

117TH CONGRESS  
1ST SESSION

# H. R. 5806

To require the review by the Committee on Foreign Investment in the United States of greenfield investments by the People’s Republic of China.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2021

Mr. STEWART (for himself, Ms. MACE, Mr. BABIN, Mr. GUEST, Mr. OWENS, Mr. KATKO, Mr. BISHOP of North Carolina, Mrs. WAGNER, Mr. WEBER of Texas, and Mr. CRAWFORD) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require the review by the Committee on Foreign Investment in the United States of greenfield investments by the People’s Republic of China.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Exposing China’s Belt  
5       and Road Investment in America Act of 2021”.

1 **SEC. 2. REVIEW BY COMMITTEE ON FOREIGN INVESTMENT**  
2 **IN THE UNITED STATES OF GREENFIELD IN-**  
3 **VESTMENTS BY PEOPLE'S REPUBLIC OF**  
4 **CHINA.**

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

8 (1) in subparagraph (A)—

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

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

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

14 “(iii) any transaction described in  
15 subparagraph (B)(vi) proposed or pending  
16 on or after the date of the enactment of  
17 this clause.”; and

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

20 “(vi) An investment by a foreign per-  
21 son that—

22 “(I) involves—

23 “(aa) the completed or  
24 planned purchase or lease by, or  
25 a concession to, the foreign per-

1 son of private or public real es-  
2 tate in the United States; and

3 “(bb) the establishment of a  
4 United States business to operate  
5 a factory or other facility on that  
6 real estate; and

7 “(II) could result in control, in-  
8 cluding through formal or informal  
9 arrangements to act in concert, of  
10 that United States business by—

11 “(aa) the Government of the  
12 People’s Republic of China;

13 “(bb) a person owned or  
14 controlled by, or acting on behalf  
15 of, that Government;

16 “(cc) an entity in which that  
17 Government has, directly or indi-  
18 rectly, including through formal  
19 or informal arrangements to act  
20 in concert, a 5 percent or greater  
21 interest;

22 “(dd) an entity in which  
23 that Government has, directly or  
24 indirectly, the right or power to  
25 appoint, or approve the appoint-

1           ment of, any members of the  
2           board of directors, board of su-  
3           pervisors, or an equivalent gov-  
4           erning body (including external  
5           directors and other individuals  
6           who perform the duties usually  
7           associated with such titles) or of-  
8           ficers (including the president,  
9           senior vice president, executive  
10          vice president, and other individ-  
11          uals who perform duties normally  
12          associated with such titles) of  
13          any other entity that held, di-  
14          rectly or indirectly, including  
15          through formal or informal ar-  
16          rangements to act in concert, a 5  
17          percent or greater interest in the  
18          entity in the preceding 3 years;  
19          or

20               “(ee) an entity in which any  
21               members or officers described in  
22               item (dd) of any other entity  
23               holding, directly or indirectly, in-  
24               cluding through formal or infor-  
25               mal arrangements to act in con-

1 cert, a 5 percent or greater inter-  
2 est in the entity are members of  
3 the Chinese Communist Party or  
4 have been members of the Chi-  
5 nese Communist Party in the  
6 preceding 3 years.”.

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

10 (1) by redesignating paragraphs (7) through  
11 (13) as paragraphs (8) through (14), respectively;  
12 and

13 (2) by inserting after paragraph (6) the fol-  
14 lowing:

15 “(7) GOVERNMENT OF PEOPLE’S REPUBLIC OF  
16 CHINA.—The term ‘Government of the People’s Re-  
17 public of China’ includes the national and sub-  
18 national governments within the People’s Republic of  
19 China, including any departments, agencies, or in-  
20 strumentalities of such governments.”.

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

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

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