

(C) activities conducted in accordance with existing onshore oil and gas leases.

SEC. 205. NO NET LOSS DETERMINATION FOR EXISTING RIGHTS-OF-WAY.

(a) IN GENERAL.—Upon a determination by the Secretary concerned that there will be no overall long-term net loss of vegetation, soil, or habitat, as defined by acreage and function, resulting from a proposed action, decision, or activity within an existing right-of-way, within a right-of-way corridor established in a land use plan, or in an otherwise designated right-of-way, that action, decision, or activity shall not be considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) INCLUSION OF REMEDIATION.—In making a determination under subsection (a), the Secretary concerned shall consider the effect of any remediation work to be conducted during the lifetime of the action, decision, or activity when determining whether there will be any overall long-term net loss of vegetation, soil, or habitat.

SEC. 206. DETERMINATION OF NATIONAL ENVIRONMENTAL POLICY ACT ADEQUACY.

The Secretary concerned shall use previously completed environmental assessments and environmental impact statements to satisfy the requirements of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) with respect to any major Federal action, if such Secretary determines that—

(1) the new proposed action is substantially the same as a previously analyzed proposed action or alternative analyzed in a previous environmental assessment or environmental impact statement; and

(2) the effects of the proposed action are substantially the same as the effects analyzed in such existing environmental assessments or environmental impact statements.

SEC. 207. DETERMINATION REGARDING RIGHTS-OF-WAY.

Not later than 60 days after the Secretary concerned receives an application to grant a right-of-way, the Secretary concerned shall notify the applicant as to whether the application is complete or deficient. If the Secretary concerned determines the application is complete, the Secretary concerned may not consider any other application to grant a right-of-way on the same or any overlapping parcels of land while such application is pending.

SEC. 208. TERMS OF RIGHTS-OF-WAY.

(a) FIFTY YEAR TERMS FOR RIGHTS-OF-WAY.—

(1) IN GENERAL.—Any right-of-way for pipelines for the transportation or distribution of oil or gas granted, issued, amended, or renewed under Federal law may be limited to a term of not more than 50 years before such right-of-way is subject to renewal or amendment.

(2) FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976.—Section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) is amended by adding at the end the following:

"(e) Any right-of-way granted, issued, amended, or renewed under subsection (a)(4) may be limited to a term of not more than 50 years before such right-of-way is subject to renewal or amendment.".

(b) MINERAL LEASING ACT.—Section 28(n) of the Mineral Leasing Act (30 U.S.C. 185(n)) is amended by striking "thirty" and inserting "50".

SEC. 209. FUNDING TO PROCESS PERMITS AND DEVELOP INFORMATION TECHNOLOGY.

(a) IN GENERAL.—In fiscal years 2023 through 2025, the Secretary of Agriculture (acting through the Forest Service) and the Secretary of the Interior, after public notice, may accept and expend funds contributed by non-Federal entities for dedicated staff, information resource management, and information technology system development to expedite the evaluation of permits, biological opinions, concurrence letters, environmental surveys and studies, processing of applications, consultations, and other

activities for the leasing, development, or expansion of an energy facility under the jurisdiction of the respective Secretaries.

(b) EFFECT ON PERMITTING.—In carrying out this section, the Secretary of the Interior shall ensure that the use of funds accepted under subsection (a) will not impact impartial decision making with respect to permits, either substantively or procedurally.

(c) STATEMENT FOR FAILURE TO ACCEPT OR EXPEND FUNDS.—Not later than 60 days after the end of the applicable fiscal year, if the Secretary of Agriculture (acting through the Forest Service) or the Secretary of the Interior does not accept funds contributed under subsection (a) or accepts but does not expend such funds, that Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a statement explaining why such funds were not accepted, were not expended, or both, as the case may be.

SEC. 210. OFFSHORE GEOLOGICAL AND GEOPHYSICAL SURVEY LICENSING.

The Secretary of the Interior shall authorize geological and geophysical surveys related to oil and gas activities on the Gulf of Mexico Outer Continental Shelf, except within areas subject to existing oil and gas leasing moratoria. Such authorizations shall be issued within 30 days of receipt of a completed application and shall, as applicable to survey type, comply with the mitigation and monitoring measures in subsections (a), (b), (c), (d), (f), and (g) of section 217.184 of title 50, Code of Federal Regulations (as in effect on January 1, 2022), and section 217.185 of title 50, Code of Federal Regulations (as in effect on January 1, 2022). Geological and geophysical surveys authorized pursuant to this section are deemed to be in full compliance with the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and their implementing regulations.

SEC. 211. DEFERRAL OF APPLICATIONS FOR PERMITS TO DRILL.

Section 17(p)(3) of the Mineral Leasing Act (30 U.S.C. 226(p)(3)) is amended by adding at the end the following:

> "(D) DEFERRAL BASED ON FORMATTING ISSUES.—A decision on an application for a permit to drill may not be deferred under paragraph (2)(B) as a result of a formatting issue with the permit, unless such formatting issue results in missing information.".

SEC. 212. PROCESSING AND TERMS OF APPLICATIONS FOR PERMITS TO DRILL.

(a) EFFECT OF PENDING CIVIL ACTIONS.—Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by adding at the end the following:

"(4) EFFECT OF PENDING CIVIL ACTION ON PROCESSING APPLICATIONS FOR PERMITS TO DRILL.—Pursuant to the requirements of paragraph (2), notwithstanding the existence of any pending civil actions affecting the application or related lease, the Secretary shall process an application for a permit to drill or other authorizations or approvals under a valid existing lease, unless a United States Federal court vacated such lease. Nothing in this paragraph shall be construed as providing authority to a Federal court to vacate a lease.".

(b) TERM OF PERMIT TO DRILL.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by adding at the end the following:

"(u) TERM OF PERMIT TO DRILL.—A permit to drill issued under this section after the date of the enactment of this subsection shall be valid for one four-year term from the date that the permit is approved, or until the lease regarding which the permit is issued expires, whichever occurs first.".

SEC. 213. AMENDMENTS TO THE ENERGY POLICY ACT OF 2005.

Section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942) is amended to read as follows:

"SEC. 390. NATIONAL ENVIRONMENTAL POLICY ACT REVIEW.

"(a) NATIONAL ENVIRONMENTAL POLICY ACT REVIEW.—Action by the Secretary of the Interior, in managing the public lands, or the Secretary of Agriculture, in managing National Forest System lands, with respect to any of the activities described in subsection (c), shall not be considered a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969, if the activity is conducted pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) for the purpose of exploration or development of oil or gas.

"(b) APPLICATION.—This section shall not apply to an action of the Secretary of the Interior or the Secretary of Agriculture on Indian lands or resources managed in trust for the benefit of Indian Tribes.

"(c) ACTIVITIES DESCRIBED.—The activities referred to in subsection (a) are as follows:

"(1) Reinstating a lease pursuant to section 31 of the Mineral Leasing Act (30 U.S.C. 188).

"(2) The following activities, provided that any new surface disturbance is contiguous with the footprint of the original authorization and does not exceed 20 acres or the acreage has previously been evaluated in a document previously prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to such activity:

"(A) Drilling an oil or gas well at a well pad site at which drilling has occurred previously.

"(B) Expansion of an existing oil or gas well pad site to accommodate an additional well.

"(C) Expansion or modification of an existing oil or gas well pad site, road, pipeline, facility, or utility submitted in a sundry notice.

"(3) Drilling of an oil or gas well at a new well pad site, provided that the new surface disturbance does not exceed 20 acres and the acreage evaluated in a document previously prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to such activity, whichever is greater.

"(4) Construction or realignment of a road, pipeline, or utility within an existing right-of-way or within a right-of-way corridor established in a land use plan.

"(5) The following activities when conducted from non-Federal surface into federally owned minerals, provided that the operator submits to the Secretary concerned certification of a surface use agreement with the non-Federal landowner:

"(A) Drilling an oil or gas well at a well pad site at which drilling has occurred previously.

"(B) Expansion of an existing oil or gas well pad site to accommodate an additional well.

"(C) Expansion or modification of an existing oil or gas well pad site, road, pipeline, facility, or utility submitted in a sundry notice.

"(6) Drilling of an oil or gas well from non-Federal surface and non-Federal subsurface into Federal mineral estate.

"(7) Construction of up to 1 mile of new road on Federal or non-Federal surface, not to exceed 2 miles in total.

"(8) Construction of up to 3 miles of individual pipelines or utilities, regardless of surface ownership.".

SEC. 214. ACCESS TO FEDERAL ENERGY RESOURCES FROM NON-FEDERAL SURFACE ESTATE.

(a) OIL AND GAS PERMITS.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by adding at the end the following:

"(v) NO FEDERAL PERMIT REQUIRED FOR OIL AND GAS ACTIVITIES ON CERTAIN LAND.—

"(1) IN GENERAL.—The Secretary shall not require an operator to obtain a Federal drilling permit for oil and gas exploration and production activities conducted on non-Federal surface estate, provided that—

"(A) the United States holds an ownership interest of less than 50 percent of the subsurface mineral estate to be accessed by the proposed action; and

"(B) the operator submits to the Secretary a State permit to conduct oil and gas exploration and production activities on the non-Federal surface estate.

"(2) NO FEDERAL ACTION.—An oil and gas exploration and production activity carried out under paragraph (1)—

"(A) shall not be considered a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969;

"(B) shall require no additional Federal action;

"(C) may commence 30 days after submission of the State permit to the Secretary; and

"(D) shall not be subject to—

"(i) section 306108 of title 54, United States Code (commonly known as the National Historic Preservation Act of 1966); and

"(ii) section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

"(3) ROYALTIES AND PRODUCTION ACCOUNTABILITY.— (A) Nothing in this subsection shall affect the amount of royalties due to the United States under this Act from the production of oil and gas, or alter the Secretary's authority to conduct audits and collect civil penalties pursuant to the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.).

"(B) The Secretary may conduct onsite reviews and inspections to ensure proper accountability, measurement, and reporting of production of Federal oil and gas, and payment of royalties.

"(4) EXCEPTIONS.—This subsection shall not apply to actions on Indian lands or resources managed in trust for the benefit of Indian Tribes.

"(5) INDIAN LAND.—In this subsection, the term 'Indian land' means—

"(A) any land located within the boundaries of an Indian reservation, pueblo, or rancheria; and

"(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

"(i) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

"(ii) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

"(iii) by a dependent Indian community.".

(b) GEOTHERMAL PERMITS.—The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at the end the following:

"SEC. 30. NO FEDERAL PERMIT REQUIRED FOR GEOTHERMAL ACTIVITIES ON CERTAIN LAND.

"(a) IN GENERAL.—The Secretary shall not require an operator to obtain a Federal drilling permit for geothermal exploration and production activities conducted on a non-Federal surface estate, provided that—

"(1) the United States holds an ownership interest of less than 50 percent of the subsurface geothermal estate to be accessed by the proposed action; and

"(2) the operator submits to the Secretary a State permit to conduct geothermal exploration and production activities on the non-Federal surface estate.

"(b) NO FEDERAL ACTION.—A geothermal exploration and production activity carried out under paragraph (1)—

"(1) shall not be considered a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969;

"(2) shall require no additional Federal action;

"(3) may commence 30 days after submission of the State permit to the Secretary; and

"(4) shall not be subject to—

"(A) section 306108 of title 54, United States Code (commonly known as the National Historic Preservation Act of 1966); and

"(B) section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

"(c) ROYALTIES AND PRODUCTION ACCOUNTABILITY.— (1) Nothing in this section shall affect the amount of royalties due to the United States under this Act from the production of electricity using geothermal resources (other than direct use of geothermal resources) or the production of any byproducts.

"(2) The Secretary may conduct onsite reviews and inspections to ensure proper accountability, measurement, and reporting of the production described in paragraph (1), and payment of royalties.

"(d) EXCEPTIONS.—This section shall not apply to actions on Indian lands or resources managed in trust for the benefit of Indian Tribes.

"(e) INDIAN LAND.—In this section, the term 'Indian land' means—

"(1) any land located within the boundaries of an Indian reservation, pueblo, or rancheria; and

"(2) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

"(A) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

"(B) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

"(C) by a dependent Indian community.".

SEC. 215. SCOPE OF ENVIRONMENTAL REVIEWS FOR OIL AND GAS LEASES.

An environmental review for an oil and gas lease or permit prepared pursuant to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and its implementing regulations—

(1) shall apply only to areas that are within or immediately adjacent to the lease plot or plots and that are directly affected by the proposed action; and

(2) shall not require consideration of downstream, indirect effects of oil and gas consumption.

SEC. 216. EXPEDITING APPROVAL OF GATHERING LINES.

Section 11318(b)(1) of the Infrastructure Investment and Jobs Act (42 U.S.C. 15943(b)(1)) is amended by striking "to be an action that is categorically excluded (as defined in section 1508.1 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act))" and inserting "to not be a major Federal action".

SEC. 217. LEASE SALE LITIGATION.

Notwithstanding any other provision of law, any oil and gas lease sale held under section 17 of the Mineral Leasing Act (26 U.S.C. 226) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) shall not be vacated and activities on leases awarded in the sale shall not be otherwise limited, delayed, or enjoined unless the court concludes allowing development of the challenged lease will pose a risk of an imminent and substantial environmental harm and there is no other equitable remedy available as a matter of law. No court, in response to an action brought pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. et seq.), may enjoin or issue any order preventing the award of leases to a bidder in a lease sale conducted pursuant to section 17 of the Mineral Leasing Act (26 U.S.C. 226) or the Outer Continental Shelf Lands Act (43

U.S.C. 1331 et seq.) if the Department of the Interior has previously opened bids for such leases or disclosed the high bidder for any tract that was included in such lease sale.

SEC. 218. LIMITATION ON CLAIMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a mineral project, energy facility, or energy storage device shall be barred unless—

(1) the claim is filed within 120 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed; and

(2) the claim is filed by a party that submitted a comment during the public comment period for such permit, license, or approval and such comment was sufficiently detailed to put the agency on notice of the issue upon which the party seeks judicial review.

(b) SAVINGS CLAUSE.—Nothing in this section shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

(c) TRANSPORTATION PROJECTS.—Subsection (a) shall not apply to or supersede a claim subject to section 139(l)(1) of title 23, United States Code.

(d) MINERAL PROJECT.—In this section, the term "mineral project" means a project—

(1) located on—

(A) a mining claim, millsite claim, or tunnel site claim for any mineral;

(B) lands open to mineral entry; or

(C) a Federal mineral lease; and

(2) for the purposes of exploring for or producing minerals.

SEC. 219. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON PERMITS TO DRILL.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall issue a report detailing—

(1) the approval timelines for applications for permits to drill issued by the Bureau of Land Management from 2018 through 2023;

(2) the number of applications for permits to drill that were not issued within 30 days of receipt of a completed application; and

(3) the causes of delays resulting in applications for permits to drill pending beyond the 30 day deadline required under section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)).

(b) RECOMMENDATIONS.—The report issued under subsection (a) shall include recommendations with respect to—

(1) actions the Bureau of Land Management can take to streamline the approval process for applications for permits to drill to approve applications for permits to drill within 30 days of receipt of a completed application;

(2) aspects of the Federal permitting process carried out by the Bureau of Land Management to issue applications for permits to drill that can be turned over to States to expedite approval of applications for permits to drill; and

(3) legislative actions that Congress must take to allow States to administer certain aspects of the Federal permitting process described in paragraph (2).

subtitle C—Permitting for mining needs

SEC. 301. DEFINITIONS.

In this subtitle:

(1) BYPRODUCT.—The term "byproduct" has the meaning given such term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(2) INDIAN TRIBE.—The term "Indian Tribe" has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) MINERAL.—The term "mineral" means any mineral of a kind that is locatable (including, but not limited to, such minerals located on "lands

acquired by the United States", as such term is defined in section 2 of the Mineral Leasing Act for Acquired Lands) under the Act of May 10, 1872 (Chapter 152; 17 Stat. 91).

(4) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands; and

(G) the United States Virgin Islands.

SEC. 302. MINERALS SUPPLY CHAIN AND RELIABILITY.

Section 40206 of the Infrastructure Investment and Jobs Act (30 U.S.C. 1607) is amended—

(1) in the section heading, by striking "**CRITICAL MINERALS**" and inserting "**MINERALS**";

(2) by amending subsection (a) to read as follows:

"(a) DEFINITIONS.—In this section:

"(1) LEAD AGENCY.—The term 'lead agency' means the Federal agency with primary responsibility for issuing a mineral exploration or mine permit or lease for a mineral project.

"(2) MINERAL.—The term 'mineral' has the meaning given such term in section **[**301 of the TAPP American Resources Act**]**.

"(3) MINERAL EXPLORATION OR MINE PERMIT.—The term 'mineral exploration or mine permit' means—

"(A) an authorization of the Bureau of Land Management or the Forest Service, as applicable, for exploration for minerals that requires analysis under the National Environmental Policy Act of 1969;

"(B) a plan of operations for a mineral project approved by the Bureau of Land Management or the Forest Service; or

"(C) any other Federal permit or authorization for a mineral project.

"(4) MINERAL PROJECT.—The term 'mineral project' means a project—

"(A) located on—

"(i) a mining claim, millsite claim, or tunnel site claim for any mineral;

"(ii) lands open to mineral entry; or

"(iii) a Federal mineral lease; and

"(B) for the purposes of exploring for or producing minerals.".

(3) in subsection (b), by striking "critical" each place such term appears;

(4) in subsection (c)—

(A) by striking "critical mineral production on Federal land" and inserting "mineral projects";

(B) by inserting ", and in accordance with subsection (h)" after "to the maximum extent practicable";

(C) by striking "shall complete the" and inserting "shall complete such";

(D) in paragraph (1), by striking "critical mineral-related activities on Federal land" and inserting "mineral projects";

(E) in paragraph (8), by striking the "and" at the end;

(F) in paragraph (9), by striking "procedures." and inserting "procedures; and"; and

(G) by adding at the end the following:

"(10) deferring to and relying on baseline data, analyses, and reviews performed by State agencies with jurisdiction over the environmental or reclamation permits for the proposed mineral project.";

(5) in subsection (d)—

(A) by striking "critical" each place such term appears; and

(B) in paragraph (3), by striking "mineral-related activities on Federal land" and inserting "mineral projects";

(6) in subsection (e), by striking "critical";

(7) in subsection (f), by striking "critical" each place such term appears;

(8) in subsection (g), by striking "critical" each place such term appears; and

(9) by adding at the end the following:

"(h) OTHER REQUIREMENTS.—

"(1) MEMORANDUM OF AGREEMENT.—For purposes of maximizing efficiency and effectiveness of the Federal permitting and review processes described under subsection (c), the lead agency in the Federal permitting and review processes of a mineral project shall (in consultation with any other Federal agency involved in such Federal permitting and review processes, and upon request of the project applicant, an affected State government, local government, or an Indian Tribe, or other entity such lead agency determines appropriate) enter into a memorandum of agreement with a project applicant where requested by the applicant to carry out the activities described in subsection (c).

"(2) TIMELINES AND SCHEDULES FOR NEPA REVIEWS.—

"(A) EXTENSION.—A project applicant may enter into 1 or more agreements with a lead agency to extend the deadlines described in subparagraphs (A) and (B) of subsection (h)(1) of section 107 of title I of the National Environmental Policy Act of 1969 by, with respect to each such agreement, not more than 6 months.

"(B) ADJUSTMENT OF TIMELINES.—At the request of a project applicant, the lead agency and any other entity which is a signatory to a memorandum of agreement under paragraph (1) may, by unanimous agreement, adjust—

"(i) any deadlines described in subparagraph (A); and

"(ii) any deadlines extended under subparagraph (B).

"(3) EFFECT ON PENDING APPLICATIONS.—Upon a written request by a project applicant, the requirements of this subsection shall apply to any application for a mineral exploration or mine permit or mineral lease that was submitted before the date of the enactment of the **[**TAPP American Resources Act.**]**.".

SEC. 303. FEDERAL REGISTER PROCESS IMPROVEMENT.

Section 7002(f) of the Energy Act of 2020 (30 U.S.C. 1606(f)) is amended—

(1) in paragraph (2), by striking "critical" both places such term appears; and

(2) by striking paragraph (4).

SEC. 304. DESIGNATION OF MINING AS A COVERED SECTOR FOR FEDERAL PERMITTING IMPROVEMENT PURPOSES.

Section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) is amended by inserting "mineral production," before "or any other sector".

SEC. 305. TREATMENT OF ACTIONS UNDER PRESIDENTIAL DETERMINATION 2022–11 FOR FEDERAL PERMITTING IMPROVEMENT PURPOSES.

(a) IN GENERAL.—Except as provided by subsection (c), an action described in subsection (b) shall be—

(1) treated as a covered project, as defined in section 41001(6) of the FAST Act (42 U.S.C. 4370m(6)), without regard to the requirements of that section; and

(2) included in the Permitting Dashboard maintained pursuant to section 41003(b) of that Act (42 13 U.S.C. 4370m–2(b)).

(b) ACTIONS DESCRIBED.—An action described in this subsection is an action taken by the Secretary of Defense pursuant to Presidential Determination 2022–11 (87 Fed. Reg. 19775; relating to certain actions under section 303 of the Defense Production Act of 1950) or the Presidential Memorandum of February 27, 2023, titled "Presidential Waiver of Statutory Requirements Pursuant to Section 303 of the Defense Production Act of 1950, as amended, on Department of Defense Supply Chains Resilience" (88 Fed. Reg. 13015) to create, maintain, protect, expand, or restore sustainable and responsible domestic production capabilities through—

(1) supporting feasibility studies for mature mining, beneficiation, and value-added processing projects;

(2) byproduct and co-product production at existing mining, mine waste reclamation, and other industrial facilities;

(3) modernization of mining, beneficiation, and value-added processing to increase productivity, environmental sustainability, and workforce safety; or

(4) any other activity authorized under section 303(a)(1) of the Defense Production Act of 1950 15 (50 U.S.C. 4533(a)(1)).

(c) EXCEPTION.—An action described in subsection (b) may not be treated as a covered project or be included in the Permitting Dashboard under subsection (a) if the project sponsor (as defined in section 41001(18) of the FAST Act (42 U.S.C. 21 4370m(18))) requests that the action not be treated as a covered project.

SEC. 306. NOTICE FOR MINERAL EXPLORATION ACTIVITIES WITH LIMITED SURFACE DISTURBANCE.

(a) IN GENERAL.—Not later than 15 days before commencing an exploration activity with a surface disturbance of not more than 5 acres of public lands, the operator of such exploration activity shall submit to the Secretary concerned a complete notice of such exploration activity.

(b) INCLUSIONS.—Notice submitted under subsection (a) shall include such information the Secretary concerned may require, including the information described in section 3809.301 of title 43, Code of Federal Regulations (or any successor regulation).

(c) REVIEW.—Not later than 15 days after the Secretary concerned receives notice submitted under subsection (a), the Secretary concerned shall—

(1) review and determine completeness of the notice; and

(2) allow exploration activities to proceed if—

(A) the surface disturbance of such exploration activities on such public lands will not exceed 5 acres;

(B) the Secretary concerned determines that the notice is complete; and

(C) the operator provides financial assurance that the Secretary concerned determines is adequate.

(d) DEFINITIONS.—In this section:

(1) EXPLORATION ACTIVITY.—The term "exploration activity"—

(A) means creating surface disturbance greater than casual use that includes sampling, drilling, or developing surface or underground workings to evaluate the type, extent, quantity, or quality of mineral values present;

(B) includes constructing drill roads and drill pads, drilling, trenching, excavating test pits, and conducting geotechnical tests and geophysical surveys; and

(C) does not include activities where material is extracted for commercial use or sale.

(2) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) with respect to lands administered by the Secretary of the Interior, the Secretary of the Interior; and

(B) with respect to National Forest System lands, the Secretary of Agriculture.

SEC. 307. USE OF MINING CLAIMS FOR ANCILLARY ACTIVITIES.

Section 10101 of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f) is amended by adding at the end the following:

"(e) SECURITY OF TENURE.—

"(1) CLAIMANT RIGHTS.—

"(A) DEFINITION OF OPERATIONS.—In this paragraph, the term 'operations' means—

"(i) with respect to a locatable mineral, any activity or work carried out in connection with—

"(I) prospecting;

"(II) exploration;

"(III) discovery and assessment;

"(IV) development;

"(V) extraction; or

"(VI) processing;

"(ii) the reclamation of an area disturbed by an activity described in clause (i); and

"(iii) any activity reasonably incident to an activity described in clause (i) or (ii), regardless of whether that incidental activity is carried out on a mining claim, including the construction and maintenance of any road, transmission line, pipeline, or any other necessary infrastructure or means of access on public land for a support facility.

"(B) RIGHTS TO USE, OCCUPATION, AND OPERATIONS.—A claimant shall have the right to use and occupy to conduct operations on public land, with or without the discovery of a valuable mineral deposit, if—

"(i) the claimant makes a timely payment of—

"(I) the location fee required by section 10102; and

"(II) the claim maintenance fee required by subsection (a); or

"(ii) in the case of a claimant who qualifies for a waiver of the claim maintenance fee under subsection (d)—

"(I) the claimant makes a timely payment of the location fee required by section 10102; and

"(II) the claimant complies with the required assessment work under the general mining laws.

"(2) FULFILLMENT OF FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976.—A claimant that fulfills the requirements of this section and section 10102 shall be deemed to satisfy any requirements under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) for the payment of fair market value to the United States for the use of public land and resources pursuant to the general mining laws.

"(3) SAVINGS CLAUSE.—Nothing in this subsection—

"(A) diminishes any right (including a right of entry, use, or occupancy) of a claimant;

"(B) creates or increases any right (including a right of exploration, entry, use, or occupancy) of a claimant on lands that are not open to location under the general mining laws;

"(C) modifies any provision of law or any prior administrative action withdrawing lands from location or entry;

"(D) limits the right of the Federal Government to regulate mining and mining-related activities (including requiring claim validity examinations to establish the discovery of a valuable mineral deposit) in areas withdrawn from mining (including under—

"(i) the general mining laws;

"(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

"(iii) the Wilderness Act (16 U.S.C. 1131 et seq.);

"(iv) sections 100731 through 100737 of title 54, United States Code (commonly referred to as the 'Mining in the Parks Act');

"(v) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

"(vi) division A of subtitle III of title 54, United States Code (commonly referred to as the 'National Historic Preservation Act')); or

"(E) restores any right (including a right of entry, use, or occupancy, or right to conduct operations) of a claimant that existed prior to the date that the lands were closed to or withdrawn from location under the general mining laws and that has been extinguished by such closure or withdrawal.".

SEC. 308. ENSURING CONSIDERATION OF URANIUM AS A CRITICAL MINERAL.

(a) IN GENERAL.—Section 7002(a)(3)(B)(i) of the Energy Act of 2020 (30 U.S.C. 1606(a)(3)(B)(i)) is amended to read as follows:

"(i) oil, oil shale, coal, or natural gas;".

(b) UPDATE.—Not later than 60 days after the date of the enactment of this section, the Secretary, acting through the Director of the United States Geological Survey, shall publish in the Federal Register an update to the final list established in section 7002(c)(3) of the Energy Act of 2020 (30 U.S.C. 1606(c)(3)) in accordance with subsection (a) of this section.

subtitle D—Federal land use planning

SEC. 401. FEDERAL LAND USE PLANNING AND WITHDRAWALS.

(a) RESOURCE ASSESSMENTS REQUIRED.—Federal lands and waters may not be withdrawn from entry under the mining laws or operation of the mineral leasing and mineral materials laws unless—

(1) a quantitative and qualitative geophysical and geological mineral resource assessment of the impacted area has been completed during the 10-year period ending on the date of such withdrawal;

(2) the Secretary, in consultation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of Defense, conducts an assessment of the economic, energy, strategic, and national security value of mineral deposits identified in such mineral resource assessment;

(3) the Secretary conducts an assessment of the reduction in future Federal revenues to the Treasury, States, the Land and Water Conservation Fund, the Historic Preservation Fund, and the National Parks and Public

Land Legacy Restoration Fund resulting from the proposed mineral withdrawal;

(4) the Secretary, in consultation with the Secretary of Defense, conducts an assessment of military readiness and training activities in the proposed withdrawal area; and

(5) the Secretary submits a report to the Committees on Natural Resources, Agriculture, Energy and Commerce, and Foreign Affairs of the House of Representatives and the Committees on Energy and Natural Resources, Agriculture, and Foreign Affairs of the Senate, that includes the results of the assessments completed pursuant to this subsection.

(b) LAND USE PLANS.—Before a resource management plan under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) or a forest management plan under the National Forest Management Act is updated or completed, the Secretary or Secretary of Agriculture, as applicable, in consultation with the Director of the United States Geological Survey, shall—

(1) review any quantitative and qualitative mineral resource assessment that was completed or updated during the 10-year period ending on the date that the applicable land management agency publishes a notice to prepare, revise, or amend a land use plan by the Director of the United States Geological Survey for the geographic area affected by the applicable management plan;

(2) the Secretary, in consultation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of Defense, conducts an assessment of the economic, energy, strategic, and national security value of mineral deposits identified in such mineral resource assessment; and

(3) submit a report to the Committees on Natural Resources, Agriculture, Energy and Commerce, and Foreign Affairs of the House of Representatives and the Committees on Energy and Natural Resources, Agriculture, and Foreign Affairs of the Senate, that includes the results of the assessment completed pursuant to this subsection.

(c) NEW INFORMATION.—The Secretary shall provide recommendations to the President on appropriate measures to reduce unnecessary impacts that a withdrawal of Federal lands or waters from entry under the mining laws or operation of the mineral leasing and mineral materials laws may have on mineral exploration, development, and other mineral activities (including authorizing exploration and development of such mineral deposits) not later than 180 days after the Secretary has notice that a resource

assessment completed by the Director of the United States Geological Survey, in coordination with the State geological surveys, determines that a previously undiscovered mineral deposit may be present in an area that has been withdrawn from entry under the mining laws or operation of the mineral leasing and mineral materials laws pursuant to—

(1) section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714), or

(2) chapter 3203 of title 54, United States Code.

SEC. 402. PROHIBITIONS ON DELAY OF MINERAL DEVELOPMENT OF CERTAIN FEDERAL LAND.

(a) PROHIBITIONS.—Notwithstanding any other provision of law, the President shall not carry out any action that would pause, restrict, or delay the process for or issuance of any of the following on Federal land, unless such lands are withdrawn from disposition under the mineral leasing laws, including by administrative withdrawal:

(1) New oil and gas lease sales, oil and gas leases, drill permits, or associated approvals or authorizations of any kind associated with oil and gas leases.

(2) New coal leases (including leases by application in process, renewals, modifications, or expansions of existing leases), permits, approvals, or authorizations.

(3) New leases, claims, permits, approvals, or authorizations for development or exploration of minerals.

(b) PROHIBITION ON RESCISSION OF LEASES, PERMITS, OR CLAIMS.—The President, the Secretary, or Secretary of Agriculture as applicable, may not rescind any existing lease, permit, or claim for the extraction and production of any mineral under the mining laws or mineral leasing and mineral materials laws on National Forest System land or land under the jurisdiction of the Bureau of Land Management, unless specifically authorized by Federal statute, or upon the lessee, permittee, or claimant's failure to comply with any of the provisions of the applicable lease, permit, or claim.

(c) MINERAL DEFINED.—In subsection (a)(3), the term "mineral" means any mineral of a kind that is locatable (including such minerals located on "lands acquired by the United States", as such term is defined in section 2 of the Mineral Leasing Act for Acquired Lands) under the Act of May 10, 1872 (Chapter 152; 17 Stat. 91).

SEC. 403. DEFINITIONS.

In this subtitle:

(1) FEDERAL LAND.—The term "Federal land" means—

(A) National Forest System land;

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(C) the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)); and

(D) land managed by the Secretary of Energy.

(2) PRESIDENT.—The term "President" means—

(A) the President; and

(B) any designee of the President, including—

(i) the Secretary of Agriculture;

(ii) the Secretary of Commerce;

(iii) the Secretary of Energy; and

(iv) the Secretary of the Interior.

(3) PREVIOUSLY UNDISCOVERED DEPOSIT.—The term "previously undiscovered mineral deposit" means—

(A) a mineral deposit that has been previously evaluated by the United States Geological Survey and found to be of low mineral potential, but upon subsequent evaluation is determined by the United States Geological Survey to have significant mineral potential, or

(B) a mineral deposit that has not previously been evaluated by the United States Geological Survey.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

subtitle E—Ensuring competitiveness on Federal lands

SEC. 501. INCENTIVIZING DOMESTIC PRODUCTION.

(a) OFFSHORE OIL AND GAS ROYALTY RATE.—Section 8(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)) is amended—

(1) in subparagraph (A), by striking "not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter," each place it appears and inserting "not less than 12.5 percent";

(2) in subparagraph (C), by striking "not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter," each place it appears and inserting "not less than 12.5 percent";

(3) in subparagraph (F), by striking "not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter," and inserting "not less than 12.5 percent"; and

(4) in subparagraph (H), by striking "not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter," and inserting "not less than 12.5 percent".

(b) MINERAL LEASING ACT.—

(1) ONSHORE OIL AND GAS ROYALTY RATES.—

(A) LEASE OF OIL AND GAS LAND.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(i) in subsection (b)(1)(A)—

(I) by striking "not less than 16⅔ " and inserting "not less than 12.5"; and

(II) by striking "or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II

of S. Con. Res. 14', 16⅔ percent in amount or value of the production removed or sold from the lease"; and

(ii) by striking "16⅔ percent" each place it appears and inserting "12.5 percent".

(B) CONDITIONS FOR REINSTATEMENT.—Section 31(e)(3) of the Mineral Leasing Act (30 U.S.C. 188(e)(3)) is amended by striking "20" inserting "16⅔ ".

(2) OIL AND GAS MINIMUM BID.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(A) in paragraph (1)(B), by striking "$10 per acre during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'." and inserting "$2 per acre for a period of 2 years from the date of the enactment of the Federal Onshore Oil and Gas Leasing Reform Act of 1987."; and

(B) in paragraph (2)(C), by striking "$10 per acre" and inserting "$2 per acre".

(3) FOSSIL FUEL RENTAL RATES.—Section 17(d) of the Mineral Leasing Act (30 U.S.C. 226(d)) is amended to read as follows:

"(d) All leases issued under this section, as amended by the Federal Onshore Oil and Gas Leasing Reform Act of 1987, shall be conditioned upon payment by the lessee of a rental of not less than $1.50 per acre per year for the first through fifth years of the lease and not less than $2 per acre per year for each year thereafter. A minimum royalty in lieu of rental of not less than the rental which otherwise would be required for that lease year shall be payable at the expiration of each lease year beginning on or after a discovery of oil or gas in paying quantities on the lands leased.".

(4) EXPRESSION OF INTEREST FEE.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by repealing subsection (q).

(5) ELIMINATION OF NONCOMPETITIVE LEASING.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended—

(A) in subsection (b)—

(i) in paragraph (1)(A)—

(I) in the first sentence, by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(II) by adding at the end "Lands for which no bids are received or for which the highest bid is less than the national minimum acceptable bid shall be offered promptly within 30 days for leasing under subsection (c) of this section and shall remain available for leasing for a period of 2 years after the competitive lease sale."; and

(ii) by adding at the end the following:

"(3) (A) If the United States held a vested future interest in a mineral estate that, immediately prior to becoming a vested present interest, was subject to a lease under which oil or gas was being produced, or had a well capable of producing, in paying quantities at an annual average production volume per well per day of either not more than 15 barrels per day of oil or condensate, or not more than 60,000 cubic feet of gas, the holder of the lease may elect to continue the lease as a noncompetitive lease under subsection (c)(1).

"(B) An election under this paragraph is effective—

"(i) in the case of an interest which vested after January 1, 1990, and on or before October 24, 1992, if the election is made before the date that is 1 year after October 24, 1992;

"(ii) in the case of an interest which vests within 1 year after October 24, 1992, if the election is made before the date that is 2 years after October 24, 1992; and

"(iii) in any case other than those described in clause (i) or (ii), if the election is made prior to the interest becoming a vested present interest.";

(B) by striking subsection (c) and inserting the following:

"(c) LANDS SUBJECT TO LEASING UNDER SUBSECTION (B); FIRST QUALIFIED APPLICANT.—

"(1) If the lands to be leased are not leased under subsection (b)(1) of this section or are not subject to competitive leasing under subsection (b)(2) of this section, the person first making application for the lease who is

qualified to hold a lease under this chapter shall be entitled to a lease of such lands without competitive bidding, upon payment of a non-refundable application fee of at least $75. A lease under this subsection shall be conditioned upon the payment of a royalty at a rate of 12.5 percent in amount or value of the production removed or sold from the lease. Leases shall be issued within 60 days of the date on which the Secretary identifies the first responsible qualified applicant.

"(2) (A) Lands (i) which were posted for sale under subsection (b)(1) of this section but for which no bids were received or for which the highest bid was less than the national minimum acceptable bid and (ii) for which, at the end of the period referred to in subsection (b)(1) of this section no lease has been issued and no lease application is pending under paragraph (1) of this subsection, shall again be available for leasing only in accordance with subsection (b)(1) of this section.

"(B) The land in any lease which is issued under paragraph (1) of this subsection or under subsection (b)(1) of this section which lease terminates, expires, is cancelled or is relinquished shall again be available for leasing only in accordance with subsection (b)(1) of this section."; and

(C) by striking subsection (e) and inserting the following:

"(e) PRIMARY TERM.—Competitive and noncompetitive leases issued under this section shall be for a primary term of 10 years: Provided, however, That competitive leases issued in special tar sand areas shall also be for a primary term of 10 years. Each such lease shall continue so long after its primary term as oil or gas is produced in paying quantities. Any lease issued under this section for land on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced prior to the end of its primary term and are being diligently prosecuted at that time shall be extended for two years and so long thereafter as oil or gas is produced in paying quantities.".

(6) CONFORMING AMENDMENTS.—Section 31 of the Mineral Leasing Act (30 U.S.C. 188) is amended—

(A) in subsection (d)(1), by striking "section 17(b)" and inserting "subsection (b) or (c) of section 17 of this Act";

(B) in subsection (e)—

(i) in paragraph (2)—

(I) insert "either" after "rentals and"; and

(II) insert "or the inclusion in a reinstated lease issued pursuant to the provisions of section 17(c) of this Act of a requirement that future rentals shall be at a rate not less than $5 per acre per year, all" before "as determined by the Secretary"; and

(ii) by amending paragraph (3) to read as follows:

"(3) (A) payment of back royalties and the inclusion in a reinstated lease issued pursuant to the provisions of section 17(b) of this Act of a requirement for future royalties at a rate of not less than 16⅔ percent computed on a sliding scale based upon the average production per well per day, at a rate which shall be not less than 4 percentage points greater than the competitive royalty schedule then in force and used for royalty determination for competitive leases issued pursuant to such section as determined by the Secretary: Provided, That royalty on such reinstated lease shall be paid on all production removed or sold from such lease subsequent to the termination of the original lease; and

"(B) payment of back royalties and inclusion in a reinstated lease issued pursuant to the provisions of section 17(c) of this Act of a requirement for future royalties at a rate not less than 16⅔ percent: Provided, That royalty on such reinstated lease shall be paid on all production removed or sold from such lease subsequent to the cancellation or termination of the original lease; and".

(C) in subsection (f)—

(i) in paragraph (1), strike "in the same manner as the original lease issued pursuant to section 17" and insert "as a competitive or a noncompetitive oil and gas lease in the same manner as the original lease issued pursuant to subsection (b) or (c) of section 17 of this Act";

(ii) by redesignating paragraphs (2) and (3) as paragraph (3) and (4), respectively; and

(iii) by inserting after paragraph (1) the following:

"(2) Except as otherwise provided in this section, the issuance of a lease in lieu of an abandoned patented oil placer mining claim shall be treated as a

noncompetitive oil and gas lease issued pursuant to section 17(c) of this Act.";

(D) in subsection (g), by striking "subsection (d)" and inserting "subsections (d) and (f)";

(E) by amending subsection (h) to read as follows:

"(h) ROYALTY REDUCTIONS.—

"(1) In acting on a petition to issue a noncompetitive oil and gas lease, under subsection (f) of this section or in response to a request filed after issuance of such a lease, or both, the Secretary is authorized to reduce the royalty on such lease if in his judgment it is equitable to do so or the circumstances warrant such relief due to uneconomic or other circumstances which could cause undue hardship or premature termination of production.

"(2) In acting on a petition for reinstatement pursuant to subsection (d) of this section or in response to a request filed after reinstatement, or both, the Secretary is authorized to reduce the royalty in that reinstated lease on the entire leasehold or any tract or portion thereof segregated for royalty purposes if, in his judgment, there are uneconomic or other circumstances which could cause undue hardship or premature termination of production; or because of any written action of the United States, its agents or employees, which preceded, and was a major consideration in, the lessee's expenditure of funds to develop the property under the lease after the rent had become due and had not been paid; or if in the judgment of the Secretary it is equitable to do so for any reason.".

(F) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

(G) by inserting after subsection (e) the following:

"(f) ISSUANCE OF NONCOMPETITIVE OIL AND GAS LEASE; CONDITIONS.—Where an unpatented oil placer mining claim validly located prior to February 24, 1920, which has been or is currently producing or is capable of producing oil or gas, has been or is hereafter deemed conclusively abandoned for failure to file timely the required instruments or copies of instruments required by section 1744 of title 43, and it is shown to the satisfaction of the Secretary that such failure was inadvertent, justifiable, or not due to lack of reasonable diligence on the part of the owner, the Secretary may issue, for the lands covered by the abandoned unpatented oil placer mining claim, a noncompetitive oil and gas lease, consistent with the provisions of section 17(e) of this Act, to be effective

from the statutory date the claim was deemed conclusively abandoned. Issuance of such a lease shall be conditioned upon:

"(1) a petition for issuance of a noncompetitive oil and gas lease, together with the required rental and royalty, including back rental and royalty accruing from the statutory date of abandonment of the oil placer mining claim, being filed with the Secretary- (A) with respect to any claim deemed conclusively abandoned on or before January 12, 1983, on or before the one hundred and twentieth day after January 12, 1983, or (B) with respect to any claim deemed conclusively abandoned after January 12, 1983, on or before the one hundred and twentieth day after final notification by the Secretary or a court of competent jurisdiction of the determination of the abandonment of the oil placer mining claim;

"(2) a valid lease not having been issued affecting any of the lands covered by the abandoned oil placer mining claim prior to the filing of such petition: Provided, however, That after the filing of a petition for issuance of a lease under this subsection, the Secretary shall not issue any new lease affecting any of the lands covered by such abandoned oil placer mining claim for a reasonable period, as determined in accordance with regulations issued by him;

"(3) a requirement in the lease for payment of rental, including back rentals accruing from the statutory date of abandonment of the oil placer mining claim, of not less than $5 per acre per year;

"(4) a requirement in the lease for payment of royalty on production removed or sold from the oil placer mining claim, including all royalty on production made subsequent to the statutory date the claim was deemed conclusively abandoned, of not less than 12½ percent; and

"(5) compliance with the notice and reimbursement of costs provisions of paragraph (4) of subsection (e) but addressed to the petition covering the conversion of an abandoned unpatented oil placer mining claim to a noncompetitive oil and gas lease.".

subtitle F—Energy revenue sharing

SEC. 601. GULF OF MEXICO OUTER CONTINENTAL SHELF REVENUE.

(a) DISTRIBUTION OF OUTER CONTINENTAL SHELF REVENUE TO GULF PRODUCING STATES.—Section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "50" and inserting "37.5"; and

(B) in paragraph (2)—

(i) by striking "50" and inserting "62.5";

(ii) in subparagraph (A), by striking "75" and inserting "80"; and

(iii) in subparagraph (B), by striking "25" and inserting "20"; and

(2) by striking subsection (f) and inserting the following:

"(f) TREATMENT OF AMOUNTS.—Amounts disbursed to a Gulf producing State under this section shall be treated as revenue sharing and not as a Federal award or grant for the purposes of part 200 of title 2, Code of Federal Regulations.".

(b) EXEMPTION OF CERTAIN PAYMENTS FROM SEQUESTRATION.—

(1) IN GENERAL.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by inserting after "Payments to Social Security Trust Funds (28–0404–0–1–651)." the following:

"Payments to States pursuant to section 105(a)(2)(A) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432; 43 U.S.C. 1331 note) (014–5535–0–2–302).".

(2) APPLICABILITY.—The amendment made by this subsection shall apply to any sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) on or after the date of enactment of this Act.

SEC. 602. PARITY IN OFFSHORE WIND REVENUE SHARING.

(a) PAYMENTS AND REVENUES.—Section 8(p)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(2)) is amended—

(1) in subparagraph (A), by striking "(A) The Secretary" and inserting the following:

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary";

(2) in subparagraph (B), by striking "(B) The Secretary" and inserting the following:

"(B) DISPOSITION OF REVENUES FOR PROJECTS LOCATED WITHIN 3 NAUTICAL MILES SEAWARD OF STATE SUBMERGED LAND.—The Secretary"; and

(3) by adding at the end the following:

"(C) DISPOSITION OF REVENUES FOR OFFSHORE WIND PROJECTS IN CERTAIN AREAS.—

"(i) DEFINITIONS.—In this subparagraph:

"(I) COVERED OFFSHORE WIND PROJECT.—The term 'covered offshore wind project' means a wind powered electric generation project in a wind energy area on the outer Continental Shelf that is not wholly or partially located within an area subject to subparagraph (B).

"(II) ELIGIBLE STATE.—The term 'eligible State' means a State a point on the coastline of which is located within 75 miles of the geographic center of a covered offshore wind project.

"(III) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—The term 'qualified outer Continental Shelf revenues' means all royalties, fees, rentals, bonuses, or other payments from covered offshore wind projects carried out pursuant to this subsection on or after the date of enactment of this subparagraph.

"(ii) REQUIREMENT.—

"(I) IN GENERAL.—The Secretary of the Treasury shall deposit—

"(aa) 12.5 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury;

"(bb) 37.5 percent of qualified outer Continental Shelf revenues in the North American Wetlands Conservation Fund; and

"(cc) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse to each eligible State an amount determined pursuant to subclause (II).

"(II) ALLOCATION.—

"(aa) IN GENERAL.—Subject to item (bb), for each fiscal year beginning after the date of enactment of this subparagraph, the amount made available under subclause (I)(cc) shall be allocated to each eligible State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each eligible State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

"(bb) MINIMUM ALLOCATION.—The amount allocated to an eligible State each fiscal year under item (aa) shall be at least 10 percent of the amounts made available under subclause (I)(cc).

"(cc) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

"(AA) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each eligible State, as determined pursuant to item (aa), to the coastal political subdivisions of the eligible State.

"(BB) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions under subitem (AA) shall be allocated to each coastal political subdivision in accordance with

subparagraphs (B) and (C) of section 31(b)(4) of this Act.

"(iii) TIMING.—The amounts required to be deposited under subclause (I) of clause (ii) for the applicable fiscal year shall be made available in accordance with such subclause during the fiscal year immediately following the applicable fiscal year.

"(iv) AUTHORIZED USES.—

"(I) IN GENERAL.—Subject to subclause (II), each eligible State shall use all amounts received under clause (ii)(II) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

"(aa) Projects and activities for the purposes of coastal protection and resiliency, including conservation, coastal restoration, estuary management, beach nourishment, hurricane and flood protection, and infrastructure directly affected by coastal wetland losses.

"(bb) Mitigation of damage to fish, wildlife, or natural resources, including through fisheries science and research.

"(cc) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

"(dd) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

"(ee) Planning assistance and the administrative costs of complying with this section.

"(II) LIMITATION.—Of the amounts received by an eligible State under clause (ii)(II), not more than 3 percent shall be used for the purposes described in subclause (I)(ee).

"(v) ADMINISTRATION.—Subject to clause (vi)(III), amounts made available under items (aa) and (cc) of clause (ii)(I) shall—

"(I) be made available, without further appropriation, in accordance with this subparagraph;

"(II) remain available until expended; and

"(III) be in addition to any amount appropriated under any other Act.

"(vi) REPORTING REQUIREMENT.—

"(I) IN GENERAL.—Not later than 180 days after the end of each fiscal year, the Governor of each eligible State that receives amounts under clause (ii)(II) for the applicable fiscal year shall submit to the Secretary a report that describes the use of the amounts by the eligible State during the period covered by the report.

"(II) PUBLIC AVAILABILITY.—On receipt of a report submitted under subclause (I), the Secretary shall make the report available to the public on the website of the Department of the Interior.

"(III) LIMITATION.—If the Governor of an eligible State that receives amounts under clause (ii)(II) fails to submit the report required under subclause (I) by the deadline specified in that subclause, any amounts that would otherwise be provided to the eligible State under clause (ii)(II) for the succeeding fiscal year shall be deposited in the Treasury.

"(vii) TREATMENT OF AMOUNTS.—Amounts disbursed to an eligible State under this subsection shall be treated as revenue sharing and not as a Federal award or grant for the purposes of part 200 of title 2, Code of Federal Regulations.".

(b) WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF OFFSHORE OF TERRITORIES OF THE UNITED STATES.—Section 33 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356c) is amended by adding at the end the following:

"(b) WIND LEASE SALE PROCEDURE.—Any wind lease granted pursuant to this section shall be considered a wind lease granted under section 8(p), including for purposes of the disposition of revenues pursuant to subparagraphs (B) and (C) of section 8(p)(2).".

(c) EXEMPTION OF CERTAIN PAYMENTS FROM SEQUESTRATION.—

(1) IN GENERAL.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by inserting after "Payments to Social Security Trust Funds (28–0404–0–1–651)." the following:

"Payments to States pursuant to subparagraph (C)(ii)(I)(cc) of section 8(p)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(2)).".

(2) APPLICABILITY.—The amendment made by this subsection shall apply to any sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) on or after the date of enactment of this Act.

SEC. 603. ELIMINATION OF ADMINISTRATIVE FEE UNDER THE MINERAL LEASING ACT.

(a) IN GENERAL.—Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) in subsection (a), in the first sentence, by striking "and, subject to the provisions of subsection (b),";

(2) by striking subsection (b);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(4) in paragraph (3)(B)(ii) of subsection (b) (as so redesignated), by striking "subsection (d)" and inserting "subsection (c)"; and

(5) in paragraph (3)(A)(ii) of subsection (c) (as so redesignated), by striking "subsection (c)(2)(B)" and inserting "subsection (b)(2)(B)".

(b) CONFORMING AMENDMENTS.—

(1) Section 6(a) of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355(a)) is amended—

(A) in the first sentence, by striking "Subject to the provisions of section 35(b) of the Mineral Leasing Act (30 U.S.C. 191(b)), all" and inserting "All"; and

(B) in the second sentence, by striking "of the Act of February 25, 1920 (41 Stat. 450; 30 U.S.C. 191)," and inserting "of the Mineral Leasing Act (30 U.S.C. 191)".

(2) Section 20(a) of the Geothermal Steam Act of 1970 (30 U.S.C. 1019(a)) is amended, in the second sentence of the matter preceding paragraph (1), by striking "the provisions of subsection (b) of section 35 of the Mineral Leasing Act (30 U.S.C. 191(b)) and section 5(a)(2) of this Act" and inserting "section 5(a)(2)".

(3) Section 205(f) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1735(f)) is amended—

(A) in the first sentence, by striking "this Section" and inserting "this section"; and

(B) by striking the fourth, fifth, and sixth sentences.