

## **MARKUP OF VARIOUS MEASURES**

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**MARKUP**  
BEFORE THE  
COMMITTEE ON FOREIGN AFFAIRS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED EIGHTEENTH CONGRESS  
FIRST SESSION

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FEBRUARY 28, 2023

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**Serial No. 118-3**

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## FULL COMMITTEE MARKUP

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TUESDAY, FEBRUARY 28, 2023

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The committee met, pursuant to call, at 2:53 p.m., in Room 210, House Visitor Center, Hon. Michael McCaul [chairman of the committee] presiding.

Chairman McCaul. The quorum being present, the Committee on Foreign Affairs will come to order.

The committee's meeting today to consider H.R. 1093, to the Secretary of State to submit to Congress a report on implementation of the advanced capabilities pillar of the trilateral security partnership between Australia, the United Kingdom, and the United States; H.R. 1159, to amend the Taiwan Assurance Act of 2020 to require periodic reviews and updated reports relating to the Department of State's Taiwan guidelines; H.R. 1189, Undersea Cable Control Act; H.R. 1157, Countering the PRC Malign Influence Fund Authorization Act; H.R. 1107, PRC is Not a Developing Country Act; H.R. 1154, Stop Forced Organ Harvesting Act; H.R. Resolution 90, Demand that the Government of the People's Republic of China and the Communist Party of China immediately release Mark Swidan; H.R. 1151, Upholding Sovereignty Airspace Act; H.R. 406, Providing Appropriate Recognition and Treatment Needed to Enhance Relations with ASEAN Act; H.R. 1149, Countering Untrusted Telecommunications Abroad Act; and H.R. 1153, Deterring America's Technological Adversaries Act.

The Chair announces that any request for recorded votes may be rolled and as he may recess the committee at any point. Without objection, so ordered. Pursuant to House rules, I request that members have the opportunity to submit views for any committee report that may be produced on any of today's measures. And without objection, so ordered.

I am pleased that we will be considering 11 China-related bills on today's markup. We must act now to stop China's aggressive behavior, whether it be in our airspace against Taiwan and our allies or against the Uyghurs and other minority populations.

Pursuant to notice, I now call the measure and their amendments that were circulated in advance which without objection will be considered en bloc.

[The amendments offered en bloc of Mr. McCaul follows:]

118TH CONGRESS  
1ST SESSION

# H. R. 1093

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IN THE SENATE OF THE UNITED STATES

MARCH 23, 2023

Received; read twice and referred to the Committee on Foreign Relations

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## AN ACT

To direct the Secretary of State to submit to Congress a report on implementation of the advanced capabilities pillar of the trilateral security partnership between Australia, the United Kingdom, and the United States.

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

1 SECTION 1. IMPLEMENTATION OF THE ADVANCED CAPA-  
2 BILITIES PILLAR OF THE TRILATERAL SECU-  
3 RITY PARTNERSHIP BETWEEN AUSTRALIA,  
4 THE UNITED KINGDOM, AND THE UNITED  
5 STATES.

6 (a) SENSE OF CONGRESS.—It is the sense of Con-  
7 gress that—

8 (1) the enhanced trilateral security partnership  
9 between Australia, the United Kingdom, and the  
10 United States (in this section referred to as the  
11 “AUKUS partnership”) is intended to positively  
12 contribute to peace and stability in the Indo-Pacific  
13 region through enhanced deterrence;

14 (2) to this end, implementation of the AUKUS  
15 partnership will require a whole-of-government re-  
16 view of processes and procedures for Australia, the  
17 United Kingdom, and the United States to benefit  
18 from such partnership and, in particular, to support  
19 joint development of advanced capabilities;

20 (3) the Department of State plays a pivotal role  
21 in the administration of arms exports and sales pro-  
22 grams under the Foreign Assistance Act of 1961 (22  
23 U.S.C. 2151 et seq.) and the Arms Export Control  
24 Act (22 U.S.C. 2751 et seq.);

25 (4) the Department of State should work in co-  
26 ordination with the Department of Defense and

1 other relevant United States Government agencies to  
2 seek to expeditiously implement the AUKUS part-  
3 nership; and

4 (5) the Department of State, in coordination  
5 with the Department of Defense, should clearly com-  
6 municate any United States requirements to address  
7 matters related to the technology security and export  
8 control measures of Australia and the United King-  
9 dom.

10 (b) REPORT.—

11 (1) IN GENERAL.—Not later than 90 days after  
12 the date of the enactment of this Act, the Secretary  
13 of State, in coordination with the Secretary of De-  
14 fense, shall submit to the appropriate congressional  
15 committees a report on efforts of the Department of  
16 State to implement the advanced capabilities pillar  
17 of the AUKUS partnership.

18 (2) MATTERS TO BE INCLUDED.—The report  
19 required by paragraph (1) shall include the fol-  
20 lowing:

21 (A) For each of the calendar years 2021  
22 and 2022—

23 (i) the average and median times for  
24 the United States Government to review  
25 applications for licenses to export defense

1           articles or defense services to persons, cor-  
2           porations, and the governments (including  
3           agencies and subdivisions of such govern-  
4           ments, including official missions of such  
5           governments) of Australia or the United  
6           Kingdom;

7                 (ii) the average and median times for  
8                 the United States Government to review  
9                 applications from Australia and the United  
10               Kingdom for foreign military sales begin-  
11               ning from the date Australia or the United  
12               Kingdom submitted a letter of request that  
13               resulted in a letter of acceptance with; and

14                 (iii) the number of applications from  
15                 Australia and the United Kingdom for li-  
16                 censes to export defense articles and de-  
17                 fense services that were denied or approved  
18                 with provisos, listed by year.

19                 (B) For each of the fiscal years 2017,  
20                 2018, 2019, 2020, 2021, and 2022, the number  
21                 of voluntary disclosures resulting in a violation  
22                 of the International Traffic in Arms Regula-  
23                 tions (ITAR) enumerated under section 40 of  
24                 the Arms Export Control Act (22 U.S.C. 2780)  
25                 or involving proscribed countries listed in sec-

1           tion 126.1 of the ITAR, by persons, corporations,  
2           and the governments (including agencies  
3           and subdivisions of such governments, including  
4           official missions of such governments) of Australia  
5           or the United Kingdom, including information  
6           with respect to—

(i) any instance of unauthorized access to technical data or defense articles;

(ii) inadequate physical or cyber security;

(iii) retransfers or re-exports without authorization; and

13 (iv) employees of foreign companies  
14 that are United States persons that pro-  
15 vide defense services without authorization.

1           fense articles or defense services that are re-  
2           quired to implement the AUKUS partnership.

3           (E) An assessment of key recommenda-  
4           tions the United States Government has pro-  
5           vided to the governments of Australia and the  
6           United Kingdom to revise laws, regulations, and  
7           policies of such countries that are required to  
8           implement the AUKUS partnership.

9           (F) An assessment of recommended im-  
10          provements to export control laws and regula-  
11          tions of Australia, the United Kingdom, and the  
12          United States that such countries should make  
13          to implement the AUKUS partnership and to  
14          otherwise meet the requirements of section  
15          38(j)(2) of the Arms Export Control Act (22  
16          U.S.C. 2778(j)(2)), and the challenges Aus-  
17          tralia and the United Kingdom have conveyed  
18          in meeting these requirements including with  
19          respect to sensitive defense technology security  
20          controls.

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

- 1                   (1) the Committee on Foreign Affairs and the  
2                   Committee on Armed Services of the House of Rep-  
3                   resentatives; and  
4                   (2) the Committee on Foreign Relations and  
5                   the Committee on Armed Services of the Senate.

Passed the House of Representatives March 22,  
2023.

Attest:                   CHERYL L. JOHNSON,  
*Clerk.*

118TH CONGRESS  
1ST SESSION

# H. R. 1159

---

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2023

Received; read twice and referred to the Committee on Foreign Relations

---

## AN ACT

To amend the Taiwan Assurance Act of 2020 to require periodic reviews and updated reports relating to the Department of State's Taiwan Guidelines.

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

1     **SECTION 1. PERIODIC REVIEWS AND UPDATED REPORTS**

2                 **OF THE DEPARTMENT OF STATE'S TAIWAN**  
3                 **GUIDELINES UNDER THE TAIWAN ASSUR-**  
4                 **ANCE ACT OF 2020.**

5     Section 315 of the Taiwan Assurance Act of 2020

6 (Public Law 116–260; 134 Stat. 3100) is amended—

7                 (1) in subsection (c)(1), by adding at the end  
8                 before “; and” the following: “and any successor  
9                 document or related document disseminating such  
10                 guidance”; and

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

12                 “(d) PERIODIC REVIEWS AND UPDATED REPORTS.—

13                 “(1) IN GENERAL.—For as long as the Depart-  
14                 ment of State's guidance that governs relations with  
15                 Taiwan described in subsection (a) remains in effect,  
16                 the Secretary of State shall conduct periodic reviews  
17                 as described in subsection (a) and submit updated  
18                 reports as described in subsection (c) not less fre-  
19                 quently than every two years following the submis-  
20                 sion of the initial report described in subsection (c).

21                 “(2) MATTERS TO BE INCLUDED.—Such up-  
22                 dated reports shall include—

23                 “(A) a description of how the guidance  
24                 meets the goals and objectives described in  
25                 paragraphs (1), (2), and (3) of subsection (b);  
26                 and

11

3

1           “(B) an identification of opportunities and  
2           plans to lift self-imposed restrictions on rela-  
3           tions with Taiwan.”.

Passed the House of Representatives March 22,  
2023.

Attest:                   CHERYL L. JOHNSON,  
*Clerk.*

118TH CONGRESS  
1ST SESSION

# H. R. 1189

---

IN THE SENATE OF THE UNITED STATES

MARCH 28, 2023

Received; read twice and referred to the Committee on Foreign Relations

---

## AN ACT

To require the development of a strategy to eliminate the availability to foreign adversaries of goods and technologies capable of supporting undersea cables, and for other purposes.

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

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Undersea Cable Con-  
3 trol Act”.

4 **SEC. 2. STRATEGY TO ELIMINATE THE AVAILABILITY TO**  
5 **FOREIGN ADVERSARIES OF GOODS AND**  
6 **TECHNOLOGIES CAPABLE OF SUPPORTING**  
7 **UNDERSEA CABLES.**

8 (a) IN GENERAL.—The President, acting through the  
9 Secretary of State and in consultation with the Secretary  
10 of Commerce, shall develop a strategy to eliminate the  
11 availability to foreign adversaries of goods and tech-  
12 nologies capable of supporting undersea cables consistent  
13 with United States policy described in section 1752 of the  
14 Export Control Reform Act of 2018 (50 U.S.C. 4811).

15 (b) MATTERS TO BE INCLUDED.—The strategy re-  
16 quired under subsection (a) shall include the following:

17 (1) An identification of goods and technologies  
18 capable of supporting the construction, maintenance,  
19 or operation of an undersea cable project.

20 (2) An identification of United States and mul-  
21 tilateral export controls and licensing policies for  
22 goods and technologies identified pursuant to para-  
23 graph (1) with respect to foreign adversaries.

24 (3) An identification of United States allies and  
25 partners that have a share of the global market with  
26 respect to the goods and technologies so identified,

1       including a detailed description of the availability of  
2       such goods and technologies without restriction in  
3       sufficient quantities and comparable in quality to  
4       those produced in the United States.

5                 (4) A description of ongoing negotiations with  
6       other countries to achieve unified export controls  
7       and licensing policies for goods and technologies so  
8       identified to eliminate availability to foreign adver-  
9       saries.

10                (5) An identification of all entities under the  
11       control, ownership, or influence of a foreign adver-  
12       sary that support the construction, operation, or  
13       maintenance of undersea cables.

14                (6) A description of efforts taken to promote  
15       United States leadership at international standards-  
16       setting bodies for equipment, systems, software, and  
17       virtually defined networks relevant to undersea ca-  
18       bles, taking into account the different processes fol-  
19       lowed by such bodies.

20                (7) A description of the presence and activities  
21       of foreign adversaries at international standards-set-  
22       ting bodies relevant to undersea cables, including in-  
23       formation on the differences in the scope and scale  
24       of the engagement of foreign adversaries at such  
25       bodies compared to engagement at such bodies by

1       the United States and its allies and partners, and  
2       the security risks raised by the proposals of foreign  
3       adversaries at such bodies.

4       (c) REPORT.—

5               (1) IN GENERAL.—Not later than 90 days after  
6       the date of the enactment of this Act and annually  
7       thereafter for 3 years, the President shall submit to  
8       the appropriate congressional committees a report  
9       that contains the strategy required under subsection  
10      (a).

11              (2) FORM.—Each report required under this  
12      subsection shall—

13                  (A) be submitted in unclassified form, but  
14       may contain a classified annex; and

15                  (B) be made available on a publicly acces-  
16       sible Federal Government website.

17       (d) AGREEMENT.—

18               (1) IN GENERAL.—Not later than 1 year after  
19       the date of the enactment of this Act, the President  
20       shall seek to—

21                  (A) establish bilateral or plurilateral agree-  
22       ments with allies and partners identified pursu-  
23       ant to subsection (b)(3) to seek to eliminate the  
24       availability to foreign adversaries of goods and

1            technologies identified pursuant to subsection  
2            (b)(1); and

3                (B) include in such agreements penalty  
4                provisions for non-compliance.

5                (2) BRIEFINGS.—The President shall brief the  
6                congressional committees specified in subsection  
7                (c)(1) on negotiations to establish agreements de-  
8                scribed in paragraph (1) beginning not later than 30  
9                days after the date of the enactment of this Act and  
10               every 180 days thereafter until each such agreement  
11               is established.

12               (e) ACTIONS.—

13               (1) IN GENERAL.—The Secretary of Commerce  
14               shall evaluate the export, reexport, and in-country  
15               transfer of the technologies identified pursuant to  
16               subsection (b)(1) for appropriate controls under the  
17               Export Administration Regulations, including by  
18               evaluating, for each technology so identified, whether  
19               to add the technology to the Commerce Control List  
20               maintained under title 15, Code of Federal Regula-  
21               tions.

22               (2) LEVELS OF CONTROL.—

23               (A) IN GENERAL.—In determining the  
24               level of control appropriate for technologies  
25               identified pursuant to subsection (b)(1), includ-

1                 ing requirements for a license or other author-  
2                 ization for the export, reexport, or in-country  
3                 transfer of any such technology, the Secretary  
4                 of Commerce (in coordination with the Sec-  
5                 retary of Defense, the Secretary of State, and  
6                 the heads of other Federal agencies, as appro-  
7                 priate) shall take into account the potential end  
8                 uses and end users of the technology.

9                 (B) STATEMENT OF POLICY.—At a min-  
10                 imum, it is the policy of the United States to  
11                 work with its allies and partners to control the  
12                 export, reexport, or in-country transfer of tech-  
13                 nologies identified pursuant to subsection (b)(1)  
14                 to or in a country subject to an embargo, in-  
15                 cluding an arms embargo, imposed by the  
16                 United States.

17                 (3) NOTIFICATION.—Not later than 1 year  
18                 after the date of enactment of this Act, and annually  
19                 thereafter for 3 years, the President, acting through  
20                 the Secretary of Commerce, shall submit to the ap-  
21                 propriate congressional committees an unclassified  
22                 notification describing the results of actions taken  
23                 pursuant to this subsection in the preceding period,  
24                 including a description of—

1                     (A) the individual items evaluated for con-  
2                     trols;

3                     (B) the rationale, including foreign avail-  
4                     ability and economic impact assessments, for  
5                     adding or not adding an item to the Commerce  
6                     Control List maintained under title 15, Code of  
7                     Federal Regulations, pursuant to the evaluation  
8                     under paragraph (1) with respect to such item;  
9                     and

10                    (C) reviews by the End-User Review Com-  
11                    mittee specified in Supplement No. 9 to part  
12                    748 of title 15, Code of Federal Regulations,  
13                    with respect to the use of items identified pur-  
14                    suant to subsection (b)(1) by entities under the  
15                    influence, control, or ownership of a foreign ad-  
16                    versary.

17                    (f) DEFINITIONS.—In this section:

18                    (1) APPROPRIATE CONGRESSIONAL COMMIT-  
19                    TEES.—The term “appropriate congressional com-  
20                    mittees” means—

21                    (A) the Committee on Foreign Affairs of  
22                    the House of Representatives; and

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

1                 (2) FOREIGN ADVERSARY.—The term “foreign  
2                 adversary”—

3                     (A) has the meaning given such term in  
4                 section 8(c) of the Secure and Trusted Commu-  
5                 niques Networks Act of 2019 (47 U.S.C.  
6                 1607(c)); and

7                     (B) includes the People’s Republic of  
8                 China.

Passed the House of Representatives March 27,  
2023.

Attest:                     CHERYL L. JOHNSON,  
*Clerk.*

**H. Res. 90**

***In the House of Representatives, U. S.,***

*April 25, 2023.*

Whereas Mark Swidan is being unjustly and arbitrarily detained by the Government of the People's Republic of China, according to the United States Government and the United Nations Human Rights Council (UNHRC) Working Group on Arbitrary Detention;

Whereas Mark Swidan is a United States citizen from Luling, Texas, and is a resident of Houston, Texas;

Whereas, on November 13, 2012, Mark Swidan was abducted by officers of the Public Security Bureau while on a business trip to the People's Republic of China, and on December 21, 2012, Swidan was formally arrested following an indictment issued by the Public Prosecutions Office of the People's Procuratorate of Jiangmen City alleging that Swidan was part of a criminal conspiracy with 11 other individuals to manufacture and traffic drugs;

Whereas, on April 30, 2019, a PRC court sentenced Swidan to death, which he has appealed;

Whereas PRC security officials repeatedly attempted to coerce Swidan into signing a confession, but Swidan refused to sign a confession pleaded not guilty;

Whereas, according to evidence evaluated by the UNHRC Working Group on Arbitrary Detention—

(1) no drugs were found on Swidan or in his hotel room;

(2) the prosecution did not produce any forensic evidence of the alleged offenses;

(3) records in Swidan's passport indicate he was not in the People's Republic of China during the time of the offenses; and

(4) the 11 other individuals indicted in relation to the alleged conspiracy could not identify Swidan;

Whereas PRC officials have maliciously and systematically denied Swidan's mother Katherine Swidan, a resident of Texas, and other members of his family the ability to contact him;

Whereas the PRC have denied and continue to deny United States diplomats full consular access to Swidan, in violation of international norms;

Whereas Swidan's detention has been and continues to be inhumane, and includes exposure to extreme weather conditions, sleep deprivation, and physical and psychological abuse;

Whereas Swidan's health has precipitously deteriorated and PRC security officials continue to deny independent or competent medical care and evaluation to Swidan;

Whereas humanitarian organizations of the United States, including the Dui Hua Foundation, which helped put this case before the Working Group, and the Global Liberty Alliance, which has asked the Sister Cities programs to sever relationships with Jiangmen until Swidan is released, have sought to highlight the injustice and conditions of Swidan's detention;

Whereas the UNHRC Working Group on Arbitrary Detention—

(1) found that Swidan is being held in violation of customary international law;

(2) emphasized the nonconformity by the PRC with international norms, including the Universal Declaration of Human Rights; and

(3) stressed that “the appropriate remedy would be to release Swidan immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law”: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) demands that the Government of the People’s Republic of China and the Chinese Communist Party immediately release Mark Swidan;

(2) condemns the Government of the People’s Republic of China and the Chinese Communist Party for refusing to provide Swidan with—

(A) regular communication with his family;

(B) access to United States diplomats; and

(C) independent and competent medical care and evaluation; and

(3) calls on the United States Government to deepen and prioritize efforts to secure the release of Swidan, including by—

(A) urging PRC counterparts at every level of engagement to release Swidan; and

(B) using the voice and vote of United States diplomats in international forums to highlight Swidan's case.

Attest:

*Clerk.*

118TH CONGRESS  
1ST SESSION

# H. R. 406

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IN THE SENATE OF THE UNITED STATES

MARCH 27, 2023

Received; read twice and referred to the Committee on Foreign Relations

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## AN ACT

To provide for the treatment of the Association of Southeast Asian Nations as an international organization for purposes of the International Organizations Immunities Act, and for other purposes.

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

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Providing Appropriate  
3 Recognition and Treatment Needed to Enhance Relations  
4 with ASEAN Act” or the “PARTNER with ASEAN Act”.

**5 SEC. 2. EXTENSION TO THE ASSOCIATION OF SOUTHEAST****6 ASIAN NATIONS.**

7 The provisions of the International Organizations Im-  
8 munities Act (22 U.S.C. 288 et seq.) may be extended to  
9 the Association of Southeast Asian Nations in the same  
10 manner, to the same extent, and subject to the same con-  
11 ditions as such provisions may be extended to a public  
12 international organization in which the United States par-  
13 ticipates pursuant to any treaty or under the authority  
14 of any Act of Congress authorizing such participation or  
15 making an appropriation for such participation.

Passed the House of Representatives March 23,  
2023.

Attest:

CHERYL L. JOHNSON,

*Clerk.*

118TH CONGRESS  
1ST SESSION

# H. R. 1149

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IN THE SENATE OF THE UNITED STATES

APRIL 20, 2023

Received; read twice and referred to the Committee on Foreign Relations

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## AN ACT

To establish certain reporting and other requirements relating to telecommunications equipment and services produced or provided by certain entities, and for other purposes.

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

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Countering Untrusted  
3 Telecommunications Abroad Act”.

**4 SEC. 2. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) the national security of the United States is  
7 affected by the telecommunications security of  
8 United States allies, partners, and other countries  
9 around the globe;

10 (2) the importance of mobile and internet services  
11 makes such services tempting and effective tools  
12 for malign influence and economic coercion;

13 (3) Huawei Technologies Company and ZTE  
14 Corporation (and any subsidiary or affiliate of either  
15 such entity) should not serve as a vendor of tele-  
16 communications equipment or services given the  
17 close ties to, and control over, such entities by the  
18 People’s Republic of China; and

19 (4) it is in the economic and national security  
20 interests of the United States to ensure that coun-  
21 tries around the globe use trusted telecommuni-  
22 cations equipment or services.

1 SEC. 3. REPORT ON UNTRUSTED TELECOMMUNICATIONS  
2                   EQUIPMENT OR SERVICES IN COUNTRIES  
3                   WITH COLLECTIVE DEFENSE AGREEMENT  
4                   WITH UNITED STATES.

5         (a) REPORT.—Not later than 180 days after the date  
6 of the enactment of this Act, and annually thereafter for  
7 two years, the Secretary of State, in consultation with the  
8 Assistant Secretary of Commerce for Communications and  
9 Information, shall submit to the Committees on Foreign  
10 Affairs and Energy and Commerce of the House of Rep-  
11 resentatives and the Committees on Foreign Relations and  
12 Commerce, Science, and Transportation of the Senate a  
13 report on the prevalence of untrusted telecommunications  
14 equipment or services in the networks of United States  
15 allies and partners.

16         (b) MATTERS.—The report under subsection (a) shall  
17 enumerate each United States ally or partner with respect  
18 to which the United States has entered into a collective  
19 defense agreement and include, for each such country, the  
20 following:

21                   (1) A description of the presence, or lack there-  
22 of, of untrusted telecommunications equipment or  
23 services in any 5G network of the country.

24                   (2) If any untrusted telecommunications equip-  
25 ment or service is present in such a network—

1                             (A) an enumeration of any mobile carriers  
2                             that are using the untrusted telecommunications  
3                             equipment or service present, and any  
4                             mobile carriers that are not;

5                             (B) a determination of whether the  
6                             untrusted telecommunications equipment or  
7                             service present is in the core or periphery of the  
8                             network; and

9                             (C) any plans by the United States ally or  
10                            partner, or the individual mobile carrier, to rip  
11                            and replace the untrusted telecommunications  
12                            equipment or service present with a trusted  
13                            telecommunications equipment or service.

14                           (3) A description of any plans by network operators  
15                            to use untrusted communications equipment or  
16                            services in the deployment of Open Radio Access  
17                            Network (Open RAN) technology, or any successor  
18                            to such technology, or in future 6G networks.

19                           **SEC. 4. REPORT ON COVERED TELECOMMUNICATIONS**  
20                           **EQUIPMENT OR SERVICES IN UNITED STATES**  
21                           **EMBASSIES.**

22                           (a) FINDINGS.—Congress finds the following:

23                           (1) The Comptroller General of the United  
24                           States has reported that 23 percent of all telecommunications device manufacturers of the Depart-

1       ment of State have at least one supplier reported to  
2       be headquartered in the People's Republic of China  
3       or the Russian Federation.

4               (2) The Comptroller General has reported that  
5       four percent of all telecommunications contractors of  
6       the Department of State have at least one supplier  
7       reported to be headquartered in the People's Repub-  
8       lic of China.

9               (b) REPORT.—

10               (1) IN GENERAL.—Not later than 180 days  
11       after the date of the enactment of this Act, the Sec-  
12       retary of State, in consultation with the heads of  
13       such other departments and agencies as the Sec-  
14       retary determines necessary, shall submit to the  
15       Committee on Foreign Affairs of the House of Rep-  
16       resentatives and the Committee on Foreign Rela-  
17       tions of the Senate a report containing an assess-  
18       ment of the use of covered telecommunications  
19       equipment or services in United States embassies  
20       and by United States embassy staff and personnel.

21               (2) MATTERS.—The report under paragraph  
22       (1) shall include information on the following:

23                       (A) The status of the implementation by  
24       the Secretary of State of the prohibition under  
25       subsection (a)(1) of section 889 of the John S.

1                   McCain National Defense Authorization Act for  
2                   Fiscal Year 2019 (Public Law 115–232; 132  
3                   Stat. 1917; 41 U.S.C. 3901 note prec.) with re-  
4                   spect to equipment, systems, and services used  
5                   at United States embassies, including—  
6                         (i) an identification of the United  
7                         States embassies with respect to which the  
8                         Secretary has implemented such prohibi-  
9                         tion, and an identification of those with re-  
10                         spect to which the Secretary has not imple-  
11                         mented such prohibition, if any;  
12                         (ii) an identification of any difficulties  
13                         that have delayed the implementation of  
14                         such prohibition by the Secretary with re-  
15                         spect to United States embassies, such as  
16                         visibility into supply chains, costs of equip-  
17                         ment replacement, and plans for timely re-  
18                         mediation;  
19                         (iii) information on any waivers that  
20                         have been granted to an entity under sub-  
21                         section (d) of such section 889 for equip-  
22                         ment, systems, or services used at United  
23                         States embassies, including a justification  
24                         of why each waiver was granted and any

1           other information required pursuant to  
2           paragraph (1)(B) of such subsection; and

3                 (iv) for any entity that has sought a  
4                 waiver specified in clause (iii), the imple-  
5                 mentation status of the phase-out plan of  
6                 the entity submitted by the entity pursuant  
7                 to subsection (d) of such section 889.

8                 (B) Information regarding the extent to  
9                 which the digital devices of United States em-  
10                 bassy staff and personnel are serviced by  
11                 Huawei Technologies Company or ZTE Cor-  
12                 poration (or any subsidiary or affiliate of either  
13                 such entity), or any other entity headquartered  
14                 in the People’s Republic of China, and an as-  
15                 sessment of the likelihood of the intelligence  
16                 services of the People’s Republic of China gain-  
17                 ing access to the contents and data of the dig-  
18                 ital devices used by United States embassy per-  
19                 sonnel as a result of any such servicing.

20                 (C) Any other information regarding ongo-  
21                 ing efforts to safeguard the communications se-  
22                 curity of United States embassies.

23                 (3) FORM.—The report under paragraph (1)  
24                 shall be submitted in unclassified form, but may in-  
25                 clude a classified annex.

**1 SEC. 5. SUPPORTING TRUSTED TELECOMMUNICATIONS.**

2       (a) IN GENERAL.—The Secretary of State, in con-  
3 sultation with the Assistant Secretary of Commerce for  
4 Communications and Information, shall select for the pro-  
5 vision of support under this section telecommunications in-  
6 frastructure projects that have the potential, as deter-  
7 mined by the Secretary, to promote the national security  
8 of the United States and meet such other requirements  
9 as the Secretary may prescribe.

10     (b) DIPLOMATIC AND POLITICAL SUPPORT.—The  
11 Secretary of State shall provide to each project selected  
12 under subsection (a), as appropriate, diplomatic and polit-  
13 ical support, including by using the diplomatic and polit-  
14 ical influence and expertise of the Department of State  
15 to build the capacity of countries to resolve any impedi-  
16 ments to the development of the project.

17     (c) EARLY STAGE PROJECT SUPPORT.—The Director  
18 of the United States Trade and Development Agency  
19 should provide, as appropriate, early-stage project support  
20 with respect to projects selected under subsection (a).

**21 SEC. 6. DEFINITIONS.**

22     In this Act:

23           (1) COVERED TELECOMMUNICATIONS EQUIP-  
24 MENT OR SERVICE; UNTRUSTED TELECOMMUNI-  
25 CATIONS EQUIPMENT OR SERVICE.—The terms “cov-  
26 ered telecommunications equipment or service” and

“untrusted telecommunications equipment or service” have the meaning given to the term “covered communications equipment or service” in section 9 of the Secure and Trusted Communications Network Act of 2019 (47 U.S.C. 1608).

Passed the House of Representatives April 19, 2023.

Attest: CHERYL L. JOHNSON,

*Clerk.*

Chairman McCaul. And each is considered as read. And the amendments to each are considered as read and are agreed to. And without objection, after remarks, the committee will vote to order the measures favorably reported en bloc.

The measures in the en bloc package are H.R. 1093, to direct the Secretary of State to submit to Congress a report on the implementations of the advanced capabilities pillar of trilateral security partnership between Australia, the U.K., and the United States; H.R. 1159, to amend the Taiwan Assurance Act of 2020 to require periodic reviews and updated reports relating to the Department of State's Taiwan guidelines; H.R. 1189, Undersea Cable Control Act; H. Res. 90, Demanding that the Government of the People's Republic of China and the Communist Party of China immediately release Mark Swidan; H.R. 406, Providing Appropriate Recognition and Treatment Needed to Enhance Relations with ASEAN Act; and finally, H.R. 1149, Countering Untrusted Telecommunications Abroad Act.

I now recognize myself for an opening statement. I introduce this bill with Ranking Member Meeks to begin in this committee the important task of examining the necessary steps to deepen diplomatic cooperation as part of the Australian, U.K., United States trilateral security agreement known as AUKUS. AUKUS is an agreement with two pillars.

The first is a nuclear powered submarine program. The other pillar is to collaborate on high tech research and fielding of advanced capabilities. Pillar 2 is critical to the long-term success of AUKUS because it will maintain our technological and military superiority over the Chinese as well as our allies.

But this agreement will require the export of defense and military-related technologies, a State Department responsibility. We are nearing the end of the 18-month consultation period on AUKUS which began on September 15, 2021 and has largely been a DOD-led effort. What this bill intends to do is to bring diplomacy back into AUKUS with the State Department leading that charge.

And it will examine State Department's implementation of the International Traffic and Arms Regulations commonly referred to as ITAR. We are facing a generational challenge from the CCP. We must bring all tools to bear and our efforts to counter Chairman Xi's attempts to disrupt the global balance of power. With the U.K. and Australia, our three nations have a shared strategic goal of defending the Indo-Pacific region.

By preserving freedom of navigation and freedom of international commerce through waterways, this agreement will uphold the international rules-based order and most importantly protect American interest and prosperity. We are allies and partners in the Indo-Pacific region and cannot afford to wait on Xi or other authoritarian leaders to dictate when and under what circumstances the strength of our security agreements in the Indo-Pacific are to be tested. This bill presses the State Department to act and account for our arms transfers with the U.K. and Australia so that we can act seamlessly now and not during a time of crisis or war.

I also support the Taiwan Assurance Implementation Act. There is no question that Taiwan is under threat from the CCP. They will use any means necessary to unify, even force. Secretary Blinken ac-

knowledged that China's plans to annex Taiwan are moving much faster under Chairman Xi.

As the PRC ramps up aggression against Taiwan, the United States must ensure that we are committed to a robust and expansive relationship with Taiwan. We cannot abide by outdated guidelines or self-imposed restrictions to bolstering our political, economic, and defense ties. This bill amends the Taiwan Assurance Act of 2020 to add a more specific reporting requirement and ensures Congress has appropriate oversight over our relationship with Taiwan.

And the State Department's engagement with Taiwan is in coordination with our current geopolitical environment. This bill also strengthens the reporting requirement and the TAA which had bipartisan support last Congress. It also ensures that State is approaching this relationship in a manner consistent with current U.S. foreign policy and national security goals.

Lastly, I urge my colleagues to join Mr. Cloud and me in condemning the malign actions of the Chinese Communist Party upon one of our very own Mark Swidan. Mark is a Houston resident from my own state of Texas who has been wrongfully detained by the Chinese Communist Party since 2012 for a crime he did not commit. He has not spoken to his family since 2018, and it is time to bring Mark home.

In 2019, the U.N. working group on arbitrary detention looked into his case and found that factually it was impossible for him to have conducted any of the crimes charged against him. This resolution not only condemns the CCP for their brazen violation of international law but also demands the CCP immediately release Mr. Swidan. Additionally, it calls upon the Biden Administration to demand the immediate release of Mark and to hold the CCP accountable.

If we are seen as a weak nation, we will be treated as such. Appeasement only invites aggression. As the CCP ramps up its hostage diplomacy, it is imperative that we demand the release of Americans in China and hold the Chinese Communist Party accountable for blatant violation of human rights and international law.

With that, I now recognize the ranking member, Mr. Meeks.

Mr. MEEKS. Thank you, Mr. Chairman. And I support all the measures in the en bloc and will speak on just a few of them. On H.R. 1093, as the United States looks to build on the important shared security partnerships with Australia and the United Kingdom within the AUKUS framework, I am proud to co-lead this bipartisan initiative with you, Mr. Chairman, on advanced capabilities.

As we engage in strategic competition, sharing our own advances in defense capabilities in a safe, secure, and regulated manner with our partners is critical to this effort. And again, thank you in working together on this particular bill.

I also support H. Res. 90 which condemns the unjust and arbitrary detention of Mark Swidan by the People's Republic of China and demand his immediate release. He has been detained for over ten years. And we need to redouble diplomatic efforts to secure his immediate release.

Mr. Castro's timely bill, H.R. 406, reinforces the importance of diplomacy in our engagement in the Indo-Pacific. This measure strengthens our diplomatic ties with the Association of Southeast Asian Nations or ASEAN, one of the most critical regional organizations in the Indo-Pacific region.

H.R. 1149 authored by Mrs. Wild takes several steps that will promote our foreign policy interests, bolster our national security, and aid our economy. It requires the State Department to ensure it is not relying on unsafe equipment and its embassies across the world. It authorizes the State Department to provide diplomatic support for telecommunication projects and pushes the United States Trade and Development Agency to finance important telecom projects.

And finally, it requires mobile network operators listed on American stock exchanges to disclose whether they have Huawei or ZTE or other unsafe equipment in their networks or make use of unsafe surveillance video equipment. And I am also glad to support H.R. 1159 by Rep. Wagner and my friend, Jerry Connolly to amend the Taiwan Assurance Act, a bill that I think that is important and again speaks to the bipartisanship of this committee. With that, Mr. Chairman, I will yield back the balance of my time.

Chairman McCaul. Do any other members seek recognition on the en bloc? Mrs. Wagner.

Mrs. WAGNER. I thank you, Chairman McCaul. And I want to thank Ranking Member Meeks. I would also like to thank them both so much for working with me on H.R. 1159, the Taiwan Assurance Implementation Act, which will ensure tangible and sustained progress in the U.S.-Taiwan relationship.

I am happy to say it has been included in this en bloc package. I would also like to sincerely thank Representative Connolly for co-leading this legislation. He is truly a respected voice of authority on this issue and a tireless champion for the U.S.-Taiwan relationship.

There can be no question that U.S. support for Taiwan is not just bipartisan but nonpartisan. And I thank the gentleman for working with me to advance the Taiwan Assurance Implementation Act. Confronting China is a once in a generation challenge.

To guarantee the prosperity of American communities for our children, we must defeat China's plan to replace the United States as the world's preeminent power. If we are to be successful, we cannot be ruled by fear. That means boldly standing by our friends and partners, particularly Taiwan.

But for decades, the United States unilaterally restricted its engagement with Taiwan to appease China, subjecting our partners to an exhaustive set of arbitrary guidelines and checklists to avoid being the slightest chance of offending Beijing. These guidelines dictated how and where U.S. diplomats could meet their Taiwanese counterparts with symbols Taiwanese officials could display and who was permitted to visit each country. In 2020, Congress pushed the administration to move beyond these outdated, unnecessary restrictions by passing the Chairman's Taiwan Assurance Act.

Former Secretary Pompeo moved decisively to implement this important law, declaring all self-imposed guidelines null and void. And our partners in Taiwan welcomed this unmistakable show of

support, hailing the decision as an end to decades of discrimination. However, the administration has declined to continue this policy of resolute unflinching public support.

And hiding behind opacity and red tape hurts our partnership with Taiwan at a moment when we need to be standing shoulder to shoulder with our allies and our partners. Any waffling invites bullies like Xi and Putin to push the envelope. With Russia, trying to change the borders of an independent and sovereign neighbor by force and China threatening to do the same to Taiwan, the United States must not waiver.

The geopolitical situation surrounding Taiwan is changing rapidly. Our relationship with Taiwan must be flexible enough to meet these new challenges. Unfortunately, the State Department's classified Taiwan contact guidelines are often not conducive to a robust relationship with Taiwan.

And Congress has little insight into the decision making behind these guidelines. This Taiwan Assurance Implementation Act would re-authorize the 2020 law, strengthen its reporting requirements, and require greater transparency from the State Department. It would ensure the United States is approaching its relationship with Taiwan in a manner that deepens our relationships with democratic partners who are under threat by aggressive dictatorships.

And it would ask the administration to identify opportunities to list remaining self-imposed restrictions on engagement. I urge each of my colleagues to support this important bill and vote yes on the entire en bloc package which I wholeheartedly support. And I yield back, Mr. Chairman.

Chairman McCaul. Thank you. Do any other members seek recognition on the en bloc? Mr. Connolly is recognized.

Mr. CONNOLLY. Thank you, Mr. Chairman. And I want to thank you and Mr. Meeks for a bipartisan en bloc package. And I want to thank my friend, Mrs. Wagner, for her leadership on the Taiwan legislation and join here in urging our colleagues to vote for it today.

The Taiwan Relations Act is unique in many ways in foreign policy for the United States in that it originated in Congress itself. It was not an executive branch initiative. It was a legislative branch initiative in response to the normalization of relations with Beijing. And it was designed to provide a very thorough, clear architecture—not always clear, sometimes ambiguous for a reason—governing our relationship with Taiwan.

And to me, central to that is the ability of Taiwan to defend itself with our help. And that is a promise, as you pointed out this morning, Mr. Chairman, that sometimes has been kept sort of in a breach and sometimes has been kept in a very slow moving way. And that is not the right signal to send to an aggressive Xi Jinping who is moving on many, many fronts, threatening his neighbors, encroaching on territorial waters and airspace, making ludicrous claims about the entire South China Sea, engaged in kinetic or threatening to be engaged in kinetic activity on the India border, on the Vietnam border, and, of course, with Taiwan across the Taiwan Strait itself.

So this is the time for the United States, especially this Congress, to be very clear and very firm in reasserting our support for the right of the Taiwanese people to decide when and how and if they are going to manage their relationship with Beijing. So I welcome this legislation project, co-sponsor it, thank my friend from Missouri for her leadership, and urge my colleagues to support it. Thank you. I yield back.

Chairman McCaul. Thank you. Any other members seek recognition on the en bloc? Mr. Mast is recognized.

Mr. MAST. Thank you, Mr. Chairman. I want to, number one, just express my support for the en bloc package, and number two, speak about an issue that we are addressing in this en bloc package and that is undersea communications through cable. It is something that such a huge percentage of our communications, be it financial, be it telecommunications of any sort.

It is the mode of transferring that trans-ocean. It is something that year after year we see an increasing amount of Chinese companies investing in the technology needed to bring this to fruition. The exact same Chinese Communist Party that wants to see American topple and communism on top, whether that is just for China or for Russia or for other dangerous allies that they have made.

That cannot be the entities that we have to look to, to get the equipment, the parts, the technology that we need to be able to communicate across the globe. It is not just dangerous for the United States of America. It is irresponsible.

And in this en bloc package, I am proud to see that this is an issue that we are addressing here very directly. And in that, Mr. Chairman, I thank you for the assistance on the legislation. I thank you for the en bloc package as a whole, and I yield back to you the remainder of my time.

Chairman McCaul. The gentleman yields back. Any other members seek recognition on the en bloc? Mr. Cicilline is recognized.

Mr. CICILLINE. Thank you, Mr. Chairman. I think it is very clear that members of this committee on both sides of the aisle recognize that the People's Republic of China's continued economic coercion and aggression in the Indo-Pacific presents serious challenges to our national security. To meet these challenges, the United States must be prepared to confront them with American leadership, diplomacy, and investment.

And that is why I strongly support Representative Castro's H.R. 406, Partner with ASEAN Act, and this en bloc package and urge my colleagues to do the same. The Association of Southeast Asian Nations, or ASEAN, provides a unique opportunity for the United States to expand our diplomatic architecture, strengthen our relationships, and advance our shared goals in the region. I was pleased to see the Biden Administration announce the launch of five high-level dialogues as part of the newly established U.S.-ASEAN comprehensive strategic partnership to expand engagement on issues from women's empowerment to climate and energy.

The U.S.-ASEAN comprehensive strategic relationship is critical to enabling the United States and ASEAN to cooperate on a number of regional issues like tackling food insecurity, improving access to clean water, expanding opportunities for women entrepreneurs, investing in sustainable infrastructure, and expanding maritime

cooperation to counter illegal fishing. At a time of strategic competition between the United States and China, it is time for Congress to pass the Partner with ASEAN Act and affirm this important relationship between the United States and our Southeast Asian allies. Other major regional, international organizations such as European Union and African Union have been recognized under the International Organizations Immunities Act, and ASEAN deserves to be held to the same standard.

I would like to again thank Representative Castro and Young Kim for their leadership on this issue, especially during this moment of strategic competition with China. And with that, I yield back.

Chairman McCaul. The gentleman yields. Any other members seek recognition on the en bloc? Mr. Smith is recognized.

Mr. SMITH. Thank you very much, Mr. Chairman. And like other members, I support all of the bills included, embedded in the en bloc. And thank you for your leadership on all of this.

I would like to speak very briefly in support of Brian Mast's bill, H.R. 1189, the Undersea Cable Control Act. My colleague from Florida—who has also just been reappointed as a member of the Congressional Executive Commission on China which I chair, I want to offer my congratulations to him—has pinpointed another overlooked area of strategic importance, undersea cables. His legislation would eliminate the transfer of sensitive technologies to our adversaries, i.e., the People's Republic of China, that could be used to enhance their undersea cable capability and threaten another area of U.S. technological preeminence.

I would also like to stress a related point that a vulnerability of undersea cables. Cable locations are well documented which makes them susceptible to an international attack and one which does not require great offensive capabilities. Repair efforts depending on location and other factors could take several weeks.

Submarine cables that serve the U.S. mainland are thus potential targets and any asymmetric plan of attack by a hostile power, one for which we are completely unprepared. And who would do such a thing? Well, just last week Chinese fishing boats or in reality Chinese maritime militia under the guise of fishing boats severed several cables in the Matsu Island, the offshore island still controlled by Taiwan which many will recall was a crisis point in the 1950s.

Two cables were cut, the 20th time in the past five years that the cables had been so disrupted. It is reasonable to conclude that this is intentional sabotage, a trial run to disrupt communications at essentially a forward operating base in the defense of Taiwan as well as to inflict hardship on the residents of the island. This is a blunt, bellicose message not only to the brave people of democratic Taiwan but should also be one directed at us and a wake-up call.

Again, I thank my friend for authoring this bill, Mr. Mast. I yield back the balance of my time.

Chairman McCaul. Do any other members seek recognition on the en bloc? Mr. Lawler is recognized.

Mr. LAWLER. Thank you, Mr. Chairman. I would like to commend you and my colleagues for putting forth this package of legislation today as a member of both this committee and the House Financial

Services Committee. We are taking on the Chinese Communist Party and the People's Republic of China very clearly and in a bipartisan way.

And I think the bills that we are advancing, both in this committee and the House Financial Services Committee today, are bills that are long overdue and legislation that will put the United States in a strong position moving forward. It is clear that the Chinese Communist Party and the People's Republic of China are our greatest geopolitical threat. And the work that this Congress is undertaking is critical to put us in a position to be economically competitive and also to ensure our military and national security succeeds going forward.

And I thank Taiwan, and I want to commend the vice chair, the gentlelady from Missouri, for her legislation, the Taiwan Assurance Act. I think we are moving forward with a number of pieces of legislation that is important to strengthen the relationship with Taiwan and ensure that they are protected from naked aggression that China has engaged in, in recent years. And with respect to the ASEAN nations, I think moving forward, that will be a pivotal part of the world, both from the standpoint of our economic and national security perspective but also obviously in terms of keeping China and the Chinese Communist Party in check.

So this is a great bloc of bills that you have put forth, Mr. Chairman. And I thank you for that, and I yield back my time.

Chairman McCaul. Thank you. Any other members seek recognition on the en bloc?

[No response.]

Chairman McCaul. There being no further discussion, the committee will proceed to consider the noticed items en bloc. Pursuant to the previous order, the question occurs on the measures en bloc.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the Chair, the ayes have it and the measure considered en bloc are agreed to.

Without objection to the motion to reconsider is laid on the table. Staff is authorized to make any technical and conforming changes. Pursuant to the previous order of the committee, each measure is ordered favorably reported.

Pursuant to notice, I now call H.R. 1157, Countering the PRC Malign Influence Fund Authorization Act of 2023. The bill was circulated in advance. The clerk shall designate the bill.

[The bill H.R. 1157 follows:]

118TH CONGRESS  
1ST SESSION

# H. R. 1157

To provide for the authorization of appropriations for the Countering the People's Republic of China Malign Influence Fund, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2023

Mr. BARR introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To provide for the authorization of appropriations for the Countering the People's Republic of China Malign Influence Fund, and for other purposes.

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 “Countering the PRC  
5       Malign Influence Fund Authorization Act of 2023”.

6       **SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR COUN-**  
7                   **TERING THE PEOPLE'S REPUBLIC OF CHINA**  
8                   **MALIGN INFLUENCE FUND.**

9       (a) COUNTERING THE PEOPLE'S REPUBLIC OF  
10      CHINA MALIGN INFLUENCE FUND.—

1                 (1) IN GENERAL.—There is authorized to be  
2 appropriated \$325,000,000 for each of fiscal years  
3 2023 through 2027 for the Countering the People's  
4 Republic of China Malign Influence Fund to counter  
5 the malign influence of the Chinese Communist  
6 Party and the Government of the People's Republic  
7 of China and entities acting on their behalf globally.

8                 (2) AVAILABILITY; AMOUNTS IN ADDITION TO  
9 OTHER AMOUNTS.—Amounts appropriated pursuant  
10 to the authorization of appropriations under para-  
11 graph (1)—

12                 (A) are authorized to remain available  
13 until expended; and

14                 (B) shall be in addition to amounts other-  
15                 wise authorized to be appropriated for the pur-  
16                 poses described in paragraph (1).

17                 (b) CONSULTATION REQUIRED.—The obligation of  
18 funds appropriated pursuant to the authorization of ap-  
19 propriations under subsection (a) or otherwise made avail-  
20 able for the purposes described in subsection (a)(1) shall  
21 be subject to prior consultation with, and consistent with  
22 section 634A of the Foreign Assistance Act of 1961 (22  
23 U.S.C. 2394–1), the regular notification procedures of—

24                 (1) the Committee on Foreign Relations and  
25                 the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

4 (c) POLICY GUIDANCE, COORDINATION, AND AP-  
5 PROVAL.—

6                             (1) COORDINATOR.—The Secretary of State  
7 shall designate an existing senior official of the De-  
8 partment of State to provide policy guidance, coordi-  
9 nation, and approval for the obligation of funds ap-  
10 propriated pursuant to the authorization of appro-  
11 priations under subsection (a).

(3) DUTIES.—The senior official of the Department of State designated pursuant to paragraph (1) shall be responsible for—

(A) on an annual basis, the identification of specific strategic priorities for using funds appropriated pursuant to the authorization of appropriations under subsection (a), such as ge-

1           ographic areas of focus or functional categories  
2           of programming that funds are to be con-  
3           centrated within, consistent with the national  
4           interests of the United States and the purposes  
5           of this section;

6           (B) the coordination and approval of all  
7           programming conducted using such funds,  
8           based on an assessment that such programming  
9           directly counters the malign influence of the  
10           Chinese Communist Party or the Government  
11           of the People’s Republic of China, including  
12           specific activities or policies advanced by the  
13           Chinese Communist Party or the Government  
14           of the People’s Republic of China and entities  
15           acting on their behalf globally, pursuant to the  
16           strategic objectives of the United States, as es-  
17           tablished in the 2017 National Security Strat-  
18           egy, the 2018 National Defense Strategy, and  
19           other relevant national and regional strategies  
20           as appropriate;

21           (C) ensuring that all programming ap-  
22           proved bears a sufficiently direct nexus to such  
23           activities of the Chinese Communist Party or  
24           the Government of the People’s Republic of  
25           China described in subsection (d) and adheres

1           to the requirements outlined in subsection (e);  
2           and

3                 (D) conducting oversight, monitoring, and  
4                 evaluation of the effectiveness of all program-  
5                 ming conducted using such funds to ensure that  
6                 it advances United States interests and de-  
7                 grades the ability of the Chinese Communist  
8                 Party or the Government of the People's Re-  
9                 public of China, to advance activities that align  
10                with subsection (d) of this section.

11                 (4) INTERAGENCY COORDINATION.—The senior  
12                 official of the Department of State designated pur-  
13                 suant to paragraph (1) shall, in coordinating and  
14                 approving programming pursuant to paragraph (2),  
15                 seek—

16                         (A) to conduct appropriate interagency  
17                         consultation; and

18                         (B) to ensure, to the maximum extent  
19                         practicable, that all approved programming  
20                         functions in concert with other Federal activi-  
21                         ties to counter the malign influence of the Chi-  
22                         nese Communist Party or the Government of  
23                         the People's Republic of China.

24                 (d) MALIGN INFLUENCE.—In this section, the term  
25                 “malign influence”, with respect to the Chinese Com-

1  munist Party or the Government of the People's Republic  
2  of China, shall be construed to include acts conducted by  
3  the Chinese Communist Party or the Government of the  
4  People's Republic of China, or entities acting on their be-  
5  half that—

6               (1) undermine a free and open international  
7               order;

8               (2) advance an alternative, repressive inter-  
9               national order that bolsters the Chinese Communist  
10            Party's or the Government of the People's Republic  
11            of China's hegemonic ambitions and is characterized  
12            by coercion and dependency;

13              (3) undermine the national security or sov-  
14              ereignty of the United States or other countries; or

15              (4) undermine the economic security of the  
16              United States or other countries, including by pro-  
17              moting corruption and advancing coercive economic  
18              practices.

19             (e) COUNTERING MALIGN INFLUENCE.—In this sec-  
20             tion, countering malign influence through the use of funds  
21             appropriated pursuant to the authorization of appropria-  
22             tions under subsection (a) shall include efforts—

23             (1) to promote transparency and accountability,  
24             and reduce corruption, including in governance  
25             structures targeted by the malign influence of the

1 Chinese Communist Party or the Government of the  
2 People's Republic of China;

3 (2) to support civil society and independent  
4 media to raise awareness of and increase trans-  
5 parency regarding the negative impact of activities  
6 related to the Belt and Road Initiative, associated  
7 initiatives, other economic initiatives with strategic  
8 or political purposes, and coercive economic prac-  
9 tices;

10 (3) to counter transnational criminal networks  
11 that benefit, or benefit from, the malign influence of  
12 the Chinese Communist Party or the Government of  
13 the People's Republic of China;

14 (4) to encourage economic development struc-  
15 tures that help protect against predatory lending  
16 schemes, including support for market-based alter-  
17 natives in key economic sectors, such as digital econ-  
18 omy, energy, and infrastructure;

19 (5) to counter activities that provide undue in-  
20 fluence to the security forces of the People's Repub-  
21 lic of China;

22 (6) to expose misinformation and  
23 disinformation of the Chinese Communist Party's or  
24 the Government of the People's Republic of China's

1 propaganda, including through programs carried out  
2 by the Global Engagement Center; and

3 (7) to counter efforts by the Chinese Com-  
4 munist Party or the Government of the People's Re-  
5 public of China to legitimize or promote authori-  
6 tarian ideology and governance models.

7 (f) ANNUAL SUMMARY.—Not later than September  
8 30, 2023, and annually thereafter for 5 years, the senior  
9 official of the Department of State designated pursuant  
10 to subsection (c)(1) shall submit to the congressional com-  
11 mittees specified in paragraphs (1) and (2) of subsection  
12 (b), a summary identifying each activity or program ap-  
13 proved pursuant to subsection (c), and shall include—

14 (1) for each program or activity, an identifica-  
15 tion of the country or regional location of the pro-  
16 gram or activity;

17 (2) for each program or activity, whether the  
18 program or activity was ongoing prior to receiving  
19 support from funds from the Countering People's  
20 Republic of China Malign Influence Fund, or any  
21 predecessor resource intended for the same or sub-  
22 stantially similar purpose;

23 (3) for each program or activity, an identifica-  
24 tion of the acts described in subsection (d) that such  
25 program or activity is intended to counter; and

1                   (4) a table identifying the respective allocation  
2                   of all programs or activities approved during that  
3                   fiscal year across accounts and regional or functional  
4                   bureaus.

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The CLERK. H.R. 1157, a bill to provide the authorization of appropriations for the countering of People's Republic of China—

Chairman McCaul. Without objection, the first reading is dispensed with. The bill is considered read and open to amendment at any point. Is there any discussion on the bill? Ranking Member, Mr. Meeks, is recognized.

Mr. MEEKS. Thank you, Mr. Chair. We must authorize funds for the Countering People's Republic of China's Malign Influence Fund to position USAID and the State Department for strategic competition with China. This should be a bipartisan bill.

It is unfortunate that despite our best efforts, it isn't. We want the State Department to be laser focused on the challenges posed by the PRC. We also need to make sure that our institutions are nimble and have the flexibility to address what is likely going to be a constantly evolving series of challenges.

And the rigid language in the bill does not provide for this flexibility. Given the amount of money this bill authorizes, it is important that we have strong bipartisan deliberation on the strategic focus and the future of this fund. And with that, Mr. Chairman, I yield back the balance of my time.

Chairman McCaul. The gentleman yields. Is there any further discussion on the bill?

[No response.]

Chairman McCaul. There being no further discussion of the bill, the committee will move to consideration of amendments. Does any member wish to offer an amendment?

Mr. MEEKS. Mr. Chairman.

Chairman McCaul. Ranking Member Mr. Meeks is recognized.

Mr. MEEKS. I have an Amendment No. 15 at the desk.

Chairman McCaul. Clerk shall distribute the amendment. Clerk shall report the amendment.

[The Amendment offered by Mr. Meeks follows:]

**AMENDMENT TO H.R. 1157**  
**OFFERED BY MR. MEEKS OF NEW YORK**

Section 2(a), in the matter preceding paragraph (1),  
strike the dollar amount and insert “\$400,000,000”.

Section 2(e), in the matter preceding paragraph (1),  
strike “shall include efforts” and insert “should include  
efforts”.

Section 2(f)(3), strike “an identification” and all  
that follows through the end of the paragraph and insert  
“a description of how such program or activity is relevant  
to the strategic competition with the PRC; and”.



The CLERK. Amendment to H.R. 1157, offered by Mr. Meeks of New York. Section 2(a), in the matter preceding paragraph (1), strike the dollar amount and insert "400 million dollars". Section 2(e), in the matter preceding paragraph (1), strike "shall include efforts" and insert "should include efforts".

Chairman McCaul. Without objection, further reading of the amendment is dispensed with. The gentleman, Ranking Member Mr. Meeks, is recognized for five minutes on the amendment.

Mr. MEEKS. Thank you, Mr. Chairman. This is a simple amendment that I am offering to improve the legislation offered by my colleague, Representative Andy Barr. It increases the authorized amount for the Countering PRC Influence Fund to 400 million dollars.

My Republican colleagues are constantly telling us that we need to do more to counter China and criticize the President for not doing enough. So let's authorize this important tool with the amount requested by the administration and the amount Mr. McCaul's bill last year authorized. And let's make sure our diplomats and development professionals are set up for success.

The amendment also makes two minor edits to the bill so that our diplomats are able to be nimble in the face of an ever evolving set of challenges posed by Beijing. I hope my colleagues on the other side of the aisle will consider this amendment seriously. With this amendment included, I would enthusiastically support the underlying bill. So I urge my colleagues to support the amendment, and I yield back the balance of my time.

Chairman McCaul. The gentleman yields back. I oppose this amendment for the following reasons. The current year appropriations are 325 millions. House Appropriations Committee has asked us not to go over that amount given larger 150 account concerns.

We also need to find a CUTGO for the Meeks requested inquiries. Do any of the members seek recognition? Mr. Mast is recognized.

Mr. MAST. Thank you, Mr. Chairman. I rise in opposition to the ranking member's amendment. This amendment, it attempts to weaken the strict reporting requirements in this bill and it doesn't conform to the actual appropriations of the Countering Malign Influence Fund.

This amendment, it does something important. You look at Section 2(e) where it says in the matter preceding paragraph (1), it says strike shall include efforts and insert should include efforts. And when it does that to change that instead of have the report include that shall, a definition of how such program or activity is relevant to the strategic competition with the People's Republic of China, it weakens this bill.

The language of the amendment would decrease the specific reporting requirements to make sure that every single program funded in the Countering PRC Malign Influence Fund can show that it actually counters PRC malign influence. That is a big problem. So I urge my colleagues to oppose this amendment, and I thank the Chairman for yielding me the time. And I yield back.

Chairman McCaul. The gentleman yields back. Any other members seek recognition?

[No response.]

Chairman McCaul. There being no further discussion, the question now occurs on the amendment offered by Representative Meeks.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the Chair, the noes have it and the amendment is not agreed to.

Ranking member is recognized.

Mr. MEEKS. I would like a recorded vote.

Chairman McCaul. Roll call vote has been requested. Pursuant to the Chair's previous announcement, this vote will be postponed. Are there any further amendments?

[No response.]

Chairman McCaul. There being no further amendments, pursuant to notice, I now call up H.R. 1107, PRC is Not Developing Country Act. The bill was circulated in advance. The clerk shall designate the bill.

[The bill H.R. 1107 follows:]

118TH CONGRESS  
1ST SESSION

# H. R. 1107

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IN THE SENATE OF THE UNITED STATES

MARCH 28, 2023

Received; read twice and referred to the Committee on Foreign Relations

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## AN ACT

To direct the Secretary of State to take certain actions with respect to the labeling of the People's Republic of China as a developing country, and for other purposes.

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

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “PRC Is Not a Develop-  
3 oping Country Act”.

**4 SEC. 2. STATEMENT OF POLICY.**

5 It should be the policy of the United States—

6 (1) to oppose the labeling or treatment of the  
7 People’s Republic of China as a developing country  
8 in any treaty or other international agreement to  
9 which the United States is a party;

10 (2) to oppose the labeling or treatment of the  
11 People’s Republic of China as a developing country  
12 in each international organization of which the  
13 United States is a member; and

14 (3) to pursue the labeling or treatment of the  
15 People’s Republic of China as an upper middle in-  
16 come country, high income country, or developed  
17 country in each international organization of which  
18 the United States is a member.

**19 SEC. 3. REPORT.**

20 Not later than 180 days after the date of the enact-  
21 ment of this Act, the Secretary shall submit to the appro-  
22 priate committees of Congress a report identifying all cur-  
23 rent treaty negotiations in which—

24 (1) the proposed treaty develops different  
25 standards for the enforcement of the treaty based on

1       the development status of the member states of the  
2       treaty; and

3               (2) the People's Republic of China is under con-  
4       sideration for becoming a party to the treaty.

5       **SEC. 4. MECHANISMS FOR CHANGING THE DEVELOPMENT**

6               **STATUS OF THE PEOPLE'S REPUBLIC OF**  
7               **CHINA.**

8       (a) IN GENERAL.—In any international organization  
9       of which the United States and the People's Republic of  
10      China are both current member states, the Secretary, in  
11      coordination with the heads of other Federal agencies and  
12      departments as needed, shall pursue—

13               (1) changing the status of the People's Republic  
14       of China from developing country to upper middle  
15       income country, high income country, or developed  
16       country if a mechanism exists in such organization  
17       to make such a change in status;

18               (2) proposing the development of a mechanism  
19       described in paragraph (1) to change the status of  
20       the People's Republic of China in such organization  
21       from developing country to developed country; or

22               (3) regardless of efforts made pursuant to para-  
23       graphs (1) and (2), working to ensure that the Peo-  
24       ple's Republic of China does not receive preferential  
25       treatment or assistance within the organization as a

1       result of it having the status of a developing coun-  
2       try.

3       (b) WAIVER.—The President may waive the applica-  
4       tion of subsection (a) with respect to any international or-  
5       ganization if the President notifies the appropriate com-  
6       mittees of Congress, not later than 10 days before the date  
7       on which the waiver shall take effect, that such a waiver  
8       is in the national interests of the United States.

9       **SEC. 5. DEFINITIONS.**

10      In this Act:

11           (1) APPROPRIATE COMMITTEES OF CON-  
12       GRESS.—The term “appropriate committees of Con-  
13       gress” means—

14           (A) the Committee on Foreign Affairs and  
15           the Committee on Ways and Means of the  
16           House of Representatives; and

17           (B) the Committee on Foreign Relations of  
18           the Senate.

19           (2) SECRETARY.—The term “Secretary” means  
20           the Secretary of State.

Passed the House of Representatives March 27,  
2023.

Attest:

CHERYL L. JOHNSON,

*Clerk.*

The CLERK. H.R. 1107, a bill to direct the Secretary of State to take certain actions with respect to labeling the People's Republic of China as a developing country, and for other purposes.

Chairman McCaul. Without objection, the first reading is dispensed with. The bill is considered read and open to amendment at any point. I now recognize myself for a statement on the bill.

China is not a developing country despite PRC's self-designation. The PRC is the world's second largest GDP and a top consumer exporter. It is home to more than one-fifth of the world's 500 largest companies.

The PRC gets little to zero interest loans from the World Bank with a developing nation status. The PRC then turns around and uses that money to finance their Belt and Road debt trap diplomacy. This ends up holding other nations hostage or leaving them bankrupt through their malign activities to expand their footprint around the world, often raping countries of their—truly developing nations of their natural resources.

It allows the PRC to get almost zero interest-free loans and charge these serious interest rates to truly developing nations who then turn around into a debt trap. Eventually, the IMF comes to their need with a bail out. This is the PRC's ability to manipulate current global institutions that we have the United Nations.

For the life of me, I don't know why we allow them to continue with this developing nation status that they use to their advantage to finance their Belt and Road Initiative. And for these reasons among many more, it allows them to compete with the United States in space and hypersonic technology. I have been a longtime proponent of ending this designation.

They are no longer a developing nation as they were when they first entered the WTO and the World Bank. And for that reason, I would support this amendment or this bill. And with that, I yield back.

Mr. CONNOLLY. Would my friend yield?

Chairman McCaul. And Mr. Connolly is recognized.

Mr. CONNOLLY. I thank my friend for yielding. I just want to associate myself with those remarks. I saw this bill and felt it is about time.

China has managed to become a great country but not always through noble means. It has stolen intellectual property. It is extorted from counties that invested in it.

It has intimidated its neighbors. And as you said, it has manipulated the international machinery to its advantage. China is no more a developing country today than we are.

And it has benefitted unfairly at the expense of others including us to get to a competitive position. Well, it is now the second largest economy in the world, largest military in the world. And it is more than capable of standing on its own two feet and competing with the rest of us on a level playing field.

So I enthusiastically support the bill and associate myself with your remarks, Mr. Chairman. And thank you for yielding.

Chairman McCaul. I thank the gentleman from Virginia. Well stated. I think we can all agree on this one. Is there any further discussion on the bill? Mr. Meeks is recognized.

Mr. MEEKS. Thank you, Mr. Chairman. I strongly support this bipartisan measure, and thank Representatives Young Kim and of course Representative Gerry Connolly. Despite being the world's second largest economy, the People's Republic of China often enjoys, as indicated, and seeks the status of a developing country.

And they do this in international treaties and organizations to gain undeserved special treatment or to avoid taking on greater global responsibilities. This bipartisan measure calls on the Secretary of State to take diplomatic action at various international organizations and treaties where China is a member to change the PRC status to an upper middle income, high income, or developed country. Propose the development of such mechanism if one does not exist and prevent the PRC from gaining preferential treatment if it does have the status of a developing country.

The steps this measure calls for highlight why it is so critical that the United States remain engaged and present in international organizations and treaties. It is only engaging can we change things as we have seen time and time again. If the United States takes our ball and goes home, China immediately fills the void and takes advantage by shaping and guiding the institutions for its own benefit.

This is a good bill. It sends the right message. And I support this measure and urge my colleagues to do the same. I yield back the balance of my time.

Chairman McCaul. The gentleman yields. Is there any further discussion on the bill? Mr. Hill is recognized.

Mr. HILL. Thank you, Mr. Chairman. And thank you for your leadership in this package of important bills today, particularly the ones that counter the Chinese Communist Party. I am glad that representative Young Kim is now also a member of the House Financial Services Committee where she is bringing her expertise that she is demonstrating in this bill.

I want to associate myself with the comments made by Mr. Connolly and you, Mr. Chairman, and say that this is a good and important measure. China is deeply involved in the multilateral at the United Nations and in the multilateral banks. And this is a way for us to send the signal that it is time for them to graduate from developing country status and use this as a wake-up call with our friends and allies around the world to be absolutely, as Ranking Member Meeks said, engaged in the multilateral.

When we see this space, the Chinese take it. And if you have concerns about who is appointed at the World Health Organization, you ought to be involved. If you are concerned about telecommunication standards in the world, then you ought to be involved in the multilateral process.

So at the World Bank, China is down to a billion dollars a year credit capability. And as Chairman McCaul has said, that is really like a carry tray. They get a billion dollars from the World Bank and then they are out making predatory loans around the world as the world's current largest creditor country.

It just makes no financial sense whatsoever. So I think Young Kim has—with her bipartisan colleagues including Gerry Connolly have a bill here that we should all support and persuade the other

G-7 countries to support this kind of effort as well. And with that, I yield back to the Chair.

Chairman McCaul. The gentleman yields. Is there any further discussion on the bill? Mr. Smith is recognized.

Mr. SMITH. Thank you so much, Mr. Chair. I want to thank Young Kim for this very important bill regarding the ongoing labeling of the PRC as a, quote, "developing country". This is smart targeted legislation which calls upon U.S. policymakers to oppose an international organization such as the United Nations such bogus labeling. The PRC is now a wealthy nation, much of it ill-begotten.

And it directs much of its wealth towards placing countries such as Sri Lanka, Uganda, and Djibouti into debt bondage, bribing and corrupting local politicians the world over as it seeks to create dependency via programs such as the Belt and Road Initiative. The PRC should not be preferred as a developing country when the reality is it is now an upper income developed nation which has directed resources outward as well as militarily in order to threaten the global order. I yield back, and I applaud her on her bill.

Chairman McCaul. The gentleman yields. Is there any further discussion on the bill? Mr. Davidson is recognized.

Mr. DAVIDSON. Move to strike the last word. Thank you, Chairman. Thanks to our colleague, Young Kim, for introducing this bill. I applaud the effort and have personally been affected prior to coming to Congress as the owner of manufacturing companies in Ohio.

By China's refusal to comply with the terms of the World Trade Organization framework, they exploit the developing nation status. And this bill hopefully will correct that. I do have an amendment. I appreciate the hard work of Young Kim and her staff and the committee's staff to try to get language that will make it even stiffer.

The underlying bill contains a provision that would be waivable by the President. And we continue to surrender our authority. And I think it is important for us to stake claim to that and say, well, under what conditions would you be able to waive it? And if you want a waiver, why not come back to us?

But nevertheless, as has been highlighted, China is a net lender to countries. And frankly, when you look at a metric called net international investment position of countries which is what we own of the world versus what the world owns of us, for the United States, the world owns more of us than we own of them. China is the opposite.

Germany is frankly in the strongest position per capita at about 32–37 per capita. But the United States is in a deficit of nearly 50,000 dollars per capita. China is in the middle of the pack in this metric, but they have a net favorable investment.

So they own more of the world than the world owns of China. Now a lot of that goes with their refusal to comply with the terms of the World Trade Organization. And the exploitation of the developing country status is just the tip of the iceberg in terms of how they are exploiting it.

But I am so thankful, Chairman, that you are moving this bill early in our markup and that it is so bipartisan to confront the abuses of China because it has been bad for America. It has been bad for our economy. It has been horrible for our middle class and

the constituents we represent. And I urge all of our colleagues to support the bill.

Chairman McCaul. The gentleman yields back. Is there any further discussion on the bill? Ms. Kim is recognized.

Mrs. KIM of California. Thank you, Chairman McCaul, for holding today's markup. And I am speaking in strong support of my bill, H.R. 1107, the PRC is Not a Developing Country Act. This is a legislation I introduced with my colleague, Gerry Connolly.

And I thank all the members who spoke in favor of this bill. This bipartisan bill seeks to address the People's Republic of China's exploitation of its status as a developing country in treaties and international organizations. The PRC is the world's second largest economy, accounting for 18.6 percent of the global economy.

The economy size is second only to that of the United States which is treated as a developed or high income country in treaties and international organizations. The PRC exploits their status as a developing country by applying for development assistance and loans from international organizations despite spending trillions on infrastructure projects in developing countries as part of the debt trap diplomacy scheme known as the Belt and Road program. In fact, their withdrawal of loans that should be for developing countries enables the PRC to finance the Belt and Road program.

The PRC is Not a Developing Country Act states that it will be the policy of the United States to oppose the labeling or treatment of the PRC as a developing country in any treaty, international organization, or international agreement to which the U.S. is a party. It also directs the Secretary to seek mechanisms in international organization to change the status of the PRC from a developing country to developed country. This legislation will level the playing field for developing countries and hold the PRC accountable for its exploitation of development assistance and loans.

So I urge my colleagues to support, and yield the balance of my time. Thank you.

Chairman McCaul. The gentlelady yields back. Is there any further discussion on the bill?

[No response.]

Chairman McCaul. There being no further discussions, let me just say I want to thank Congresswoman Kim for bringing this legislation. It is long overdue. This will force the State Department to treat the Chinese Communist Party and their government as who they really are, not a developing nation but an economic power that must be dealt with.

And I think this will get to the core of their ability to manipulate our global institutions to get interest-free loans and then turn them around to manipulate developing nations at a usurious interest rate and then take over their rare earth minerals and ports and bases and then be bailed out by the IMF. I give them an A+ for being smart and clever. But I am glad we finally caught up to this.

And we are going to pass this at a committee I hope unanimously and get it to the floor as soon as possible. So with that, does any other member—does any member wish to offer an amendment?

Mr. DAVIDSON. Mr. Chairman, I have an amendment at the desk.

Chairman McCaul. Mr. Davidson is recognized. And the clerk shall report the amendment.

[The Amendment offered by Mr. Davidson follows:]

**AMENDMENT TO H.R. 1107**  
**OFFERED BY MR. DAVIDSON OF OHIO**

Page 4, line 1, insert “, not later than 10 days before the date on which the waiver shall take effect,” after “Congress”.



The CLERK. Amendment to H.R. 1107, offered by Mr. Davidson of Ohio. Page 4, line 1, insert, not later than—

Chairman McCaul. Without objection, further reading of the amendment is dispensed with. The gentleman is recognized for five minutes on the amendment.

Mr. DAVIDSON. I thank the Chairman. And I thank, as I said earlier, the committee staff and Congresswomen Young Kim's staff for working together. This puts bounds on the administration in terms of their ability to just waive this requirement.

So a lot of times, we pass bills and we feel united in Congress. And they never become law because of the process for omnibus language. And it never sticks to the appropriations.

And then we have laws that we are supposed to see faithfully executed by the executive branch. And they will come and say things like we heard earlier in the hearing about the Uyghurs. We ask about their opinions on matters.

And it is, like, well, at some level, while I am curious about your opinion, your job in the executive branch is to faithfully execute what we passed and becomes law. And I just think this is such an important measure that we don't want them to just say, well, the Chinese people are going to get mad. Well, we know they are going to get mad.

They have used this to their great advantage overall. And we have seen our people back home all over the country jumping up and down hopping mad because we are not confronting China. And in this Congress, in this moment when we are united, I would hate to give the administration an out. So while I had hoped that we could land on language that was maybe even tighter, this language does tighten it up and make it harder for the administration to waive this requirement to say you are going to stop supporting China's claim that they are a developing economy.

I appreciate the thoughtful consideration of the amendment. I urge all of our colleagues to support it. And I yield back.

Chairman McCaul. Gentleman yields back. Let me just say I support this amendment. And do any other members seek recognition?

[No response.]

Chairman McCaul. There being no further discussion, the question now occurs on the amendment offered by Mr. Davidson.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the Chair, the ayes have it and the amendment is agreed to.

Are there any further amendments?

[No response.]

Chairman McCaul. There being no further amendments, I move that the committee report H.R. 1107 as amended to the House with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the Chair, the ayes have it and the motion is agreed to.

Without objection, the motion to reconsider is laid on the table. Staff is authorized to make any technical and conforming changes.

Pursuant to notice, I now call up H.R. 1154, the Stop Forced Organ Harvesting Act of 2023. The bill was circulated in advance. The clerk shall designate the bill.

[The Bill H.R. 1154 follows:]

118TH CONGRESS  
1ST SESSION

# H. R. 1154

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IN THE SENATE OF THE UNITED STATES

MARCH 28, 2023

Received; read twice and referred to the Committee on Foreign Relations

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## AN ACT

To combat forced organ harvesting and trafficking in persons  
for purposes of the removal of organs, and for other  
purposes.

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

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stop Forced Organ  
3 Harvesting Act of 2023”.

**4 SEC. 2. STATEMENT OF POLICY.**

5 It shall be the policy of the United States—

6 (1) to combat international trafficking in persons for purposes of the removal of organs;

8 (2) to promote the establishment of voluntary  
9 organ donation systems with effective enforcement  
10 mechanisms in bilateral diplomatic meetings and in  
11 international health forums;

12 (3) to promote the dignity and security of  
13 human life in accordance with the Universal Decla-  
14 ration of Human Rights, adopted on December 10,  
15 1948; and

16 (4) to hold accountable persons implicated, in-  
17 cluding members of the Chinese Communist Party,  
18 in forced organ harvesting and trafficking in persons  
19 for purposes of the removal of organs.

**20 SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) APPROPRIATE COMMITTEES OF CON-  
23 GRESS.—The term “appropriate committees of Con-  
24 gress” means—

1                     (A) the Committee on Foreign Relations  
2                     and the Committee on the Judiciary of the Sen-  
3                     ate; and

4                     (B) the Committee on Foreign Affairs and  
5                     the Committee on the Judiciary of the House of  
6                     Representatives.

7                     (2) FORCED ORGAN HARVESTING.—The term  
8                     “forced organ harvesting” means the removal of one  
9                     or more organs from a person by means of coercion,  
10                    abduction, deception, fraud, or abuse of power or a  
11                    position of vulnerability.

12                    (3) ORGAN.—The term “organ” has the mean-  
13                    ing given the term “human organ” in section  
14                    301(c)(1) of the National Organ Transplant Act (42  
15                    U.S.C. 274e(c)(1)).

16                    (4) TRAFFICKING IN PERSONS FOR PURPOSES  
17                    OF THE REMOVAL OF ORGANS.—The term “traf-  
18                    ficking in persons for purposes of the removal of or-  
19                    gans” means the recruitment, transportation, trans-  
20                    fer, harboring, or receipt of a person for the purpose  
21                    of removing one or more of such person’s organs, by  
22                    means of—

- 23                         (A) coercion;  
24                         (B) abduction;  
25                         (C) deception;

1                             (D) fraud;  
2                             (E) abuse of power or a position of vulner-  
3                             ability; or  
4                             (F) transfer of payments or benefits to  
5                             achieve the consent of a person having control  
6                             over a person described in the matter preceding  
7                              subparagraph (A).

8     **SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORTS.**

9         (a) IN GENERAL.—The Secretary of State may  
10                             refuse to issue a passport to any individual who has been  
11                             convicted of an offense under section 301 of the National  
12                             Organ Transplant Act (42 U.S.C. 274e) and is subject  
13                             to imprisonment or parole or other supervised release as  
14                             the result of such conviction if such individual, in the com-  
15                             mission of such an offense, used a passport or crossed an  
16                             international border.

17         (b) REVOCATION.—The Secretary of State may re-  
18                             voke a passport previously issued to any individual de-  
19                             scribed in subsection (a).

20     **SEC. 5. REPORTS ON FORCED ORGAN HARVESTING AND**  
21                             **TRAFFICKING IN PERSONS FOR PURPOSES**  
22                             **OF THE REMOVAL OF ORGANS IN FOREIGN**  
23                             **COUNTRIES.**

24         The Foreign Assistance Act of 1961 (22 U.S.C. 2151  
25                             et seq.) is amended—

1                     (1) in section 116 (22 U.S.C. 2151n), by add-  
2                     ing at the end the following:

3                 “(h) FORCED ORGAN HARVESTING AND TRAF-  
4                 FICKING IN PERSONS FOR PURPOSES OF THE REMOVAL  
5                 OF ORGANS.—

6                 “(1) IN GENERAL.—The report required by  
7                 subsection (d) shall include an assessment of forced  
8                 organ harvesting and trafficking in persons for pur-  
9                 poses of the removal of organs in each foreign coun-  
10                 try.

11                 “(2) DEFINITIONS.—In this subsection:

12                 “(A) FORCED ORGAN HARVESTING.—The  
13                 term ‘forced organ harvesting’ means the re-  
14                 moval of one or more organs from a person by  
15                 means of coercion, abduction, deception, fraud,  
16                 or abuse of power or a position of vulnerability.

17                 “(B) ORGAN.—The term ‘organ’ has the  
18                 meaning given the term ‘human organ’ in sec-  
19                 tion 301(c)(1) of the National Organ Trans-  
20                 plant Act (42 U.S.C. 274e(c)(1)).

21                 “(C) TRAFFICKING IN PERSONS FOR PUR-  
22                 POSES OF THE REMOVAL OF ORGANS.—The  
23                 term ‘trafficking in persons for purposes of the  
24                 removal of organs’ means the recruitment,  
25                 transportation, transfer, harboring, or receipt of

1           a person for the purpose of removing one or  
2           more of such person's organs, by means of—  
3               “(i) coercion;  
4               “(ii) abduction;  
5               “(iii) deception;  
6               “(iv) fraud;  
7               “(v) abuse of power or a position of  
8               vulnerability; or  
9               “(vi) transfer of payments or benefits  
10              to achieve the consent of a person having  
11              control over a person described in the mat-  
12              ter preceding clause (i).”;  
13           (2) in section 502B (22 U.S.C. 2304)—  
14              (A) by redesignating the second subsection  
15              (i) (relating to child marriage status) as sub-  
16              section (j); and  
17              (B) by adding at the end the following:  
18               “(k) FORCED ORGAN HARVESTING AND TRAF-  
19               FICKING IN PERSONS FOR PURPOSES OF THE REMOVAL  
20               OF ORGANS.—  
21               “(1) IN GENERAL.—The report required by  
22              subsection (b) shall include an assessment of forced  
23              organ harvesting and trafficking in persons for pur-  
24              poses of the removal of organs in each foreign coun-  
25              try.

1           “(2) DEFINITIONS.—In this subsection, the  
2 terms ‘forced organ harvesting’, ‘organ’, and ‘traf-  
3 ficking in persons for purposes of the removal of or-  
4 gans’ have the meanings given those terms in section  
5 116(h)(2).”.

6 SEC. 6. IMPOSITION OF SANCTIONS WITH RESPECT TO  
7           **FORCED ORGAN HARVESTING OR TRAF-**  
8           **FICKING IN PERSONS FOR PURPOSES OF THE**  
9           **REMOVAL OF ORGANS.**

10       (a) LIST REQUIRED.—Not later than 180 days after  
11 the date of the enactment of this Act, the President shall  
12 submit to the appropriate committees of Congress a list  
13 of each person that the President determines funds, spon-  
14 sors, or otherwise facilitates forced organ harvesting or  
15 trafficking in persons for purposes of the removal of or-  
16 gans.

17       (b) IMPOSITION OF SANCTIONS.—The President shall  
18 impose the following sanctions with respect to a person  
19 on the list required by subsection (a):

20           (1) PROPERTY BLOCKING.—The President shall  
21 exercise all of the powers granted by the Inter-  
22 national Emergency Economic Powers Act (50  
23 U.S.C. 1701 et seq.) (except that the requirements  
24 of section 202 of such Act (50 U.S.C. 1701) shall  
25 not apply) to the extent necessary to block and pro-

1 hibit all transactions in all property and interests in  
2 property of the person if such property and interests  
3 in property are in the United States, come within  
4 the United States, or are or come within the posses-  
5 sion or control of a United States person.

6 (2) ALIENS INADMISSIBLE FOR VISAS, ADMIS-  
7 SION, OR PAROLE.—

8 (A) VISAS, ADMISSION, OR PAROLE.—In  
9 the case of an individual, that individual is—

10 (i) inadmissible to the United States;  
11 (ii) ineligible to receive a visa or other  
12 documentation to enter the United States;  
13 and

14 (iii) otherwise ineligible to be admitted  
15 or paroled into the United States or to re-  
16 ceive any other benefit under the Immigra-  
17 tion and Nationality Act (8 U.S.C. 1101 et  
18 seq.).

19 (B) CURRENT VISAS REVOKED.—

20 (i) IN GENERAL.—The visa or other  
21 entry documentation of the individual shall  
22 be revoked, regardless of when such visa or  
23 other entry documentation is or was  
24 issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and  
(II) automatically cancel any other valid visa or entry documentation that is in the individual's possession.

8 (c) EXCEPTIONS.—

9                   (1) EXCEPTION RELATING TO IMPORTATION OF  
10                 GOODS.—

1       tween the United Nations and the United States of  
2       America regarding the Headquarters of the United  
3       Nations, signed at Lake Success June 26, 1947, and  
4       entered into force November 21, 1947, under the  
5       Convention on Consular Relations, done at Vienna  
6       April 24, 1963, and entered into force March 19,  
7       1967, or under other applicable international agree-  
8       ments or treaties.

9                     (3) EXCEPTION RELATING TO THE PROVISION  
10          OF HUMANITARIAN ASSISTANCE.—Sanctions under  
11       this section may not be imposed with respect to  
12       transactions or the facilitation of transactions for—  
13                     (A) the sale of agricultural commodities,  
14                     food, or medicine;

15                     (B) the provision of vital humanitarian as-  
16                     sistance;

17                     (C) financial transactions relating to vital  
18                     humanitarian assistance or for vital humani-  
19                     tarian purposes; or

20                     (D) transporting goods or services that are  
21                     necessary to carry out operations relating to  
22                     vital humanitarian assistance.

23                     (4) WAIVER.—The President may, on a case-  
24                     by-case basis and for periods not to exceed 180 days  
25                     each, waive the application of sanctions or restric-

1       tions imposed with respect to a person under this  
2       section if the President certifies to the appropriate  
3       committees of Congress not later than 15 days be-  
4       fore such waiver is to take effect that the waiver is  
5       vital to the national security interests of the United  
6       States.

7       (d) IMPLEMENTATION; PENALTIES.—

8           (1) IMPLEMENTATION.—The President may ex-  
9       ercise all authorities provided under sections 203  
10      and 205 of the International Emergency Economic  
11      Powers Act (50 U.S.C. 1702 and 1704) to carry out  
12      this section.

13          (2) PENALTIES.—A person that violates, at-  
14       tempts to violate, conspires to violate, or causes a  
15       violation of this section or any regulation, license, or  
16       order issued to carry out this section shall be subject  
17       to the penalties set forth in subsections (b) and (c)  
18       of section 206 of the International Emergency Eco-  
19       nomic Powers Act (50 U.S.C. 1705) to the same ex-  
20       tent as a person that commits an unlawful act de-  
21       scribed in subsection (a) of that section.

22          (e) DEFINITIONS.—In this section—

23           (1) the term “person”—  
24           (A) means an individual or entity; and

1                         (B) includes a non-state actor (as such  
2                         term is defined in Public Law 114–281); and  
3                         (2) the term “United States person” means—  
4                             (A) a United States citizen or an alien law-  
5                         fully admitted for permanent residence to the  
6                         United States; or  
7                             (B) an entity organized under the laws of  
8                         the United States or any jurisdiction within the  
9                         United States, including a foreign branch of  
10                         such an entity.

Passed the House of Representatives March 27,  
2023.

Attest:                             CHERYL L. JOHNSON,  
*Clerk.*

The CLERK. H.R. 1154, to combat forced organ harvesting and trafficking in persons for purposes of the removal of organs, and for other purposes.

Chairman McCaul. Without objection, first reading is dispensed with. The bill is considered read and open to amendment at any point.

Chairman McCaul. Is there any discussion on the bill? Mr. Smith, the author of the bill is recognized.

Mr. SMITH. Thank you so very much, Mr. Chairman. I want to thank you, the Ranking Member for including it in this markup.

I want to thank you for cosponsoring it. I really deeply appreciate that. I want to thank Bill Keating, as well as Kathy Manning for joining on as cosponsors originals as well. It's a bipartisan bill. And I think it will make a difference.

And special thanks to Mary Vegel, Vegil I should say, Janice Kaguyutan, did I get it right Janice? Pierre Lattazi and Doug Anderson for working to get this bill ready for today.

Mr. CHAIRMAN, the United Nations Office on Drugs and Crime which monitors trafficking in persons as well as narcotics, last year estimated that human trafficking for forced organ removal is a criminal enterprise worth between \$840 million and \$1.7 billion. But, then they said, this is a mere tip of the iceberg and called it a hidden crime.

Well, it has become apparent however through open source investigation and witness accounts is that there was one country, one country in particular which is engaged in state-sponsored harvesting of human organs from otherwise healthy human beings on a systematic and industrial scale in absolute violation of ethics governing transplantation.

That country is the Peoples Republic of China under Xi Jinping and the Chinese Communist Party. Their cruelty of murdering between 60,000 to 100,000 young victims every year, average age 28, to steal their organs, is unimaginable.

In May of last year, I chaired a chilling, eye-opening hearing at the Tom Lantos Human Rights Commission entitled Forced Organ Harvesting in China, Examining the Evidence. Ethan Guttman, Senior Research Fellow in China Studies for the Victims of Communism Memorial Foundation testified that 25,000 to 50,000 camp detainees are being harvested every year.

Twenty-eight year olds he goes on to say from Xinjiang camps can be theoretically harvested for two or three organs. That's up to 150,000 organs just from the Uyghurs. The Kilgour, Matas, Gutmann Report of 2016 estimated China's total transplant volume at 60,000 to 100,000 annually.

Religious dissidents targeted for harvesting include Falun Gong practitioners, whose peaceful meditation and exercise practices unfortunately make their organs desirable. They're very healthy people, so they're targeted. They have been declared by the Chinese Communist Party an evil cult and thus, fit for butchering.

Uyghurs and other central Asians in concentration camps in the Xinjiang Uyghur autonomous region are targeted as well. Indeed, we even know the ideal age, like I said, for harvesting is 28 years old. This has been deemed the peak of organ ripeness by the Chinese medical establishment. And young Uyghurs are subjected to

comprehensive blood tests to find a cross match for organ recipients.

Sifting through the evidence as an independent body called the International Tribunal sitting in London, has concluded, and I quote them, forced organ harvesting has been committed for years throughout China on a significant scale. And that Falun Gong practitioners have been one, and probably the main source of organ supply.

And the evidence, Mr. Chairman, as you know has been in plain sight. We also know that through open source Chinese language media that elderly high ranking Chinese Communist Party officials have received replacement organs from the very people they despise and oppress, like the Falun Gong, like the Uyghurs, at the People's Liberation Army Hospital 301, located in Beijing.

While this shocks me, and it should shock all of us, and I know it does, I can't say it surprises me. Almost 25 years ago, Doug Anderson remembers it so well because he was on our subcommittee, I chaired the first human rights hearing with a Chinese security official who testified that he and his other security agents were executing prisoners with doctors, of course, there and ambulances to harvest their organs for transplantation.

But, it was done then on a very small scale. Now, it is massive and of course, the victims it is an unconscionable abuse of victims.

Indeed, at the last hearing we actually had a doctor who testified how he had performed one such surgery on a victim, a botched execution, who as he began cutting, discovered that he was in the state of shock, that is to say, the victim, a live vivisection on a living human being.

To combat these heinous and inhumane practices, we've introduced H.R. 1154. And what it does, it amends the Foreign Assistance Act of 1961 to require reports on forced organ harvesting and trafficking in persons for purposes of the removal of organs in foreign countries.

It secondly imposes sanctions on any person the President determines funds, sponsors, or otherwise facilitates forced organ harvesting or trafficking in persons for the purpose of removing their organs. And it sanctions, those sanctions include blocking and prohibiting all transactions in property and interest in property, and making that person inadmissible to the United States, and ineligible to receive a Visa.

This is a start. I hope this Committee will support it robustly. Yield back.

Chairman McCaul. The gentleman yields. Is there any further discussion on the bill?

There being no further discussion of the bill, the Committee will move to consideration of amendments. Does any member wish to offer an amendment?

There being no amendments, let me first just say, I want to thank the gentleman for bringing this long overdue bill. You've been a champion of human rights for many, many years in the Congress.

And I can't think of anything more horrific or more barbaric than this practice that the Chinese Communist Party engages in to hold people down against their will, and sometimes anesthetize them,

sometimes not, and take out their very vital organs and then sell them for hundreds of thousands of dollars. It is absolutely disgusting to me.

And I want to thank you again, for bringing this not only to the Committee's attention, but to the American people who may not understand what type of nation we're dealing with. And how complete disregard for human life and human rights that the Communist Chinese Party has.

There being no amendments, I move that Committee report H.R. 1154 to the House with a favorable recommendation. All those in favor signify by saying aye.

All those oppose signify by saying no.

In the opinion of the Chair the ayes have it. The motion is agreed to. And, without objection, the motion to reconsider is laid on the table. Staff is authorized to make any technical and conforming changes.

Pursuant to notice I now call up H.R. 1153, Deterring America's Technological Adversaries Act.

[The Bill H.R. 1153 follows:]

## Union Calendar No. 43

118TH CONGRESS  
1ST SESSION

# H. R. 1153

[Report No. 118–63]

To provide a clarification of non-applicability for regulation and prohibition relating to sensitive personal data under the International Emergency Economic Powers Act, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2023

Mr. McCARTHY introduced the following bill; which was referred to the Committee on Foreign Affairs

MAY 16, 2023

Additional sponsor: Mr. SMITH of New Jersey

MAY 16, 2023

Reported from the Committee on Foreign Affairs; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

**A BILL**

To provide a clarification of non-applicability for regulation and prohibition relating to sensitive personal data under the International Emergency Economic Powers Act, and for other purposes.

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 AND TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
 5 “Deterring America’s Technological Adversaries Act” or  
 6 “DATA Act”.

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

Sec. 1. Short title and table of contents.

Sec. 2. Findings.

Sec. 3. Authorization of appropriations.

Sec. 4. Severability.

Sec. 5. Definitions.

TITLE I—CLARIFICATION OF NON-APPLICABILITY FOR REGULATION AND PROHIBITION RELATING TO SENSITIVE PERSONAL DATA UNDER INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT

Sec. 101. Clarification.

Sec. 102. Directive.

TITLE II—IMPOSITION OF SANCTIONS ON CERTAIN TRANSACTIONS RELATING TO CONNECTED SOFTWARE APPLICATIONS

Sec. 201. Imposition of sanctions.

Sec. 202. Sanction described.

Sec. 203. Sunset.

TITLE III—SPECIFIC DETERMINATIONS WITH RESPECT TO THE IMPOSITION OF SANCTIONS

Sec. 301. Determination relating to ByteDance, Ltd., TikTok, and related entities.

Sec. 302. Requests by appropriate congressional committees.

9 **SEC. 2. FINDINGS.**

10      Congress finds the following:

11           (1) On December 2, 2022, the Director of the  
 12       Federal Bureau of Investigation, Christopher Wray,  
 13       stated, “We . . . do have national security concerns

1       about the app [TikTok]. Its parent company is con-  
2       trolled by the Chinese government. And it gives  
3       them the potential to leverage the app in ways that  
4       I think should concern us . . . One, it gives them  
5       the ability to control the recommendation algorithm  
6       which allows them to manipulate content and if they  
7       want to, to use it for influence operations which are  
8       a lot more worrisome in the hands of the Chinese  
9       Communist Party than whether or not you're steer-  
10      ing somebody as an influencer to one product or an-  
11      other. They also have the ability to collect data  
12      through it on users which can be used for traditional  
13      espionage operations, for example. They also have  
14      the ability on it to get access, they have essentially  
15      access to the software to devices. So you're talking  
16      about millions of devices and that gives them the  
17      ability to engage in different kinds of malicious  
18      cyber activity through that. And so all of these  
19      things are in the hands of a government that doesn't  
20      share our values and that has a mission that's very  
21      much at odds with what's in the best interest of the  
22      United States that that should concern us.”.

23                     (2) On December 3, 2022, the Director of Na-  
24                     tional Intelligence, Avril Haines, “It is extraordinary  
25                     the degree to which China, in particular, but they’re

1       not the only ones, obviously, are developing just  
2       frameworks for collecting foreign data and pulling it  
3       in and their capacity to then turn that around and  
4       use it to target audiences for information campaigns  
5       or for other things, but also to have it for the future  
6       so that they can use it for a variety of means that  
7       they're interested in.”.

8                     (3) On December 16, 2022, the Director of  
9       Central Intelligence, Bill Burns, stated, “I think it’s  
10      a genuine concern . . . for the U.S. government, in  
11      the sense that, because the parent company of  
12      TikTok is a Chinese company, the Chinese govern-  
13      ment is able to insist upon extracting the private  
14      data of a lot of TikTok users in this country, and  
15      also to shape the content of what goes on to TikTok  
16      as well to suit the interests of the Chinese leadership  
17      . . . What I would underscore, though, is that it’s  
18      genuinely troubling to see what the Chinese govern-  
19      ment could do to manipulate TikTok.”.

20                   (4) On December 23, 2022, both chambers of  
21      Congress passed a bipartisan spending bill that in-  
22      cluded a ban on using TikTok from government de-  
23      vices.

**1 SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

2       No additional amounts are authorized to be made  
3 available to carry out this Act.

**4 SEC. 4. SEVERABILITY.**

5       If any provision of this Act or its application to any  
6 person or circumstance is held invalid, the invalidity does  
7 not affect other provisions or applications of this section  
8 that can be given effect without the invalid provision or  
9 application, and to this end the provisions of this Act are  
10 severable.

**11 SEC. 5. DEFINITIONS.**

12       In this Act:

13           (1) AGENCY OR INSTRUMENTALITY OF A FOR-  
14 EIGN STATE.—The term “agency or instrumentality  
15 of a foreign state” has the meaning given such term  
16 under section 1603(b) of title 28, United States  
17 Code.

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

21           (A) the Committee on Foreign Affairs,  
22           Committee on Ways and Means, and the Com-  
23           mittee on Financial Services of the House of  
24           Representatives; and

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

4                             (3) CHINA.—The term “China” means—

5                                 (A) when used in the geographic sense, the  
6                             country of the People’s Republic of China; and

7                                 (B) otherwise, the Government of the  
8                             country of the People’s Republic of China, in-  
9                             cluding any entity acting on behalf of, or the  
10                             benefit of—

11                                 (i) the country of the People’s Repub-  
12                             lic of China; or

13                                 (ii) the Government of the country of  
14                             the People’s Republic of China.

15                             (4) CONNECTED SOFTWARE APPLICATION.—

16                             The term “connected software application” has the  
17                             meaning given such term in Executive Order 14034  
18                             (86 Fed. Reg. 31423; relating to protecting Ameri-  
19                             cans’ sensitive data from foreign adversaries).

20                             (5) ELECTION INTERFERENCE IN OR AGAINST A  
21                             FOREIGN COUNTRY THAT IS A TREATY ALLY OF THE  
22                             UNITED STATES OR A DEMOCRATIC OR EMERGING  
23                             DEMOCRATIC PARTNER OF THE UNITED STATES.—

24                             The term “election interference in or against a for-  
25                             eign country that is a treaty ally of the United

1 States or a democratic or emerging democratic part-  
2 ner of the United States” means actions to engage  
3 in, directly or indirectly, activities originating from,  
4 or directed by, persons located, in whole or in sub-  
5 stantial part, outside the territory of a treaty ally of  
6 the United States or a democratic or emerging  
7 democratic partner of the United States that have  
8 the purpose or effect of tampering with, altering, un-  
9 lawfully accessing, or causing a misappropriation of  
10 information with the purpose or effect of interfering  
11 with or undermining election processes or institu-  
12 tions.

13 (6) ELECTION INTERFERENCE IN OR AGAINST  
14 THE UNITED STATES.—The term “election inter-  
15 ference in or against the United States” includes ac-  
16 tions to engage in, directly or indirectly, activities  
17 originating from, or directed by persons located, in  
18 whole or in substantial part, outside the United  
19 States that—

20 (A) have the purpose or effect of tam-  
21 pering with, altering, unlawfully accessing, or  
22 causing a misappropriation of information with  
23 the purpose or effect of undermining election  
24 processes or institutions;

1                         (B) deny access, block, degrade, or alter  
2                         election and campaign infrastructure, or related  
3                         systems or data related to political parties, can-  
4                         didates in elections for public office, the admin-  
5                         istration of elections for public office, or any  
6                         public election activity; or

7                         (C) consist of the making of contributions  
8                         or donations, or any other activity prohibited  
9                         under section 319 of the Federal Election Cam-  
10                         paign Act of 1971 (52 U.S.C. 30121), with the  
11                         purpose or effect of undermining election proc-  
12                         esses or institutions.

13                         (7) FOREIGN PERSON.—The term “foreign per-  
14                         son”—

15                         (A) means a person that is not a United  
16                         States person; and

17                         (B) includes a nonresident alien individual,  
18                         foreign corporation, foreign partnership, foreign  
19                         trust, foreign estate.

20                         (8) KNOWINGLY.—The term “knowingly”, with  
21                         respect to conduct, a circumstance, or a result,  
22                         means that a person has actual knowledge, or should  
23                         have known, of the conduct, the circumstance, or the  
24                         result.

1                     (9) SENSITIVE PERSONAL DATA.—The term  
2       “Sensitive personal data” has the meaning given  
3       such term in section 7.2 of title 15, Code of Federal  
4       Regulations (or any successor regulation).

5                     (10) TREATY ALLY OF THE UNITED STATES.—  
6       The term “treaty ally of the United States” means  
7       a foreign country that is a party to any of the fol-  
8       lowing:

9                         (A) The North Atlantic Treaty, signed at  
10                         Washington, April 4, 1949.

11                         (B) The Security Treaty Between Aus-  
12                         tralia, New Zealand, and the United States of  
13                         America, signed at San Francisco, September  
14                         1, 1951.

15                         (C) The Mutual Defense Treaty Between  
16                         the United States of America and the Republic  
17                         of the Philippines, signed at Washington, Au-  
18                         gust 30, 1951.

19                         (D) The Southeast Asia Collective Defense  
20                         Treaty, signed at Manilla, September 8, 1954.

21                         (E) The Treaty of Mutual Cooperation and  
22                         Security Between the United States of America  
23                         and Japan, signed at Washington, January 19,  
24                         1960.

1                             (F) The Mutual Defense Treaty Between  
2                             the United States of America and the Republic  
3                             of Korea, signed at Washington, October 1,  
4                             1953.

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

7                                 (A) a United States citizen;  
8                                 (B) a permanent resident alien;  
9                                 (C) an entity organized under the laws of  
10                                 the United States (including foreign branches);  
11                                 or  
12                                 (D) any person in the United States.

13                             **TITLE I—CLARIFICATION OF**  
14                             **NON-APPLICABILITY FOR**  
15                             **REGULATION AND PROHIBI-**  
16                             **TION RELATING TO SEN-**  
17                             **SITIVE PERSONAL DATA**  
18                             **UNDER INTERNATIONAL**  
19                             **EMERGENCY ECONOMIC POW-**  
20                             **ERS ACT**

21                             **SEC. 101. CLARIFICATION.**

22                             (a) IN GENERAL.—The importation to a country, or  
23                             the exportation from a country, of sensitive personal data  
24                             shall not constitute the importation from a country, or the  
25                             exportation to a country, of information or informational

1 materials for purposes of paragraph (1) or (3) of section  
2 203(b) of the International Emergency Economic Powers  
3 Act (50 U.S.C. 1702(b)).

4       (b) RULE OF CONSTRUCTION.—Nothing in sub-  
5 section (a), and nothing in the International Emergency  
6 Economic Powers Act, may be construed to provide for  
7 the application of paragraph (1) or (3) of section 203(b)  
8 of the International Emergency Economic Powers Act (50  
9 U.S.C. 1702(b)) to the importation to China, or the expor-  
10 tation from China, directly or indirectly, of sensitive per-  
11 sonal data.

12 **SEC. 102. DIRECTIVE.**

13       Not later than 180 days after the date of the enact-  
14 ment of this Act, the Secretary of the Treasury shall issue  
15 a directive prohibiting United States persons from engag-  
16 ing in any transaction with a person that the Secretary  
17 of the Treasury determines knowingly provides or may  
18 transfer sensitive personal data of persons subject to  
19 United States jurisdiction to any foreign person that—

20           (1) is subject to the jurisdiction or direction of,  
21       or directly or indirectly operating on behalf of,  
22       China; or

23           (2) is owned by, directly or indirectly controlled  
24       by, or is otherwise subject to the influence of China.

1     **TITLE II—IMPOSITION OF SANC-**  
2     **TIONS ON CERTAIN TRANS-**  
3     **ACTIONS RELATING TO CON-**  
4     **NECTED SOFTWARE APPLICA-**  
5     **TIONS**

6     **SEC. 201. IMPOSITION OF SANCTIONS.**

7         (a) IN GENERAL.—The President shall impose the  
8     sanction described in section 202 with respect to any for-  
9     eign person that, on or after the date of the enactment  
10    of this Act, knowingly—

11             (1) operates, directs, or otherwise deals in a  
12     connected software application that—

13                 (A) is subject to the jurisdiction or direc-  
14     tion of, or directly or indirectly operating on be-  
15     half of China, or is owned by, directly or indi-  
16     rectly controlled by, or otherwise subject to the  
17     influence of China; and

18                 (B) is reasonable believed to have facil-  
19     itated or may be facilitating or contributing to  
20     China's—

21                     (i) military, intelligence, espionage, or  
22     weapons proliferation activities;

23                     (ii) censorship activities;

24                     (iii) surveillance activities;

(iv) control or use of recommendation algorithms that are capable of manipulating content;

(v) malicious cyber activities; or

(vi) use of data to target audiences for information campaigns;

(2) directly or indirectly orders, controls, directs, engages in, or otherwise facilitates an act of election interference against the United States;

(3) directly or indirectly orders, controls, directs, engages in, or otherwise facilitates an act of election interference in or against a foreign country that is—

(A) a treaty ally of the United States; or

(B) a democratic or emerging democratic partner of the United States;

(4) 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;

(5) knowingly facilitates a transaction or transactions for or on behalf of a person described, or a

1       person that has engaged in the activity described, as  
2       the case may be, in paragraph (1), (2), (3), or (4);

3                 (6) knowingly assists, sponsors, or provides fi-  
4       nancial, material, or technological support for a per-  
5       son described, or a person that has engaged in the  
6       activity described, as the case may be, in paragraph  
7       (1), (2), (3), or (4); or

8                 (7) is owned or controlled by, or has acted for  
9       or on behalf of, directly or indirectly, a person de-  
10      scribed, or a person that has engaged in the activity  
11      described, as the case may be, in paragraph (1), (2),  
12      (3), or (4).

13                 (b) LIST OF FOREIGN COUNTRIES THAT ARE DEMO-  
14      CRATIC OR EMERGING DEMOCRATIC PARTNERS OF THE  
15      UNITED STATES.—

16                 (1) IN GENERAL.—Not later than 90 days after  
17       the date of the enactment of this Act, the President  
18       shall submit to the appropriate congressional com-  
19      mittees—

20                 (A) a definition of the term “democratic or  
21       emerging democratic partner of the United  
22       States”; and

23                 (B) a list of foreign countries that are des-  
24       ignated as a democratic or emerging democratic  
25       partner of the United States for purposes of

1           subsection (a)(3) that includes the countries  
2           listed in paragraph (2).

3           (2) INITIAL DESIGNATIONS.—Sweden, Switzer-  
4           land, Israel, India, and Taiwan shall be deemed to  
5           have been so designated as a democratic or emerging  
6           democratic partner of the United States for pur-  
7           poses of subsection (a)(3).

8           (3) UPDATES.—The President shall submit to  
9           the appropriate congressional committees an up-  
10          dated list under subparagraph (A) on a periodic  
11          basis.

12 **SEC. 202. SANCTION DESCRIBED.**

13          (a) IN GENERAL.—The sanction described in this  
14          section is the exercise of all powers granted to the Presi-  
15          dent by the International Emergency Economic Powers  
16          Act (50 U.S.C. 1701 et seq.) (except that the require-  
17          ments of section 202 of such Act (50 U.S.C. 1701) shall  
18          not apply) to the extent necessary to block and prohibit  
19          all transactions in all property and interests in property  
20          of any foreign person or an agency or instrumentality of  
21          a foreign state, as the case may be, if such property and  
22          interests in property are in the United States, come within  
23          the United States, or are or come within the possession  
24          or control of a United States person.

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

5       (c) REGULATIONS.—

6           (1) IN GENERAL.—The President shall pre-  
7 scribe such regulations as may be necessary for the  
8 implementation of this title.

9           (2) PRIOR BRIEFING REQUIRED.—Not later  
10 than 10 days before the prescription of regulations  
11 under paragraph (1), the President shall brief the  
12 appropriate congressional committees regarding the  
13 proposed regulations and the provisions of this title  
14 that such regulations are implementing.

15       (d) PENALTIES.—A person that violates, attempts to  
16 violate, or causes a violation of any sanction authorized  
17 by this title, or any regulation, license, or order issued to  
18 carry out such sanctions, shall be subject to the penalties  
19 set forth in subsections (b) and (c) of section 206 of the  
20 International Emergency Economic Powers Act (50  
21 U.S.C. 1705) to the same extent as a person that commits  
22 an unlawful act described in subsection (a) of that section.

23       (e) EXCEPTIONS.—The following activities shall not  
24 be subject to the imposition of sanctions under this title:

1                     (1) Any authorized intelligence, law enforcement, or national security activities of the United States.

4                     (2) Any transaction necessary to comply with  
5                     United States obligations under the Agreement between  
6                     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.

13                     (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 title 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.

21 **SEC. 203. SUNSET.**

22                     This title, and the authorities provided by this title, shall terminate on the date that is 5 years after the date of the enactment of this Act.

1   **TITLE III—SPECIFIC DETER-**  
2   **MINATIONS WITH RESPECT**  
3   **TO THE IMPOSITION OF SANC-**  
4   **TIONS**

5   **SEC. 301. DETERMINATION RELATING TO BYTEDANCE,**  
6                   **LTD., TIKTOK, AND RELATED ENTITIES.**

7       (a) **IN GENERAL.**—Not later than 90 days after the  
8       date of the enactment of this Act, and every 180 days  
9       thereafter for 3 years, the President shall transmit to the  
10      appropriate congressional committees a determination of  
11      whether reasonable grounds exist for concluding that any  
12      of the entities described in subsection (b)—

13                 (1) meets the criteria described in paragraph  
14                 (1) or (2) of section 102 for purposes of applying a  
15                 directive described in such section with respect to  
16                 the entity; or

17                 (2) have engaged in any conduct described in  
18                 section 201.

19       (b) **ENTITIES DESCRIBED.**—The entities described in  
20      this subsection are—

21                 (1) Bytedance, Ltd.;  
22                 (2) TikTok;  
23                 (3) any subsidiary of or a successor to an entity  
24                 described in paragraph (1) or (2); and

1                             (4) any entity owned or controlled directly or  
2                             indirectly by an entity described in paragraph (1),  
3                             (2), or (3).

4                             (c) FORM.—The determination described in sub-  
5                             section (a) shall be transmitted in unclassified form, and  
6                             any supporting documentation may be transmitted in a  
7                             classified annex.

8                             (d) APPLICATION OF SANCTIONS.—If the President  
9                             makes an affirmative decision under subsection (a) with  
10                             respect to any entity described in subsection (b), the Presi-  
11                             dent shall impose the sanction described in section 202  
12                             with respect to the entity, as appropriate.

13 **SEC. 302. REQUESTS BY APPROPRIATE CONGRESSIONAL**  
14                             **COMMITTEES.**

15                             (a) IN GENERAL.—Not later than 120 days after re-  
16                             ceiving a request from the chairperson or ranking member  
17                             of one or more of the appropriate congressional commit-  
18                             tees with respect to whether a foreign person meets the  
19                             criteria described in paragraph (1) or (2) of section 102  
20                             for purposes of applying a directive described in such sec-  
21                             tion with respect to the person, or have engaged in any  
22                             conduct described in section 201 for the imposition of the  
23                             sanction described in section 202, the President shall—

24                                 (1) determine if that person meets the require-  
25                             ments described in the applicable section; and

1                         (2) submit to the chairperson and ranking  
2 member of the committee or committees a report  
3 that includes—

4                         (A) a statement of whether or not the  
5 President imposed or intends to impose such  
6 sanction with respect to the person; and

7                         (B) if applicable, a description of the sanc-  
8 tion so imposed or intended to be imposed.

9                         (b) AVAILABILITY OF INFORMATION.—

10                         (1) IN GENERAL.—Any information obtained at  
11 any time with respect to the President making a de-  
12 termination with respect to a foreign person under  
13 subsection (a), or under any review of the foreign  
14 person through other United States Government na-  
15 tional security review processes, shall be made avail-  
16 able to a committee or subcommittee of Congress of  
17 appropriate jurisdiction, upon the request of the  
18 chairman or ranking minority member of such com-  
19 mittee or subcommittee.

20                         (2) PROHIBITION ON DISCLOSURE.—No such  
21 committee or subcommittee, or member thereof, may  
22 disclose any information made available under clause  
23 (i), that is submitted on a confidential basis unless  
24 the full committee determines that the withholding

1       of that information is contrary to the national inter-  
2       est.

3       (c) FORM.—Each determination described in sub-  
4       section (a)(1), and each report under subsection (a)(2),  
5       may be submitted in classified or unclassified form, and  
6       any supporting documentation to such determination or  
7       report may contain a classified annex.

Union Calendar No. 43

118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 1153**

[Report No. 118-63]

**A BILL**

To provide a clarification of non-applicability for regulation and prohibition relating to sensitive personal data under the International Emergency Economic Powers Act, and for other purposes.

MAY 16, 2023

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Chairman McCaul. The bill was circulated in advance and the Clerk shall designate the bill.

The CLERK. H.R. 1153. A bill to provide to provide the clarification of non-applicability—

Chairman McCaul. Without objection the first reading is dispensed with. The bill is considered read and open to amendment at any point. I now recognize myself for an opening statement.

While the nation looked at the sky in disbelief as a spy balloon from the Chinese Communist Party's military traversed the continental U.S. gathering sensitive data and sending it back to the mother ship in Beijing, many Americans do not realize one of the greatest surveillance efforts from the CCP has been silently gathering personal data in their pockets.

Of course, I'm referring to the social media app called TikTok. It is no secret that TikTok is beholden to the CCP. In fact, President Biden, his national security officials, have been sounding the alarm over the last three months.

Biden's FBI Director said that TikTok's parent company is quote, controlled by the Chinese government, end of quotes. President Biden's Director of National Intelligence explained that the PRC is quote, collecting foreign data to then use it to target audiences for information campaigns, end of quote.

And Biden's own Deputy Attorney General said quote, I don't use TikTok, and I would not advise anyone else to. And we just heard today from one of our witnesses, our Undersecretary for the Bureau of Industry and Security, stating that TikTok was a threat to the national security of Americans in the United States.

The United States Congress, literally the people in this room, agreed that TikTok is so dangerous that we banned its use on federal government devices. And it's not only Congress, more than 30 states have banned TikTok from state issued devices, including my home state of Texas.

So, why is Congress and the majority of states blocking access to TikTok? We've all seen what the PRC does with this type of data against its own people, interrogations, imprisonment, and shipping minority groups to genocide camps.

TikTok is a modern day Trojan horse of the CCP used to surveil and exploit Americans' personal information. This legislation is the first step in protecting Americans against subversive data collection.

Currently, the courts have questioned the Administration's authority to sanction TikTok. My bill empowers the Administration to ban TikTok or any other software application that threatens U.S. national security.

And, make no mistake, TikTok is a national security threat. It allows the CCP to manipulate and monitor its users while it gobbles up Americans' data to be used for their malign activities.

Anyone with TikTok downloaded on their device has given the CCP permission and a backdoor to all their personal information. In other words, it's a spy balloon in your phone. And I have no doubt the PRC will look to weaponize this intelligence as they seek to upend the global balance of power in this great generational competition.

It is time to act. This is an issue that affects all Americans. And it's time we put an end to the hostile efforts of the CCP to exploit Americans and their personal privacy.

And I urge my colleagues to support this bill as we did impose this on all members of Congress. Is there any further discussion on the bill?

The Ranking Member, Mr. Meeks is recognized.

Mr. MEEKS. Thank you, Mr. Chairman. I oppose this measure. And I do so actually regretfully, given that I strongly prefer when you and I work together and are able to figure and work something out collectively.

But, on this I forcefully and unequivocally oppose. And that's because I think that this legislation would damage our allegiances across the globe, bring more countries into China's sphere, destroy jobs here in the United States, and undercut core American values of free speech and free enterprise.

These ills are not just bad policy, they would actively undermine our national security. The legislation before us today is unvetted and dangerously over broad.

It applies mandatory sanctions to companies that have independent American subsidiaries without giving any consideration to the consequences. What would happen to these subsidiaries?

The bill does not say. The bill would impose sanctions on companies with a combined market capitalization of over a trillion dollars, while explicitly refusing to authorize one penny to the agency that oversees sanctions enforcement.

How will the government handle enormous new responsibilities with no additional resources? The bill does not say.

The Data Act will also result in sanctions on individuals and companies in ally and partner nations around the globe.

Now, Mr. McCaul, Chairman McCaul to his credit, was ahead of the curve in Washington D.C. about the importance of semiconductors. He fiercely believes, and correctly so in my view, that semiconductor manufacturing and supply chains are crucial to national security.

But, the TSMC, Samsung, SK Hynix, all make significant revenues selling chips for Chinese companies that would be sanctioned by this bill. Under the secondary sanctions set forth in this legislation this means each of these Taiwanese and Korean entities would be subject to mandatory sanctions.

How does it make sense to sanction the very companies the Executive Branch and bipartisan members of this Committee are actively courting to build fabs in the United States? The bill does not say.

A different approach is and was possible. We could have held hearings before the markup, and carefully crafted bipartisan legislation together.

Instead, my staff and I received the text of this legislation a little over a week ago. And have only had several days to review a bill that would dramatically rewrite the rules based international economic order.

We specifically offered the Chairman and his team a detailed outline of the scope of legislation we could accept under this signifi-

cant time crunch. But, ultimately they were not amenable to that proposal.

Even though this measure was noticed just a few days ago, and the text of the bill is still not available on Congress' official legislative website, companies, countries, and civil society groups have already reached out expressing concern about the scope and soundness of the legislation before us today.

I believe my amendment in the nature of a substitute is a correct path that we must take. It will address the original stated scope of this bill, real and genuine privacy concerns related to TikTok, without causing more problems than it corrects.

But, if my substitute amendment is not adopted, I must oppose this legislation and urge all of my colleagues to do the same.

With that, Mr. Chairman, I yield back.

Chairman McCaul. The gentleman yields back. Is there any further discussion on the bill?

Mrs. Wagner is recognized.

Mrs. WAGNER. I thank you, Mr. Chairman. And I support this piece of legislation. China's digital espionage programs are a colossal national security risk to the United States of America.

And, not just us, but also for all private citizens. The intelligence collected from American citizens through these programs supports the development of China's surveillance state.

The Executive Branch needs clear authority to cut off the flow of private American data to the CCP through apps like TikTok. CCP data espionage empowers abusive—abusive as I said, Chinese—pardon me. I lost my place here.

It absolutely empowers the abusive Chinese government to reach ever deeper into the lives of its own citizens, especially Uyghurs, Tibetans, Christians, and dissidents. The U.S. should not be complicit in these abhorrent practices.

And I support the Chairman's bill to protect the privacy of American citizens and attack the CCP's mass surveillance systems. And I yield back.

Chairman McCaul. The gentlelady yields back. Is there any further discussion on the bill?

Mr. Stanton is recognized.

Mr. STANTON. Thank you very much. Mr. Chairman, data privacy is national security. And the U.S. government should take seriously any attempts by foreign governments or foreign owned corporations to gather unlimited data on U.S. citizens.

But, the Data Act in its current form is a poor way to accomplish that goal. We've been asked to rush this bill through Committee with no input from sanction experts, technologists, the business community, or even the regulatory agencies who would be in charge of enforcing the ban. And I expect that they would have a lot of valuable feedback.

The sanctions in this bill are extremely wide ranging, with an unknown impact on other businesses operating in the United States. Not to mention the real constitutional and legal questions this bill raises.

If we want to get serious about protecting the data privacy of millions of Americans about our national security in the 21st cen-

tury, then this deserves close study and open dialog, neither of which have happened.

For that reason, I urge my colleagues to vote no. Let's do this correctly.

Chairman McCaul. Any further discussions on the bill? Mr. Cicilline is recognized.

Mr. CICILLINE. Thank you, Mr. Chair. And I'm wondering, Mr. Chair, if you would yield to a question?

As I read the bill, I have some of the very same concerns that the Ranking Member and Mr. Stanton just raised. This appears to be a, maybe the broadest sanction and position I've ever seen and maybe ever imposed in history.

And it's not permissive. It requires the imposition of sanctions. So, I think when you think about the unintended consequences, there aren't provisions that allow the President and the Administration not to impose them.

So, I think we have to be particularly careful here. And what I'm particularly unclear about is in the—on page 12 of the bill it requires the imposition of sanctions if it's reasonably believed to have facilitated or maybe facilitating, or contributing to China's, and it lists a number of things, military intelligence, espionage, censorship activities, all those sound reasonable to me.

But, Roman Numeral IV says, control or use of recommendation algorithms that are capable of manipulating content. There's no definition in the legislation of what the recommendation algorithms are.

So, we are requiring the imposition of sanctions against an organization that facilitates or maybe facilitating, or maybe contributing to China's use of something called recommendation algorithms, with no definition of what that is.

And so, I am just wondering what the intent is. I've spent a lot of time studying algorithms, and I'm so heartened to hear my colleagues talk about the surveillance state which allows technology platforms to relentless collect data even here in America.

But I think the dangers are particularly obvious with respect to the Communist Party of China. But, this particular provision with recommendation algorithms, I have no idea what that means. And if we're requiring the imposition of sanctions, we ought to have a clear understanding at least of what that means. And I don't know if somebody can answer that.

Chairman McCaul. Sure. And, the gentleman yields?

Mr. CICILLINE. Oh, of course.

Chairman McCaul. Yes. The algorithms are manipulated by the PRC to send messages of influence, typically political messages on devices where TikTok has been downloaded as an app.

This bill applies to PRC owned and facilitated use of this data with respect to military intelligence, espionage, or weapons proliferation activities. I think that's very clear.

With respect to the fact this hasn't been discussed in the past, we discussed this on the EAGLE Act last Congress, as I recall. We've had a lot of discussion and debate on this.

Why are we talking about this?

Mr. CICILLINE. Mr. Chairman, if I can just ask, I don't—my question is not about military intelligence or espionage, I get that.

If you go down four more lines, Roman Numeral IV, it says, control or use of recommendation algorithms that are capable of manipulating content. What does that mean?

Because recommendation algorithms is not a term of art. It is not defined in the bill. And again, this is requiring the imposition of sanctions if it's reasonably believed, or that it maybe facilitating, not just the items you mentioned, but also this item, control or use of recommendation algorithms that are capable of manipulating content.

That—I don't even know what that is. And so, before I—you're asking us to vote to require the imposition of sanctions on—that might reach a number of different companies.

It seems to me I want to have an understanding of what's the attempt here. What is that language intending to require us, or require the Administration to impose sanctions on it?

Chairman McCaul. This particular, you're taking about Clause IV, was actually brought to our attention by President Biden's national security team.

That these algorithms, recommendations are being manipulated by the PRC to send messages to particularly most TikTok users are younger generation, to influence them, and to influence their political affiliation. And to gain influence to their—to favor the PRC.

Mr. Cicilline. Yeah.

Chairman McCaul. Again, why is this being brought up? Because the prior Administration tried to ban it three times. The courts considered that ban and said that the President did not have legal authority to do so.

All I'm trying to do is create a Constitutional framework through which the President, and we don't have permissive language, you're correct in that. It is mandatory that the President would sanction companies that fall within this definition that deal with military intelligence, espionage, weapons proliferation.

Mr. Cicilline. Well, I thank you, Mr. Chairman. I would just say that I think what's most disappointing about this is, I think there is broad and maybe universal support on this Committee to do exactly what this bill attempts to do.

But, this is incredibly important that it be done right and that it be done well. And I think we all have confidence that if Mr. Meeks and you had the opportunity to work in this in a serious way, we would come up with a bill that would earn the votes of every single person on this Committee.

I'm not sure why we are being asked to sort of jam through, but I think with all due respect it's not well written. It doesn't have definitions about critical components.

We all want very much to give the Administration the tools that it needs. But, I—in its current form without a lot of amplification and a lot of definitions, it's difficult for me to support this.

And I yield back.

Chairman McCaul. Is there any further discussion on the bill? Mr. Mast is recognized.

Mr. Mast. Mr. Chairman, I yield to my colleague Mrs. Wagner.

Mrs. Wagner. I thank my good friend and colleague from Florida for yielding. And I'd like to address, Mr. Chairman, this myth that somehow this bill is vague or over broad.

The sanctions clearly apply only to companies under CCP control and facilitating transfers of sensitive personal data to the CCP military, espionage, influence operations, et cetera. I can also say that a national security waiver lets the Executive Branch decide the scope of actions preventing over broad use.

And lastly, I'd say that, you know, it has a five year sunset. Which means Congress retains a check whether to extend the sanction authority or not.

And I'd also say that this is an urgent, urgent issue. A supreme national security risk. The Biden national security officials, including the head of this Administration's CIA and FBI are ringing alarm bells about TikTok, and revealing extreme urgency.

So, I think there is clear and present danger. The timing and the urgency are necessary. I thank the gentleman for yielding. I don't know if the Chair would like additional time or not.

If you—I yield back to the gentleman from Florida.

Mr. MAST. Thank you, Mrs. Wagner. And I would just say, I appreciate and I take the opportunity to thank the staff, both majority and minority, that work together on this legislation all the way back into February, looking at this. Looking at issues that the FBI, the CIA had been bringing up on this very issue. And what was brought up even long before that in the EAGLE Act.

So, there was work done, bipartisanly across the Committee. And I want to thank all the staff for their work on that.

And, Mr. Chairman, I yield the remainder of my time.

Chairman McCaul. The gentleman yields. Any other further discussion on the bill? Mr.—Mrs. Kamlager-Dove.

Mrs. KAMLAGER-DOVE. Thank you, Mr. Chair and to our Vice—to our Ranking Member, Mr. Meeks. I want to speak to this bill.

I am strongly opposed to this ill-conceived and hastily drafted piece of legislation which could decimate U.S. companies at no benefit to U.S. national security, and has concerning implications for Americans' right to freedom of expression.

I do believe until this is worked out more clearly that we should oppose this precipitous legislation. To me, this bill is clear evidence of an attempt to use a hot button issue to jump into the spotlight with no regard for the actual policy impact.

For one, the bill tries to bypass a review of the Biden Administration's foremost experts on the topic, but CFIUS and the Commerce Department, which is drafting a strategy to address the implications of foreign owned applications.

And anyone who cares about protecting national security, and I know that's all of us, and not just scoring political points, would allow the experts to fully analyze every single angle of this issue and recommend the best course of action.

Even more concerning are the bill's vague definitions, and they are, under which American companies with no real connection to the PRC's malign influence could conceivably be banned from doing business in the United States. And I'm concerned about this because of all of the entertainment companies that are in my district who could become collateral damage as a result of this ill constructed bill.

And, given that their work in the arts is a key avenue for Americans' freedom of expression, I can also see concerning implications for the protection of civil liberties in this country.

Clearly, this bill would have serious ramifications that members of this Committee and civil society stakeholders have barely begun to address, but, I know care for deeply.

So, I once again, believe this to be harmful and counter-productive. And I certainly urge my colleagues to continue to work on this issue and oppose this bill in the meantime.

I yield back the balance of my time.

Mr. MAST. Will my colleague yield for a moment?

Mrs. KAMLAGER-DOVE. Yes.

Mr. MAST. I just—I was interested by what you said. I was wondering if you could just elaborate on some of the companies that you said would be affected?

Ms. KAMLAGER-DOVE. Well, I have an amendment here, because for example, there are video gaming industries that are in my district that could become collateral damage.

They have nothing to do with national security. But, they are owned—they are Chinese owned companies, and so they could conceivably be banned.

Mr. MAST. Could you tell me which ones so I could go look at this further?

Ms. KAMLAGER-DOVE. I can certainly make sure that you get that information.

Mr. MAST. Thank you.

Chairman McCaul. Is there any further discussion on the bill? There being no further discussion, the Committee will move to consideration of amendments.

Does any member wish to offer an amendment?

Mr. MEEKS. Mr. Chairman.

Chairman McCaul. Mr. Meeks is recognized.

Mr. MEEKS. I have an amendment, number 16 at the desk.

[The Amendment offered by Mr. Meeks follows:]

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1153  
OFFERED BY MR. MEEKS OF NEW YORK**

Strike all after the enacting clause and insert the following:

1   **SECTION 1. DETERMINATION AND SANCTIONS RELATING**  
2                   **TO BYTEDANCE, LTD., TIKTOK, AND RELATED**  
3                   **ENTITIES.**  
4         (a) DETERMINATION.—  
5             (1) IN GENERAL.—The President—  
6                 (A) shall, not later than 90 days after the  
7                 date of the enactment of this Act and every 180  
8                 days thereafter for 3 years, transmit to the ap-  
9                 propriate congressional committees a deter-  
10               mination of whether reasonable grounds exist  
11               for concluding that any of the entities described  
12               in subsection (b) should be subject to the sanc-  
13               tion described in subsection (c); and  
14                 (B) shall, if the President determines that  
15               any such entity should be subject to such sanc-  
16               tion pursuant to subparagraph (A), impose the  
17               sanction with respect to the entity, as appro-  
18               priate.

1                 (2) FORM.—The determination described in  
2     this subsection shall be transmitted in unclassified  
3     form, and any supporting documentation may be  
4     transmitted in a classified annex.

5                 (b) ENTITIES DESCRIBED.—The entities described in  
6     this subsection are—

7                 (1) Bytedance, Ltd.;  
8                 (2) TikTok;  
9                 (3) any subsidiary of or a successor to an entity  
10     described in paragraph (1) or (2); and  
11                 (4) any entity owned or controlled directly or  
12     indirectly by an entity described in paragraph (1),  
13     (2), or (3).

14                 (c) SANCTION DESCRIBED.—The sanction described  
15     in this subsection is the exercise of all powers granted to  
16     the President by the International Emergency Economic  
17     Powers Act (50 U.S.C. 1701 et seq.) (except that the re-  
18     quirements of section 202 of such Act (50 U.S.C. 1701)  
19     shall not apply) to the extent necessary to block and pro-  
20     hibit all transactions in all property and interests in prop-  
21     erty of the entity, if such property and interests in prop-  
22     erty are in the United States, come within the United  
23     States, or are or come within the possession or control  
24     of a United States person.

1       (d) WAIVER.—The President may waive the imposi-  
2 tion of the sanction described in subsection (c) with re-  
3 spect to an entity if the President determines and certifies  
4 to the appropriate congressional committees that it is in  
5 the national interest of the United States to do so.

6 **SEC. 2. DETERMINATION AND ADDITIONAL SANCTION RE-**  
7 **LATING TO BYTEDANCE, LTD.**

8       (a) DETERMINATION.—If the Committee on Foreign  
9 Investment in the United States and Bytedance, Ltd.  
10 enter into a negotiated agreement that requires  
11 Bytedance, Ltd. to make operational changes to its busi-  
12 ness practices pursuant to the agreement, the President—

13           (1) shall, not later than 180 days after the date  
14 on which the agreement is concluded and annually  
15 thereafter for five years, transmit to the appropriate  
16 congressional committees a determination of whether  
17 or not Bytedance, Ltd. is in continuing compliance  
18 with the terms of the agreement; and

19           (2) is authorized, if the President determines  
20 that Bytedance, Ltd. is not in compliance with the  
21 terms of the agreement pursuant to paragraph (1),  
22 to impose the sanction described in (b) with respect  
23 to Bytedance, Ltd., unless any of the exceptions de-  
24 scribed in subsection (c) apply with respect to the  
25 imposition of such sanction.

## 1       (b) SANCTION DESCRIBED.—

2                     (1) IN GENERAL .—The sanction described in  
3                     this subsection is the exercise of all powers granted  
4                     to the President by the International Emergency  
5                     Economic Powers Act (50 U.S.C. 1701 et seq.) (ex-  
6                     cept that the requirements of section 202 of such  
7                     Act (50 U.S.C. 1701) shall not apply) to the extent  
8                     necessary to block and prohibit all transactions in all  
9                     property and interests in property of any foreign  
10                    person or an agency or instrumentality of a foreign  
11                    state, as the case may be, if such property and inter-  
12                    ests in property are in the United States, come with-  
13                    in the United States, or are or come within the pos-  
14                    session or control of a United States person.

15                    (2) NON-APPLICABILITY OF CERTAIN PROVI-  
16                    SIONS.—The authority to impose the sanction de-  
17                    scribed in this subsection may be exercised notwith-  
18                    standing the provisions of section 203(b)(3) of the  
19                    International Emergency Economic Powers Act (50  
20                    U.S.C. 1702(b)(3)).

21   **SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**  
22                   **FINED.**

23        In this Act, the term “appropriate congressional com-  
24        mittees” means—

1                   (1) the Committee on Foreign Affairs, the  
2                   Committee on Ways and Means, and the Committee  
3                   on Financial Services of the House of Representa-  
4                   tives; and  
5                   (2) the Committee on Foreign Relations and  
6                   the Committee on Banking, Housing, and Urban Af-  
7                   fairs of the Senate.



Chairman McCaul. The Clerk shall report the bill—amendment.  
 The CLERK. Amendment in the nature of a substitute to H.R. 1153, offered by Mr. Meeks of New York.

Strike all after the enacting clause, and insert all—

Chairman McCaul. Without objection, further reading of the amendment is dispensed with. The gentleman is recognized for five minutes on the amendment.

Mr. MEEKS. Thank you, Mr. Chairman. Based on our conversations, I was really expecting your legislation to focus more narrowly on TikTok rather than the entire Chinese economy.

And, with due respect, I believe that H.R. 1153 bites off more than it can chew, as I laid out in my comments on the underlying measure. And I'm offering this A and S Amendment because I want to lay out a roadmap for a pragmatic approach to address the challenge that arises from TikTok's popularity.

Let me be clear on this. I believe concerns about TikTok by the United States government and our allies are justified.

And I supported the restrictions of TikTok on government devices, and I'm glad that the European Union and Canada have quickly followed us in this prudent step. More needs to be done as well.

Americans' sensitive data should not be going to ByteDance's Beijing headquarters. Stories about TikTok employees using location data to spy on journalists is entirely unacceptable.

Whatever action the United States government takes must be thoughtful, holistic, and with our American values, which we must never yield on, in mind.

For years, the PRC has banned American internet companies from operating in China on baseless national security concerns. The CCP forced out Google, one of the largest companies in the world, out of fear that their citizens could search for accurate information.

Now, Chinese exchange students cannot even use their Gmail when they go home for summer break. So, we should not blatantly imitate the PRC's censorship policies.

More Americans use the TikTok app than citizens of any other country in the world. Six of the seven most followed accounts in the world are American.

We should not dismiss the soft power that comes with the America way of life being broadcast all over the world. If our national security mandates more dramatic action, I will oppose, I will take it. But, we cannot act rashly without consideration of the very real soft power, free speech and economic consequences of a ban.

My amendment lays out an alternative path. First, it asks the Administration to decide if TikTok should be sanctioned under current law via the Global Magnitsky Act or the recently passed Intellectual Property Violative Sanctions legislation, which I was proud to get done last Congress.

Second, I want to allow the CFIUS process to play out. The Executive Branch is working on a negotiated compromise of TikTok as we speak.

And, as I understand it, more drastic force divestment options remain on the table if TikTok fails to demonstrate that it can't keep

American data safe. But, we should not preempt this careful inter-agency process that I am confident will produce a result.

Finally, my A and S comes with a real deterrent. Once a negotiated agreement with CFIUS is reached, my A and S requires the President to regularly notify Congress if TikTok is keeping its end of the deal.

If the company is not, my amendment grants the President the power to sanction TikTok notwithstanding the Berman Amendment. This will be an important lever to ensure the company's compliance.

So, I urge all of my members to embrace this salient but still powerful approach to addressing TikTok. I also encourage my colleagues on both sides of the aisle on the Energy and Commerce Committee to develop privacy legislation that will keep Americans' data secure from the PRC's draconian national security law.

We need to address TikTok and this amendment in the nature of a substitute is a fine place to start. So, I urge bipartisan support for my A and S.

And I yield back the balance of my time.

Chairman McCaul. The gentleman yields. I oppose this amendment. Let me just first say that we have had discussions with the minority staff since all the month of February. We asked for edits and never saw anything of substance.

I raised an amendment at the EAGLE Act in 2021. Everybody knows what TikTok is. If it's too dangerous to be on our phones as members of Congress, in my judgment, it's too dangerous to be on our children's phones. And that's the whole point of this bill.

It's also the point of this bill to give the Administration the constitutional framework within which to ban TikTok if it believes it's in the national security interest of the United States. It also mandates sanctions on companies engaged in espionage and involved with the military, the Chinese PLA.

This was done after consultation with many legal experts, including many national security advisors within the Biden Administration, many of whom have said, as I've mentioned before, that TikTok is a threat to our national security.

I met with many cabinet officials on this subject as well. And I will hold their conversations private. Suffice it to say that the ODNI, the FBI Director, the CIA Director, all believe that this is a threat, a backdoor into our children's phones. A spy balloon into their phones.

I heard this over and over again. I believe the time to act is now. And I do not agree with the comments that somehow this is political or that any way this was brought in haste.

We've been in discussions with the minority for a month on the language of this bill. We do have mandatory language. I don't believe permissive is proper at this point in our history.

Again, the bill doesn't require the President to do anything. It doesn't give him the authority that he needs to address the threat of TikTok, and I'm talking about the amendment in the nature of a substitute, my good friend Mr. Meeks.

I always like to work in a bipartisan fashion, and most of you who know me, including the Ranking Member, know that that is my style. But, the time has come to protect our children from the

PRC, from the Chinese Communist Party putting a backdoor in their phones, unwittingly, I might add.

Not knowing what the PRC is collecting when they get the key-strokes to what they are typing. When they get the data that's on their phone. When they push campaigns coming out of the PRC to influence their thinking.

When they're addicted to this, this app, not knowing that it's allowing one of our major foreign adversaries, I would argue probably the biggest foreign adversary we have right now, access into their data. Passwords, privacy, bank accounts, all sorts of personal private information that we're allowing access to a foreign nation adversary.

This should be a bipartisan bill Mr. Ranking Member. And you and I are often in a bipartisan manner working together to do the right thing for the American people.

But, I want to rise above politics and do what's right for the American people and most importantly our children and this young generation who may not understand what unwittingly they're doing by downloading this app.

So, there has to be a better way. This bill, unlike others introduced, provides the Constitutional legal framework to move forward to authorize the President of the United States, within his discretion, looking at our national security, the question whether to ban TikTok, as so many states have done, as Congress has already done amongst ourselves.

How can we ban TikTok among ourselves and not ban it for our children? Again, I ask that question. That is the moral question of today and our time.

So, let's talk about what's real here and what's not. This is a protection of privacy. It's a protection from a foreign adversary. It's a protection of our children.

And, for that reason, I oppose this amendment.

Mrs. WAGNER. Will the Chair yield?

Chairman McCaul. The Chair recognizes Mrs. Wagner.

Mrs. WAGNER. I appreciate that. I'd like to speak to the Ranking Member's, I'm going to call the myth, that Congress should somehow delay action until negotiations between TikTok and CFIUS end.

Let's be clear. The negotiations between TikTok and CFIUS have no deadline. And TikTok has no requirement to reach an agreement.

TikTok has no incentive to reach an agreement because U.S. courts have indeed questioned the Executive Branch's authority to restrict its operations.

The bill does not preempt or foreclose an agreement with CFIUS. Instead, it gives the Executive Branch authority to act at any time, including a violation of any potential agreement between companies like TikTok and the U.S. government.

I couldn't agree more with our Chairman, Mr. McCaul, that Congress must act to allow a ban on companies like TikTok to occur. Otherwise, this malign influence tool of the CCP will continue to operate as a threat to our children, a threat to our national security, a threat, I think, to our very way of life.

So, I thank the Chair for yielding and I yield back the remainder of my time.

Chairman McCaul. The gentlelady yields back. Are there any other members seek recognition on this amendment? Mr. Stanton is recognized.

Mr. STANTON. Thank you very much, Mr. Chair. I'll yield my time to Ranking Member Meeks.

Mr. MEEKS. Thank you. And I want to say to the Chair, and generally we do, and we, you know, this is a rare that we have complete disagreement.

You know, what I recall with the EAGLE Act, we had language. We laid out the language. We sat in offices. We went through the bill thoroughly, not just staff, but you and I, and trying to get something done.

From what I'm told, the first time that my staff saw the bill, can't negotiate something without seeing the bill, the first time that they saw it was on February 17. And then we tried to figure out and have conversation in that regard.

That's not trying to come up to something where we can really work on something that's important. And to say that we have to do it now and utilize fear to try to pass a bill, fear.

Now, I've been in Congress now 25 years. I've seen that tactic utilized before. Fear that Iraq had weapons of mass destruction without evidence or proof.

We should not be making judgments based upon fear. We should not be making judgements based upon speculation. Especially when we have a process going in place with CFIUS to determine what the facts are.

This is far too serious for us to make a decision by fear and be wrong. It puts us in trouble with our allies and moving forward.

There's no need to rush this. We could have hearings and discuss this, and witnesses, and experts. So that we can make sure that the world sees that the United States moves in the direction of making sure that we act on facts not fear.

So, in my mind, we should get it right. You don't try a case without facts. Let's obtain the facts. Let's let the CFIUS process that's in work, that's in progress now, to be completed.

There's no need to rush it. Let's get it right. My A and S helps us and focuses on what is in need right now. It gives us the flexibility to make sure that we move further if the facts show that they do.

And it gives us the opportunity to again show the world that the values of the United States, the principals of the United States, and that we tell others, we live by. And not following the arbitrary ways of the PRC as they've done to some of our companies, as I annunciated as an example, with Google.

We can do this the right way. With that, I yield back my time to Mr. Stanton, yield back Mr. Stanton's time.

Mr. STANTON. Thank you, Ranking Member Meeks.

I will yield back the remainder of the time to the Chairman.

Chairman McCaul. The gentleman yields back.

Any further discussion on the amendment?

[No response.]

Chairman McCaul. Let me say we often—we work together. I've been—I brought this up as an amendment to the EAGLE Act. Our staff has been working for the month of February. They saw the text here right on the 17th. It's unfortunate we didn't get a lot of response.

The CFIUS—all I heard back was that, well, let CFIUS right itself out. I don't know how long it's going to take to allow CFIUS to make a determination and what this bill does is it authorizes the president. It actually gives him an authority that the prior president administration did not have.

So that if CFIUS is violated by ByteDance, TikTok, it gives the president authority to sanction them and it gives him authority to ban TikTok. And quite honestly, this is an authority that this administration, many of whom have asked us as Congress to give them because they know they don't have the authority under case law.

The prior administration tried to ban it three times and this administration knows full well the dangers and risks of TikTok and what it poses to our children and they've been very clear about it.

Even today, we heard testimony to that fact. Again, we're providing a constitutional legal framework. The president can then sanction and act on this and ultimately ban if he deems it in the national security interests of the United States.

I don't think that's dangerous at all. I think it's dangerous not to pass this bill because if we don't and we allow TikTok to continue its surveillance in this country of Americans and particularly our children then we have not done our job on this committee.

And I can't wait until CFIUS reaches an agreement and, again, this will give the president the authority to enforce it if it's violated.

So with that, is there any further discussion on the amendment? [No response.]

Chairman McCaul. There being no further discussion, the question now occurs on the amendment offered—in the nature of a substitute offered by Mr. Meeks.

All those in favor signify by saying aye.

All opposed signify by saying no.

In the opinion of the Chair, the noes have it and the amendment is not agreed to.

Mr. MEEKS. Mr. Chairman, I ask for the yeas and nays.

Chairman McCaul. A roll call vote has been requested. Pursuant to the Chair's previous announcement this vote will be postponed.

Are there any further amendments?

Mr. MEEKS. Mr. Chairman, I have an amendment at the desk, number 11.

Chairman McCaul. Mr. Meeks is recognized. The clerk shall report the amendment.

The CLERK. Amendment to H.R. 1153, offered by Mr. Meeks of New York. In Section 202(f) strike "vital to the national security interests" and insert "in the national interest."

[The Amendment offered by Mr. Meeks follows:]

**AMENDMENT TO H.R. 1153**  
**OFFERED BY MR. MEEKS OF NEW YORK**

In section 202(f), strike “vital to the national security interests” and insert “in the national interest”.



Chairman McCaul. Without objection further reading of the amendment is dispensed with. The gentleman is recognized for five minutes.

Mr. MEEKS. Thank you, Mr. Chairman. My second amendment is quite a simple one. It changes the waiver standard by—its waiver stand in the underlying bill to allow the administration additional flexibility and I want to explain how I think about waivers, going forward, as I am confident this issue will arise again during this Congress.

First off, I do not believe we should be passing legislation without a waiver. The world is simply too unpredictable for Congress to sometimes permanently—permanently lock in the executive branch to sanctions policies.

Because of a lack of a waiver we have significant trade sanctions on some Central Asian countries that did not even exist as independent nations when the sanctions were imposed. We did not get rid of those Cold War relic sanctions on Ukraine until 2006.

Second, I do not think there is a one size fits all template for sanctions. In some cases, a very high standard national security waiver is appropriate. This makes the most sense in situations where the economic impact on our country is negligible and when other allies and partners have already imposed the sanctions contemplated by the legislation.

In cases where economic considerations are at the forefront of the bill, as with H.R. 1153, which repeatedly refers to economic considerations, I think a national interest waiver is the correct standard.

It does not make any sense to refuse to let the president even consider the fact that people could lose their jobs and their incomes or make foreign policy considerations like the importance of maintaining alliances.

I encourage all members to support my amendment as it allows the president to consider issues we do not want him to factor in—that we do want him to factor in when making crucial sanctions decisions.

And with that, Mr. Chairman, I yield back the balance of my time.

Chairman McCaul. The gentleman yields.

I oppose my good friend's amendment primarily because it lowers the bar for waiver authority in my bill. It goes from the vital national security interest to only national interests.

We learned our lesson that this administration could abuse the national interest waiver with Nord Stream 2. We can't have a lower bar for something as important as this. We all need to protect Americans from the CCP influence. This amendment would overly undermine, I believe, the effectiveness of my bill and for those reasons I oppose.

Do any other members seek recognition?

[No response.]

Chairman McCaul. Seeing no further discussion, the question now occurs on the amendment offered by Mr. Meeks.

All those in favor signify by saying aye.

All those opposed signify by saying no.

In the opinion of the Chair the noes have it and the—

Mr. MEEKS. Mr. Chairman?

Chairman McCaul [continuing]. Amendment is not agreed to.  
Mr. Meeks is recognized.

Mr. MEEKS. I ask for a roll call vote.

Chairman McCaul. A roll call vote has been requested. Pursuant to the Chair's previous announcement this vote will be postponed.

Are there any further amendments?

Ms. Dove is recognized.

Mrs. KAMLAGER-DOVE. Thank you, Mr. Chair. I have an amendment at the desk, number 17. And I just want to say as a new member of this committee how much I appreciate the decorum and the tenor of the Chair.

This amendment that is being passed out illustrates how American companies in my district with no real connection to the PRC's malign influence would become collateral—

Chairman McCaul. If the gentlelady will pause and allow the clerk to distribute the amendment.

Mrs. KAMLAGER-DOVE. Absolutely.

Chairman McCaul. And the clerk shall report the amendment.

The CLERK. Amendment to H.R. 1153 offered by Mrs. Kamlager-Dove of California.

[The Amendment offered by Mrs. Kamlager-Dove follows:]

**AMENDMENT TO H.R. 1153  
OFFERED BY MS. KAMLAGER-DOVE OF  
CALIFORNIA**

Add at the end of section 202(e) the following new paragraph:

1               (\_\_\_\_\_) Any transaction by an entity that is in the  
2               video games industry and is a United States sub-  
3               sidiary of an entity otherwise subject to sanctions  
4               under this title.



Chairman McCaul. Without objection further reading of the amendment is dispensed with. The gentlelady is recognized for five minutes.

Mrs. KAMLAGER-DOVE. Thank you, Mr. Chair.

This amendment illustrates how American companies in my district with no real connection to the PRC's malign influence would become collateral damage. In this case, an American video game company headquartered in my district is Riot Games and they actually make "League of Legends" is owned by a Chinese company and it would be directly impacted despite the relationship posing no real national security threat. The bill's narrow exemptions would not protect this company or others like it, which is why I am submitting one that would do so.

I think people's ability to innovate, design, and create should not become victim to a counterproductive even though well intentioned approach to how we deal with the PRC. I encourage my colleagues to support this amendment and I yield back the balance of my time.

Chairman McCaul. The gentlelady yields back.

Are there—is there any further discussion on the amendment?

Mr. Kean is recognized.

Mr. KEAN. Thank you, Mr. Chairman. I oppose this amendment because it creates an unnecessary carve out for a sanctioned company. It's important as we're having these conversations that we have a comprehensive approach that captures all aspects of a corporate entity that has the potential to threaten our national security.

Thank you. I yield back to you, Mr. Chairman.

Chairman McCaul. The gentleman yields back.

Any further discussion on the amendment?

[No response.]

Chairman McCaul. There being no further discussion the question now occurs on the amendment offered by Mrs. Dove.

All those in favor signify by saying aye.

All those oppose signify by saying no.

Chairman McCaul. In the opinion of the Chair, the noes have it. The amendment is not agreed to.

The gentlelady requests a recorded vote. A roll call vote has been requested. Pursuant to the Chair's previous announcement this vote will be postponed.

Are there any further amendments?

The clerk shall distribute the amendment.

Mrs. MANNING. The amendment is Manning number four.

Chairman McCaul. The clerk shall report the amendment.

The CLERK. Amendment to H.R. 1153, offered by Ms. Manning of North Carolina. Add at the end of Section Two—

[The Amendment offered by Mrs. Manning follows:]

**AMENDMENT TO H.R. 1153**  
**OFFERED BY MS. MANNING OF NORTH CAROLINA**

Add at the end of section 202(e) the following new paragraph:

- 1           (\_\_\_\_) Any transaction by a United States entity,
- 2       even if an entity otherwise subject to sanctions
- 3       under this title is a minority shareholder in such
- 4       United States entity.



Chairman McCaul. Without objection further reading of the amendment is dispensed with. The gentlelady, Mrs. Manning, is recognized for five minutes.

Mrs. MANNING. Thank you, Mr. Chairman.

I offer my common sense amendment to H.R. 1153 to protect American companies, including those in North Carolina, from the unintended consequences of being exposed to sanctions if they happen to have foreign investors as minority shareholders.

Mr. Chairman, we can agree that we should take concrete action to address serious threats to national security, data privacy, and cybersecurity.

However, I'm concerned that without sufficient safeguards sanctions in this bill could be applied not just to companies in Europe and Asia but also to penalize transactions by American companies if they happen to have foreign minority shareholders, which, by definition, have a non-controlling interest in a company.

This bill as written could expose some of the most successful homegrown American tech startups, including companies with multibillion-dollar valuations, which support thousands of American jobs like Epic Games in North Carolina. Sanctions could be imposed under this bill even though there's nothing to suggest that these American companies pose a national security risk.

We should go after bad actors in a smart and targeted way without unnecessarily hurting ourselves or costing our constituents good jobs. That's why my amendment clarifies that this bill would not target independent U.S. entities engaged in legitimate transactions simply because they may have foreign investors.

If we're going to succeed and win in our legitimate competition with China then we can't afford to pass overly broad or self-defeating policies that would harm our alliances or damage free enterprise, which are the source of our competitive advantage.

We need thoughtful policies that accomplish our specific goals without inflicting damage on our own economy and that's why I urge my colleagues to join with me in supporting my amendment, and I yield back.

Chairman McCaul. The gentlelady yields.

I'm opposed to this amendment. Do any members seek recognition? Mrs. Radewagen.

Mrs. RADEWAGEN. Thank you, Mr. Chairman. I oppose this amendment because it creates an unnecessary exemption. We do not have a full understanding of the intent and consequences of this amendment and have seen how the PRC can manipulate various levels of ownership of companies to influence decision making.

With that, Mr. Chairman, I yield back.

Chairman McCaul. The gentlelady yields back.

Any further—any other members seek recognition on this amendment?

[No response.]

Chairman McCaul. There being no further discussion, the question now occurs on the amendment offered by Ms. Manning.

All those in favor signify by saying aye.

All opposed signify by saying no.

In the opinion of the Chair the noes have it and the amendment is not agreed to.

Mrs. MANNING. Mr. Chair, I ask for a recorded vote.

Chairman McCaul. Roll call vote has been requested. Pursuant to the Chair's previous announcement this vote will be postponed.

Are there any further amendments?

Ms. Jacobs is recognized. The clerk shall distribute the amendment and the clerk shall report the amendment.

The CLERK. Amendment to H.R. 1153 offered by Ms. Jacobs of California. Strike paragraph six section 201(a).

[The Amendment offered by Ms. Jacobs follows:]

**AMENDMENT TO H.R. 1153  
OFFERED BY MS. JACOBS OF CALIFORNIA**

Strike paragraph (6) of section 201(a).



Chairman McCaul. Without objection further reading of the amendment is dispensed with. The gentlelady is recognized for five minutes.

Ms. JACOBS. Thank you, Mr. Chairman. My amendment strikes a provision that imposes incredibly broad secondary sanctions on people and entities on top of the bill's already overbroad direct sanctions.

This is counterproductive to national security. Russia's invasion of Ukraine has shown how important our relationships with our allies are. We've seen firsthand how our ability to build international coalitions has directly protected our national security interests and that means being a good partner and ally.

Sanctioning our partner and allies' largest companies like this bill would require us to do is a formula to end alliances, not bolster them. The provision my amendment would strike also would apply to developing countries, which, as we heard from administration officials today, often explicitly state that they do not want to choose between the United States and China.

If we force them to do so we may not like the choices they make, given the PRC's broad investments around the globe and we could risk losing them as partners altogether. The regulatory burden imposed by this provision on the U.S. government to enforce such sanctions would be unprecedented. This is particularly alarming, given that the bill explicitly refuses to authorize a penny for broader enforcement. This provision is a formula for weakening our alliances, downgrading America's standing in the developing world, and closing off America from the countries around the globe.

We should strike it and I encourage all my colleagues to support this amendment to do that.

Chairman McCaul. The gentlelady yields back.

I oppose this amendment. Do any members seek recognition on this amendment?

Mr. Baird is recognized.

Mr. BAIRD. Mr. Chairman, I oppose this amendment because it undermines the criteria for sanctionable activity. Entities assisting companies that are threats to the national security should be subject to the same enforcement actions, including sanctions, and for these reasons, I oppose.

Chairman McCaul. The gentleman yields back.

Are there any further discussion on the amendment?

[No response.]

Chairman McCaul. There being no further discussion the question now occurs on the amendment offered by Ms. Jacobs.

All those in favor signify by saying aye.

All those opposed signify by saying no.

In the opinion of the Chair the noes have it. The amendment is not agreed to.

Ms. JACOBS. Mr. Chairman, I request a recorded vote.

Chairman McCaul. A roll call vote has been requested. Pursuant to the Chair's previous announcement this vote will be postponed.

Are there any further amendments?

Mr. PHILLIPS. Mr. Chair.

Chairman McCaul. Mr. Phillips is recognized.

Mr. PHILLIPS. I have an amendment at the desk, Phillips number 11, please.

Chairman McCaul. The Clerk shall distribute the amendment. The clerk shall report the amendment.

The CLERK. Amendment to H.R. 1153 offered by Mr. Phillips of Minnesota. Strike Section 101.

[The Amendment offered by Mr. Phillips follows:]

**AMENDMENT TO H.R. 1153  
OFFERED BY MR. PHILLIPS OF MINNESOTA**

Strike section 101.



Chairman McCaul. Without objection further reading of the amendment is dispensed with. The gentleman is recognized for five minutes.

Mr. PHILLIPS. Thank you, Mr. Chair. And first, let me thank you for bringing this to the Foreign Affairs Committee. I just wish that this institution and this country was talking more about how to protect children and adults, all Americans, as it relates to their personal data and the algorithms that are indeed corrupting so many around the world.

Unfortunately, this is, in my estimation, somewhat limited and we should be having a broader conversation. As it relates to this specific legislation, sadly, I do feel there are too many flaws. But I want to focus my amendment on one of the most sacred principles that we hold in America and that is freedom of speech.

My amendment would strike Section 101, which aims to severely change the Berman amendment and drastically limit freedom of speech. The Berman amendment to IEEPA was established to protect Americans' First Amendment principles. This amendment took away the president's authority to regulate or ban imports of informational materials like films and photographs and other forms of media from adversarial countries since such authority would restrict free speech protections.

Since its implementation the Berman amendment has been used to ensure that dissidents all around the globe can sell protest art, books, and films to Americans in the United States.

Thus, it would be counter our values to ban a platform for free speech be it one from China, from any other country or, frankly, one domestically, and that's why I'm profoundly opposed to changing the Berman amendment.

TikTok's management of Americans' privacy data and its potential to be used by a foreign government to influence American audiences is indeed an issue of real concern. That is true.

However, this bill, in my estimation, is not the solution. It could have unintended impacts on our freedom of speech or commerce by law-abiding American companies and individuals and the activities of allied nations.

It would also be irresponsible, in my estimation, to move forward without fully understanding the bill's consequences and implications. I believe we should seek out thoughtful, effective responses to the challenges of data privacy abuse, misinformation, particularly when it involves authoritarian governments such as China.

But those responses should not come at the cost of Americans' freedom of speech and economic liberty. Unfortunately, I believe this bill does not represent such a measured approach. In fact, I call attention to a recent Bloomberg editorial on this subject.

I quote verbatim, "Perhaps the most important reason to avoid a ban is that it would be a missed opportunity. With Congress keen to crack down on the app, President Biden's administration could ask Chinese leaders to come to the negotiating table."

In exchange for forestalling a ban it could ask for security concessions on TikTok, one of the country's few notable tech exports, and also press for better treatment of U.S. companies in China. It could even have tried to establish reasonable rules of the road for

the digital economy including online privacy, data security, market access, and much more.

In fact, a process of this kind—peaceful, technical and incredibly boring—is precisely the kind of thing that U.S. and China could use right now at a moment otherwise simmering with tension and unpredictability. Instead, Congress seems to be choosing blunt force, so don't expect much progress.”

Thus, I urge my colleagues to support this amendment and with that, I yield the balance of my time.

Chairman McCaul. The gentleman yields back.

I oppose this amendment very succinctly. This is a clarification of the Berman amendment, not a change to it, and it's central—it gives the needed authority to the president to ban TikTok if in the national security interest of the United States.

With respect to any negotiations with the CCP, this does not prohibit or put any restrictions on the president from having negotiations with a foreign adversary like Communist China, although I would offer my own editorial that I don't think a negotiation in good faith with the CCP on this issue would be very fruitful. But that's just my, perhaps, cynical view and opinion.

And with that, is there any further discussion on the amendment?

Mr. Baird is recognized.

Mr. BAIRD. Thank you, Mr. Chairman.

I oppose this amendment because it weakens the criteria that could be used to sanction PRC companies that are trying to influence U.S. policies in favor of the PRC's strategic objectives. We must have the necessary authority to act against PRC efforts and malign influence on U.S. policy.

Chairman McCaul. The gentleman yields back.

There being no further discussion, the question now occurs on the amendment offered by Mr. Phillips.

All those in favor signify by saying aye.

All those opposed signify by saying no.

In the opinion of Chair, the noes have it. The amendment is not agreed to.

Are there any further amendments?

Mr. ALLRED. Mr. Chairman, I have an amendment at the desk if we're not going to go vote.

Chairman McCaul. Mr. Allrod [phonetic] is recognized.

Mr. ALLRED. It's Mr. Allred, Mr. Chairman.

Chairman McCaul. Recognized.

Mr. ALLRED. Thank you, Mr. Chairman. You know, I share many of your concerns—

Chairman McCaul. Before you begin, the clerk shall distribute the amendment and the clerk shall report the amendment.

The CLERK. Amendment to H.R. 1153 offered by Mr. Allred.

[The Amendment offered by Mr. Allred follows:]

**AMENDMENT TO H.R. 1153**  
**OFFERED BY MR. ALLRED OF TEXAS**

Add at the end of section 201(c) the following new paragraph:

1               (\_\_\_\_) EXCEPTION.—The regulations prescribed  
2       pursuant to this subsection shall provide that no  
3       sanction authorized by this section shall be imposed  
4       with respect to any European entertainment soft-  
5       ware company that is an independent subsidiary of  
6       an entity otherwise subject to sanctions under this  
7       title.



Chairman McCaul. Without objection further reading of the amendment is dispensed with. The gentleman is recognized for five minutes.

Mr. ALLRED. Thank you, Mr. Chairman. I share many of the concerns that have been discussed here about TikTok but I see the sanctions package here as overly broad and undercooked.

I think it could have serious unintended side effects, and the broad brush approach advocated by this legislation could lead us to penalize TikTok, ByteDance, Tencent and its affiliates but also impact unrelated independent companies who just happen to be a subsidiary of TikTok's parent companies.

Notably, the measure would have detrimental effects on our European allies' entertainment software industry. With the current introduced language European video game companies who are affiliated or subsidiaries of Tencent would automatically be designated under Section 202, immediately placing companies out of business and even affect our own domestic operations in this space.

What my amendment does is clarify that European entertainment software companies should be excluded from Section 202 sanctions. If we wish to effectively curb Chinese influence we need to be cognizant of our allies so they do not get negatively affected.

Thank you, and I yield back.

Chairman McCaul. The gentleman yields back.

I'm opposed to this amendment. Do any members seek recognition on this amendment?

Mr. James is recognized.

Mr. JAMES. Thank you, Mr. Chairman. I oppose this amendment because it creates an unnecessary loophole for a subsidiary of a sanctioned company. We cannot support a half measure that allows a subsidiary of a sanctioned PRC company to escape from needed accountability.

With that, Mr. Chairman, I yield back.

Chairman McCaul. The gentleman yields back.

Is there any further discussion on this amendment?

[No response.]

Chairman McCaul. There being no further discussion the question now occurs on the amendment offered by Mr. Allred.

All those in favor signify by saying aye.

You don't have to. You don't have to if you don't want to.

All those opposed signify by saying no.

In the opinion of the Chair, the noes have it. The amendment is not agreed to.

The yeas and nays have been requested and pursuant to Chair's previous announcement the vote will be postponed.

Are there any further amendments?

Seeing no further amendments, we're going to take a short recess to vote and come back and entertain Mr. Meeks' final bill, and then we will vote on all the recorded votes.

We stand in recess.

[Recess.]

Chairman McCaul. The committee will come back to order. Pursuant to notice, I now call up H.R. 1151, Upholding Sovereignty of the Airspace Act.

[The Bill H.R. 151 follows:]

118TH CONGRESS  
1ST SESSION

# H. R. 1151

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IN THE SENATE OF THE UNITED STATES

APRIL 18, 2023

Received; read twice and referred to the Committee on Foreign Relations

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## AN ACT

To hold the People's Republic of China accountable for the violation of United States airspace and sovereignty with its high-altitude surveillance balloon.

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

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Upholding Sovereignty  
3 of Airspace Act” or the “USA Act”.

**4 SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) According to the Department of State, sur-  
7 veillance balloons owned and operated by the Peo-  
8 ple’s Republic of China (PRC) have entered United  
9 States airspace multiple times since 2017 and have  
10 violated the airspace of more than 40 countries  
11 across 5 continents.

12 (2) On February 10, 2023, the Department of  
13 Commerce, Bureau of Industry and Security issued  
14 a final rule (88 Fed. Reg. 9389) that added 6 PRC  
15 entities to the Entity List for supporting the PRC’s  
16 military modernization efforts related to aerospace  
17 programs, including airships and balloons and re-  
18 lated materials and components, that are used by  
19 the People’s Liberation Army for intelligence and re-  
20 connaissance.

21 (3) The PRC’s response has been to use misin-  
22 formation and propaganda to deflect blame for the  
23 illegal surveillance activities of these balloons.

**24 SEC. 3. SENSE OF CONGRESS.**

25 It is the sense of Congress that—

1                     (1) the presence of the PRC's high altitude sur-  
2       veillance balloon over United States airspace was an  
3       unacceptable violation of United States sovereignty;

4                     (2) the United States should continue to neu-  
5       tralize foreign aerial surveillance assets that are in  
6       United States airspace after consideration of civilian  
7       aviation safety, safety of United States civilians and  
8       property on the ground, as well as the intelligence  
9       collection risk and opportunity posed by such intru-  
10      sions;

11                    (3) the PRC's global balloon surveillance pro-  
12       gram blatantly undermines countries' sovereignty  
13       and poses a threat to countries around the world;

14                    (4) the PRC should cease efforts to spread mis-  
15       information and propaganda about its intelligence-  
16      collection efforts;

17                    (5) the United States Government should con-  
18       tinue to share information about the PRC's global  
19       surveillance efforts with allies and partners and  
20       should work jointly to hold the PRC accountable for  
21       its illegal surveillance actions, including at multilat-  
22      eral fora;

23                    (6) the United Nations should condemn the  
24       PRC's violation, through its global surveillance bal-  
25      loon program, of the sovereignty of member states of

1       the United Nations and call on the PRC to ensure  
2       its balloons do not violate sovereign airspace again;

3               (7) the International Civil Aviation Organiza-  
4       tion (ICAO) should condemn the PRC for this viola-  
5       tion of airspace and the PRC's ICAO commitments;  
6       and

7               (8) as consistent with international law, the  
8       United States should use regulatory and enforce-  
9       ment tools to protect national security and sov-  
10       ereignty by identifying and disrupting the PRC's use  
11       of surveillance balloons.

12 **SEC. 4. INTERNATIONAL COORDINATION AND PRESSURE.**

13       (a) **DIPLOMATIC STRATEGY.**—The Secretary of  
14 State, in consultation with the Director of National Intel-  
15 ligence and the United States Permanent Representative  
16 to the United Nations, shall develop a diplomatic strategy  
17 to inform allies and partners of the scope of the PRC sur-  
18 veillance program and build global consensus in order to  
19 address the PRC's global surveillance balloon program, in-  
20 cluding by—

21               (1) using the voice of the United States at the  
22       International Civil Aviation Organization to support  
23       Taiwan's participation in the events and meetings of  
24       that Organization;

1                         (2) sharing intelligence, as appropriate about  
2                         the PRC's global balloon program and its past violation  
3                         of the sovereign airspace of allies and partners;

4                         (3) coordinating with United States allies and  
5                         partners to identify and track future PRC surveillance  
6                         balloons, counter PRC propaganda and misinformation  
7                         about its global surveillance program, and  
8                         publicly share any future violations of sovereignty;

9                         (4) using the voice, vote, and influence of the  
10                         United States at the United Nations and other  
11                         international and regional organizations to spur  
12                         greater diplomatic pressure on the PRC to halt its  
13                         surveillance collection operations that violate international  
14                         sovereignty;

15                         (5) raising the challenges posed by the PRC's  
16                         global surveillance balloon program at major multilateral  
17                         forums, including at the G7 and G20 summits; and

19                         (6) coordinating with allies and partners on the  
20                         imposition and implementation of substantially similar  
21                         sanctions and export controls to ensure that commodities,  
22                         software, or technology from the United States and its allies and partners are not supporting  
23                         the PRC's global surveillance efforts.

1       (b) REPORT.—Not later than 180 days after the date  
2 of the enactment of this Act, the Secretary of State, in  
3 consultation with the Director of National Intelligence and  
4 the United States Permanent Representative to the  
5 United Nations, shall submit to the appropriate congres-  
6 sional committees a report that outlines the strategy devel-  
7 oped pursuant to subsection (a) and describes in detail  
8 the various steps taken by the United States in line with  
9 said strategy.

10      (c) BRIEFING.—Not later than 180 days after the  
11 date of the enactment of this Act, the relevant officials  
12 of the Department of Defense shall provide to the appro-  
13 priate congressional committees a classified briefing on  
14 other Unidentified Flying Objects that have entered  
15 United States airspace beginning on January 20, 2017,  
16 and ending on such date of enactment.

17      (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—  
18 In this section, the term “appropriate congressional com-  
19 mittees” means—

20           (1) the Committee on Foreign Affairs and the  
21 Permanent Select Committee on Intelligence of the  
22 House of Representatives; and  
23           (2) the Committee on Foreign Relations and  
24 the Select Committee on Intelligence of the Senate.

**1 SEC. 5. IMPOSITION OF EXPORT CONTROLS.**

2       (a) IN GENERAL.—The Secretary of Commerce shall  
3 evaluate, for appropriate controls under the Export Ad-  
4 ministration Regulations, the export, reexport, and in-  
5 country transfer of the items and technologies subject to  
6 United States jurisdiction related to aerospace programs,  
7 including airships and balloons and related materials and  
8 components, that are used by the People's Liberation  
9 Army for intelligence and reconnaissance, and not later  
10 than 180 days after the enactment of this Act submit a  
11 report to the appropriate congressional committees that  
12 includes—

13           (1) a description of the types of items and tech-  
14 nologies that were evaluated for potential controls  
15 with respect to this section; and

16           (2) a list of the controls that BIS has imple-  
17 mented or plans to implement because of its evalua-  
18 tion under this section.

19       (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—

20 In this section, the term “appropriate congressional com-  
21 mittees” means the Committee on Foreign Affairs of the  
22 House of Representatives and the Committee on Banking,  
23 Housing, and Urban Affairs of the Senate.

24 **SEC. 6. IMPOSITION OF SANCTIONS.**

25       (a) IMPOSITION OF SANCTIONS.—On and after the  
26 date that is 180 days after the date of the enactment of

1 this Act, the President may impose the sanctions described  
2 in subsection (b) with respect to any PRC individual the  
3 President determines is directly managing and overseeing  
4 the PRC's global surveillance balloon program.

5       (b) SANCTIONS DESCRIBED.—The sanctions that  
6 may be imposed with respect to a foreign person described  
7 in subsection (a) are the following:

8           (1) PROPERTY BLOCKING.—Notwithstanding  
9 the requirements of section 202 of the International  
10 Emergency Economic Powers Act (50 U.S.C. 1701),  
11 the President may exercise of all powers granted to  
12 the President by that Act to the extent necessary to  
13 block and prohibit all transactions in all property  
14 and interests in property of the foreign person if  
15 such property and interests in property are in the  
16 United States, come within the United States, or are  
17 or come within the possession or control of a United  
18 States person.

19           (2) ALIENS INADMISSIBLE FOR VISAS, ADMIS-  
20 SION, OR PAROLE.—

21           (A) IN GENERAL.—An alien described in  
22 subsection (a) is—

23                  (i) inadmissible to the United States;  
24                  (ii) ineligible for a visa or travel to the  
25                  United States; and

6 (B) CURRENT VISAS REVOKED.—

(ii) EFFECT OF REVOCATION.—A visa or other entry documentation revoked under clause (i) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), no longer be valid for travel to the United States.

18 (c) EXCEPTIONS.—

1       under subsection (b)(3) shall not apply with respect  
2       to the admission of an alien to the United States if  
3       the admission of the alien is necessary to permit the  
4       United States to comply with the Agreement regard-  
5       ing the Headquarters of the United Nations, signed  
6       at Lake Success June 26, 1947, and entered into  
7       force November 21, 1947, between the United Na-  
8       tions and the United States, the Convention on Con-  
9       sular Relations, done at Vienna April 24, 1963, and  
10      entered into force March 19, 1967, or other applica-  
11      ble international obligations.

12      (d) EXCEPTION RELATING TO IMPORTATION OF  
13      GOODS.—

14           (1) IN GENERAL.—The authorities and require-  
15       ments to impose sanctions authorized under this sec-  
16       tion shall not include the authority or requirement  
17       to impose sanctions on the importation of goods.

18           (2) GOOD DEFINED.—In this subsection, the  
19       term “good” means any article, natural or man-  
20       made substance, material, supply or manufactured

1       product, including inspection and test equipment,  
2       and excluding technical data.

Passed the House of Representatives April 17, 2023.

Attest:                   **CHERYL L. JOHNSON,**  
*Clerk.*

Chairman McCaul. The bill was circulated in advance. The clerk shall designate the bill.

The CLERK. H.R. 151, a bill to hold the People's Republic of China accountable for the violation of United States airspace and sovereignty with its high-altitude surveillance balloon.

Chairman McCaul. Without objection, first reading is dispensed with. The bill is considered read and open to amendment at any point. I now recognize myself for a statement on the bill.

I would like to thank, Ranking Member Meeks, on this one we can agree. Working together, this legislation protects the sovereignty of the U.S. airspace and condemns the actions of the Chinese Communist Party. As the CCP grows more belligerent in their behavior we must make sure that we have the proper safeguards in place to prevent future surveillance aircraft from violating our airspace. Congress is united against the threat of the CCP. We must continue to condemn these brazen acts of aggression against us as well as our allies and partners.

Earlier this month I introduced House Resolution 104 condemning the CCP's use of their spy balloon. It passed unanimously 419 to 0. We must continue to show our nation and the world that our national security is not a partisan issue and that we are united in our efforts to counter the malign influence of the CCP.

Data collection and large-scale surveillance by the CCP poses a significant threat to Americans as well as our national security. This legislation is important because it calls upon Secretary of State as well as the Director of National Intelligence and the U.S. representative to the United Nations to create a process to share information regarding airspace violations by the PRC.

Most importantly, it requires a report on export controls for technologies that may be exported which would support the People's Liberation Army intelligence gathering which they could use against their own citizens to suppress, detain, and imprison their own citizens. It also authorizes sanctions against individuals in the PRC that are involved in the global surveillance balloon program. As the CCP ramps up its efforts to challenge the global balance of power we must stand united and condemn these activities.

And I want to commend the ranking member, my good friend, Mr. Meeks, for bringing this bill forward.

I now recognize the ranking member, Mr. Meeks.

Mr. MEEKS. Thank you, Mr. Chairman. And I want to thank you. Again, we could have vigorous debate, but we are always friends and working together. And here is a bill that we can agree upon. So I thank you for co-leading this bill with me.

This bipartisan legislation is both timely and necessary. It has only been a few weeks since the PRC surveillance balloon intruded our airspace and violated U.S. sovereignty. Since then we have learned that the United States and Canada aren't alone, that PRC surveillance balloons have violated the sovereignty of over 40 nations across five continents. This blatant disregard for the airspace and sovereignty of other nations is not just inconsistent with international rules; it is dangerous and provocative.

Since that incident, I have been deeply troubled by Beijing's response. Instead of apologizing, Beijing has resorted to denials and absurd misinformation and propaganda. And I am glad that Presi-

dent Biden safely and successfully took down the balloon earlier this month and in a way that allowed us to track/monitor the balloon and learn a great deal about the PRC's surveillance balloon program. Since that day, the Biden Administration has smartly declassified additional information about the PRC's global program and shared it with the world.

H.R. 151 calls on the State Department to work with our allies and partners as well as in multilateral organizations to name and shame Beijing for its wanton infringement of other nations' sovereignty through its surveillance balloon program. It also provides the President an authorization to hold those responsible accountable and calls for reporting and action by the Department of Commerce to prevent U.S. companies from exporting goods and technologies that support the PRC's military civil fusion related to its surveillance balloon program.

I support this legislation and I ask all of my colleagues to do the same. I yield back the balance of my time.

Chairman McCaul. The gentleman yields back.

Is there any further discussion on the bill?

Mrs. KIM of California. Mr. Chairman, I have an amendment at the desk.

Chairman McCaul. Mrs. Kim is recognized.

Oh, I am sorry. There being no further discussion on the bill, the committee will move to consideration of amendments. Does any member wish to offer an amendment?

Mrs. Kim is recognized.

Mrs. KIM of California. Thank you, Mr. Chairman. I want to thank Ranking Member Meeks for offering this legislation to hold—

Chairman McCaul. If the gentlelady will pause, the Clerk shall distribute the amendment.

[The Amendment offered by Mrs. Kim of California follows:]

**AMENDMENT TO H.R. 1151**  
**OFFERED BY MRS. KIM OF CALIFORNIA**

Section 4(a), insert before paragraph (1) the following new paragraph:

- 1           (1) using the voice of the United States at the
- 2         International Civil Aviation Organization to support
- 3         Taiwan's participation in the events and meetings of
- 4         that Organization;



Mrs. KIM of California. Okay. Sorry about that.

Chairman McCaul. And the clerk shall report the amendment. The CLERK. Amendment to H.R. 1151 offered by Mrs. Kim of California. Section 4(a). Insert before paragraph 1—

Chairman McCaul. Without objection, further reading of the amendment is dispensed with. The gentlelady is recognized for five minutes.

Mrs. KIM of California. Thank you, Mr. Chairman. I do want to thank our Ranking Member Meeks for offering that legislation to hold PRC accountable for its blatant violation of U.S. airspace and I am offering an amendment to this bill to make it the policy of the United States to use its voice in the International Civil Aviation Organization, ICAO, to advocate for Taiwan's participation in ICAO meetings and events.

The PRC currently sits as a council member of this board and it is ironic considering how frequently the PRC violates the airspace of the United States, its allies, and Taiwan. The PRC's airspace violations do not conform with the principles outlined in the ICAO's strategic objectives.

Taiwan is a frequent target of the PRC's airspace violations and in the last year has seen a significant increase in intrusions of its air defense identification zone by PLA aircraft. Taiwan does not currently have membership in an international organization devoted to aviation in which it can condemn these violations. This amendment would hopefully change that.

So I urge my colleagues to support this amendment and I yield back.

Chairman McCaul. The gentlelady yields back.

I support this amendment. Do any other members seek recognition?

Mr. Meeks is recognized.

Mr. MEEKS. Yes, Mr. Chairman, the bill is about the PRC's surveillance balloon and an effort to call the PRC out for its violations of U.S. sovereignty and it actually has nothing to do with Taiwan.

Last Congress, as Chair, I tried to make sure that we did not have any amendments or bad-faith Democratic amendments on bipartisan bills particularly that were agreed to ahead of the markup. And so even today I have tried to make sure that we did not have any bad-faith amendments on bipartisan bills. But this is a non-germane amendment, and I hope that we can work to make China an area of bipartisan cooperation in as many areas that we are there in bipartisan.

But I unfortunately have to oppose this amendment and urge my colleagues to do the same because this amendment changes exactly what the focus of the bill is and I would believe—and I believe that the amendment is non-germane to the bill. And so with that I strongly oppose the amendment and urge my colleagues to do the same.

Mr. PERRY. Mr. Chairman, I have got an amendment at the desk.

Chairman McCaul. The Chair yields back. Is there any further discussion on the amendment offered by Mrs. Kim?

Mr. Perry is recognized.

Mr. PERRY. Mr. Chairman, thank you. I support Representative Kim's amendment. I think it is germane and I think we ought to approve it. And I yield the balance.

Chairman McCaul. The gentleman yields back.

Any further discussion on the amendment?

As I said, I support this amendment. I hope it will not jeopardize final passage. As I said, I am very much in favor of Mr. Meeks' bill on Chinese surveillance through the spy balloon and protecting our sovereignty and our airspace.

There being no further discussion on the amendment the question now occurs on the amendment offered by Mrs. Kim.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the Chair the ayes have it. The amendment is agreed to.

Mr. MEEKS. I ask for a roll call vote.

Chairman McCaul. Roll call vote has been requested. Pursuant to Chair's previous announcement, this vote will be postponed. Are there any further—

Mr. PERRY. Mr. Chairman, I have got an amendment at the desk. Chairman McCaul. Mr. Perry is recognized.

Mr. PERRY. I think they are going to distribute the amendment.

Chairman McCaul. And the clerk shall distribute the amendment and the clerk shall report the amendment.

[The Amendment of Mr. Perry follows:]

**AMENDMENT TO H.R. 1151  
OFFERED BY MR. PERRY OF PENNSYLVANIA #3**

Add on page 5 line 25 (b) and a classified briefing on other Unidentified Flying Objects from January 20<sup>th</sup> 2017 through the date enacted from the relevant defense staffers.

The CLERK. Amendment to H.R. 1151, offered by Mr. Perry of Pennsylvania.

Chairman McCaul. Without objection, further reading of the amendment is dispensed with. The gentleman is recognized for five minutes.

Mr. PERRY. Mr. Chairman, thank you very much. This amendment requires a classified briefing on all UFOs since 2017. Some of these incursions by China were characterized as unidentified foreign objects. I still am not aware of what the makeup of some of these objects were recently because they were characterized that way.

And so I am asking in light of that in relation to this bill, which I think is a decent bill and I am planning to support it, that we also get a classified briefing because we are also now understanding that China has done this for some time, not just recently. And I would like to understand fully what their involvement has been, where if at all these have breached United States airspace, and what we know about these vehicles that allegedly have intruded United States airspace in the past.

And so that is all it does is ask for—require a classified briefing on similar objects since 2017 and I urge adoption. And I yield.

Chairman McCaul. The gentleman yields back.

Let me say I support this amendment. I think especially in light of the three unidentified objects after the spy balloon that this Congress and this committee that has oversight on espionage that we be entitled to a classified briefing on this issue.

Do any other members seek recognition?

Mr. Meeks is recognized.

Mr. MEEKS. Thank you, Mr. Chairman. I think I will support this also. I will support this amendment, but I would like to point out that the administration has provided us this exact classified briefing already and has indicated they will continue to keep Congress apprised—apprised of similar developments in the future. I yield back.

Chairman McCaul. The gentleman yields back.

Any other members seek recognition?

Seeing none, no further discussion, the question now occurs on the amendment offered by Mr. Perry.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the Chair the ayes have it. The amendment is agreed to.

Are there any further amendments?

No further amendments, the committee stands in recess until 7:15 as members of the Financial Services Committee return, at which time we will reconvene to have our recorded votes.

[Whereupon, at 5:23 p.m., the subcommittee adjourned, to reconvene the next day.]



**COMMITTEE ON FOREIGN AFFAIRS  
FULL COMMITTEE MARKUP NOTICE  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515-6128**

**Michael T. McCaul (R-TX), Chairman**

*Revised*

February 25, 2023

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

You are respectfully requested to attend an OPEN markup of the Committee on Foreign Affairs to be held in 210 of the House Visitor's Center. The hearing is available by live webcast on the Committee website at <https://foreignaffairs.house.gov/>.

- DATE:** Tuesday, February 28, 2023
- TIME:** 2:00 p.m.
- LOCATION:** HVC-210
- MARKUP OF:** H.R. 1093, To direct the Secretary of State to submit to Congress a report on implementation of the advanced capabilities pillar of the trilateral security partnership between Australia, the United Kingdom, and the United States;
- \* H.R. 1159, To amend the Taiwan Assurance Act of 2020 to require periodic reviews and updated reports relating to the Department of State's Taiwan Guidelines;
- \* H.R. 1189, To require the development of a strategy to eliminate the availability to foreign adversaries of goods and technologies capable of supporting undersea cables, and for other purposes;
- \* H.R. 1157, To provide for the authorization of appropriations for the Countering the People's Republic of China Malign Influence Fund, and for other purposes;

H.R. 1107, To direct the Secretary of State to take certain actions with respect to the labeling of the People's Republic of China as a developing country;

- \* H.R. 1154, To combat forced organ harvesting and trafficking in persons for purposes of the removal of organs, and for other purposes;
- \* H. Res. 90, Demanding that the Government of the People's Republic of China and the Communist Party of China immediately release Mark Swidan;
- \* H.R. 1151, To hold the People's Republic of China accountable for the violation of United States airspace and sovereignty with its high-altitude surveillance balloon;
- \* H.R. 406, To provide for the treatment of the Association of Southeast Asian Nations as an international organization for purposes of the International Organizations Immunities Act, and for other purposes;
- \* H.R. 1149, To establish certain reporting and other requirements relating to telecommunications equipment and services produced or provided by certain entities, and for other purposes; and
- \* H.R. 1153, To provide a clarification of non-applicability for regulation and prohibition relating to sensitive personal data under International Emergency Economic Powers Act, and for other purposes.

\*NOTE: Measures added

\*\*NOTE: Measures may be added

**By Direction of the Chair**

*The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-226-8467 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.*

**COMMITTEE ON FOREIGN AFFAIRS**  
MINUTES OF FULL COMMITTEE MARKUP

Day Tuesday Date 2.28-3.1, 2023 Room HVC-210

Starting Time 2:53pm Ending Time 9:59am

Recesses 1 (5:23pm to 9:59am) (   to   ) (   to   ) (   to   ) (   to   )

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**Presiding Member(s)**

*Chairman McCaul, Ranking Member Meeks*

*Check all of the following that apply:*

Open Session   
Executive (closed) Session   
Televised

Electronically Recorded (taped)   
Stenographic Record

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**BILLS FOR MARKUP: (Include bill number(s) and title(s) of legislation.)**

H.R. 1191, To direct the Secretary of State to submit to Congress a report on implementation of the enhanced capabilities under the enhanced security partnership between Australia, the United Kingdom, and the United States; H.R. 1199, To award the Taiwan Autonomy Act of 2020 to require periodic reviews and updated reports relating to the Department of State's Taiwan Guidelines; H.R. 1197, To require the development of a strategy to eliminate the availability to foreign adversaries of goods and technologies capable of supporting undermine codes, and for other purposes; H.R. 1200, To appropriate funds for carrying out the Counteract the People's Republic of China Espionage and Espionage Interference Act; and for other purposes; H.R. 1201, To direct the Secretary of State to take certain actions with respect to the holding of the 2022 National People's Congress election in the People's Republic of China; H.R. 1202, To prohibit the People's Republic of China from manipulating elections in Hong Kong; H.R. 1203, To prohibit the People's Republic of China from manipulating elections in Macau; H.R. 1204, To provide for the treatment of the Association of Southeast Asian Nations members, and for other purposes; H.R. 1205, To prohibit the People's Republic of China from manipulating elections in certain entities, and for other purposes; and H.R. 1206, To provide a clarification of non-applicability for regulation and prohibition relating to telecommunications equipment and services produced or provided by foreign entities; Powers 402, and for other purposes.

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**COMMITTEE MEMBERS PRESENT:**

*(Attached)*

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**NON-COMMITTEE MEMBERS PRESENT:**

*None*

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**STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)**

*Rep. Connolly and Representative Phillips (attached)*

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**ACTIONS TAKEN DURING THE MARKUP: (Attach copies of legislation and amendments.)**

*(Attached)*

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**RECORDED VOTES TAKEN (FOR MARKUP): (Attach final vote tally sheet listing each member.)**

<b>Subject</b>	<b>Yea</b>	<b>Nay</b>	<b>Present</b>	<b>Not Voting</b>
<i>(Attached)</i>				

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TIME SCHEDULED TO RECONVENE \_\_\_\_\_

or

TIME ADJOURNED 9:59 \_\_\_\_\_

*Meg Wagner*

Full Committee Hearing Coordinator

## Committee on Foreign Affairs

118<sup>th</sup> Congress

## ATTENDNACE

Meeting on: Markup  
 Date: February 28-29, 2023

Representative	Present	Absent	Representative	Present	Absent
Mr. McCaul	X		Mr. Meeks	X	
Mr. Smith	X		Mr. Sherman	X	
Mr. Wilson	X		Mr. Connolly	X	
Mr. Perry	X		Mr. Keating	X	
Mr. Issa	X		Mr. Cicilline	X	
Mrs. Wagner	X		Mr. Bera	X	
Mr. Mast	X		Mr. Castro		
Mr. Buck			Mrs. Titus	X	
Mr. Burchett	X		Mr. Lieu		
Mr. Green	X		Mrs. Wild		
Mr. Barr	X		Mr. Phillips	X	
Mr. Jackson	X		Mr. Allred	X	
Mrs. Kim	X		Mr. Kim	X	
Mrs. Salazar	X		Ms. Jacobs	X	
Mr. Huizenga	X		Mrs. Manning	X	
Mrs. Radewagen	X		Mrs. Cherfilus-McCormick	X	
Mr. Hill	X		Mr. Stanton	X	
Mr. Davidson	X		Ms. Dean	X	
Mr. Baird	X		Mr. Moskowitz	X	
Mr. Waltz	X		Mr. Jackson	X	
Mr. Kean	X		Mrs. Kamlager-Dove	X	
Mr. Lawler	X		Mr. Costa	X	
Mr. Mills	X		Mr. Crow	X	
Mr. McCormick	X				
Mr. Moran	X				
Mr. James	X				
Mr. Self	X				

2/28/23-3/1/23 Foreign Affairs Markup Summary

By unanimous consent, the Chair called up the following measures, previously provided to Members, to be considered *en bloc*:

1. [H.R. 1093](#), To direct the Secretary of State to submit to Congress a report on implementation of the advanced capabilities pillar of the trilateral security partnership between Australia, the United Kingdom, and the United States (McCaul)
2. [H.R. 1159](#), To amend the Taiwan Assurance Act of 2020 to require periodic reviews and updated reports relating to the Department of State's Taiwan Guidelines (Wagner)
3. [H.R. 1189](#), Undersea Cable Control Act (Mast)
4. [H.Res. 90](#), Demanding that the Government of the People's Republic of China and the Communist Party of China immediately release Mark Swidan (Cloud)
5. [H.R. 406](#), Providing Appropriate Recognition and Treatment Needed to Enhance Relations with ASEAN Act (Castro)
6. [H.R. 1149](#), Countering Untrusted Telecommunications Abroad Act (Wild)

The measures considered *en bloc* were ordered favorably reported to the House by voice vote.

The Chair called up the following measures separately:

7. [H.R. 1157](#), Countering the PRC Malign Influence Fund Authorization Act of (Barr) (ordered favorably reported to the House, voice vote)
  - [Meeks Amendment #15](#) (not adopted, 16Y - 20N)
8. [H.R. 1107](#), PRC is Not a Developing Country Act (Kim) (ordered favorably reported to the House, as amended, voice vote)
  - [Davidson Amendment #25](#) (adopted, voice vote)
9. [H.R. 1154](#), Stop Forced Organ Harvesting Act of 2023 (Smith) (ordered favorably reported to the House, voice vote)
10. [H.R. 1153](#), Deterring America's Technological Adversaries Act (McCaul) (ordered favorably reported to the House, 24Y – 16N)
  - [Meeks Amendment in the Nature of a Substitute #16](#) (not adopted, 16Y - 23N)
  - [Meeks Amendment #11](#) (not adopted, 16Y - 24N)
  - [Kamlager-Dove Amendment #17 REVISED](#) (not adopted, 16Y - 25N)
  - [Manning Amendment #4](#) (not adopted, 16Y - 24N)
  - [Jacobs Amendment #11](#) (not adopted, 16Y - 24N)
  - [Phillips Amendment #14](#) (not adopted, voice vote)
  - [Allred Amendment #8](#) (not adopted, 16Y - 24N)

11. [H.R. 1151](#), Upholding Sovereignty of Airspace Act (Meeks) (ordered favorably reported to the House, as amended, voice vote)

- [Y. Kim Amendment #13](#) (adopted, 25Y, 15N)
- [Perry Amendment #3](#) (adopted, voice vote)

**Markup**  
**House Foreign Affairs Committee**  
**2:00 PM, Tuesday, February 28, 2023**  
**Rep. Gerald E. Connolly**

**H.R. 1107, To direct the Secretary of State to take certain actions with respect to the labeling of the People's Republic of China as a developing country.**

I am proud to cosponsor H.R. 1107, which directs the Secretary of State to take certain actions related to the labeling of the People's Republic of China as a developing nation. China, now 34 times richer than when it was originally classified as a developing nation in 1992 by the United Nations, must no longer be permitted to take advantage of the benefits of a developing country. China now has the world's second largest economy and is the biggest producer of planet-warming greenhouse gases. China has fallen derelict in fulfilling their climate financing pledges for the last decade, and this legislation would be an encouraging first step to addressing China's bellicose approach to international organizations. It is time for China to stop evading its responsibilities to combat climate change and play a constructive role in the international arena. I am proud to join Rep. Young Kim to lead the charge for a level playing field.

**H.R. 1159, To amend the Taiwan Assurance Act of 2020 to require periodic reviews and updated reports relating to the Department of State's Taiwan Guidelines.**

In the 116<sup>th</sup> Congress, I joined Representative McCaul in support of the Taiwan Assurance Act which directed the Department of State to review its guidance governing U.S.-Taiwan relations and to reissue such guidance to the relevant branch departments and agencies. As Co-Chair of the Congressional Taiwan Caucus, I am grateful for the opportunity to affirm the United States' long-standing economic and defensive partnership with Taiwan, which dates back to the 1940s. The bill updates the Taiwan Assurance Act of 2020 to reauthorize regular reporting on the State Department's Taiwan Contact Guidelines. As we celebrate the 44<sup>th</sup> anniversary of the Taiwan Relations Act, I look forward to working with supporters of Taiwan to ensure that we are upholding our end of the bargain when it comes to Taiwan. The United States certainly through the expression of its legislative branch is not going to be intimidated or threatened or manipulated into a relationship or non-relationship with Taiwan. That's not in our interest. We're going to foster that relationship—we're going to grow it, and we're going to protect it. I look forward to joining Representative Wagner in this effort.

**H.R. 1154, To combat forced organ harvesting and trafficking in persons for purposes of the removal of organs, and for other purposes;**

In 2014, the Chinese government promised to cease the deplorable exploitation of harvested organs from executed prisoners – then China's primary source for organ transplants. Due to rising skepticism of the government's claim, human rights groups began thoroughly examining China Organ Transplant Response System (CORTUS) data, reporting numerous anomalies. In June 2019, the China Tribunal (an independent panel of lawyers and professors) concluded that

CORTUS was an attempt to systematically falsify voluntary organ transplant data and that forced organ harvesting was still prevalent within the country. On November 11, 2019, the BMC Medical Ethics journal published a report that corroborated the Tribunal's findings. I believe human rights is a cardinal, foundational part of American foreign policy, and has been since the founding of this republic. We haven't always been consistent, but we aspire to uphold these values, and the world looks to us for that advocacy; when people don't always have surcease, they don't have succor, or they don't have a remedy. When the United States speaks it carries weight, even with dictators. And when we choose to be silent or turn another eye in a different direction, there are victims, real victims, human beings who are going to suffer, and that is wrong. I thank Representatives Smith and Keating for bringing this bill to the committee.

2/28/23, 3:58 PM

TikTok Ban in US Would Do More Harm Than Good - Bloomberg

Opinion  
**The Editors**

## Banning TikTok Won't Do Much Good

Although satisfying — and justified — a ban on the video-sharing app would amount to a missed opportunity for the US.



Everybody calm down. *Photographer: Mario Tama/Getty*

By The Editors  
January 30, 2023 at 8:00 AM EST

One can think of many reasons to worry about TikTok, the Chinese-owned video-sharing platform. Its executives seem to lie habitually. Its opaque algorithms and data-collection capabilities appear to be tailor-made to spread propaganda or collect sensitive information. Quite frankly, many of the most popular videos on the app seem positively deranged.

2/28/23, 3:58 PM

TikTok Ban in US Would Do More Harm Than Good - Bloomberg

Even so: Banning the company outright – as Congress is now contemplating – is a bad idea.

More from

**Bloomberg**  
**Opinion**
**Target Needs to Make You Want to Spend Again****Biden's Chips Act Child Care Plan Is Better Than Nothing****AMC's APEs Have to Wait****Sorry, Twitter. Elon Found His Next Shiny Object.**

For one thing, TikTok's threats shouldn't be exaggerated. The US has already banned the app on government devices, thereby eliminating the most pressing risks it posed. As for consumers, most of the data TikTok collects can easily be accessed elsewhere, and China's overseas propaganda has not been notably successful. So far, US lawmakers have argued (vaguely) that the app might one day be wielded against American users. If they wish to impose a ban, they need to make a more convincing case that it's likely to cause real harm. The US has (rightly) criticized China for blocking American tech companies over specious national-security concerns; it needs to make clear it isn't doing the same.

TikTok, moreover, is hugely popular. It has more than 100 million active US users, including some 67% of teens. Many young people make their living creating content (however weird) for the app. This popularity, achieved in a matter of months, has made TikTok a serious competitor to previously dominant US tech companies. That's a good thing: It's spurring innovation and growth. But without articulating a clearer rationale for blocking the company, the US will be susceptible to charges of simple protectionism – and hard-pressed to criticize others for similar conduct.

To be clear, none of these facts amounts to a dispositive defense of TikTok. But lawmakers should at least consider them before dropping the hammer. At a minimum, they should weigh mitigation measures – such as establishing an oversight board and requiring the company to store personal information locally – that might allay security concerns. (The Committee on Foreign Investment in the United States is reportedly in talks with the company about such measures.)

Perhaps the most important reason to avoid a ban, though, is that it would be a missed opportunity. With Congress keen to crack down on the app, President Joe Biden's administration might've asked Chinese leaders to come to the negotiating table. In exchange for forestalling a ban, it could've asked for security concessions on TikTok – one of the country's few notable tech exports – and pressed for better treatment of US companies in China. It could even have tried to establish reasonable rules of the road for the digital economy, including on online privacy, data security, market access and more.

2/28/23, 3:58 PM

[TikTok Ban in US Would Do More Harm Than Good - Bloomberg](#)

In fact, a process of this kind – peaceful, technical, incredibly boring – is precisely the kind of thing the US and China could use right now, at a moment otherwise simmering with tension and unpredictability. Instead, Congress seems to be choosing blunt force. Don't expect much progress.

**More From Bloomberg Opinion:**[TikTok Is Running Out of Time in the US: Tim Culpan](#)[Will TikTok Eat the Michelin Guide's Lunch?: Trung Phan](#)[What Exactly Has Trump's TikTok Drama Accomplished?: Editorial](#)

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**COMMITTEE ON FOREIGN AFFAIRS****FULL COMMITTEE MARKUP**118<sup>th</sup> CONGRESS

VOTES OF THE COMMITTEE

Date: March 1, 2023

Vote: Meeks Amendment #15 to H.R. 1157

Representative	Yea	Nay	Representative	Yea	Nay
Mr. Smith		X	Mr. Meeks	X	
Mr. Wilson			Mr. Sherman		
Mr. Perry			Mr. Connolly	X	
Mr. Issa	X		Mr. Keating	X	
Mrs. Wagner	X		Mr. Cicilline	X	
Mr. Mast	X		Mr. Bera	X	
Mr. Buck			Mr. Castro		
Mr. Burchett	X		Mrs. Titus	X	
Mr. Green	X		Mr. Lieu		
Mr. Barr	X		Mrs. Wild		
Mr. Jackson	X		Mr. Phillips	X	
Mrs. Kim	X		Mr. Allred		
Mrs. Salazar	X		Mr. Kim	X	
Mr. Huizenga	X		Ms. Jacobs	X	
Mrs. Radewagen	X		Mrs. Manning		
Mr. Hill			Mrs. Cherfilus-McCormick	X	
Mr. Davidson	X		Mr. Stanton	X	
Mr. Baird			Ms. Dean	X	
Mr. Waltz			Mr. Moskowitz	X	
Mr. Kean	X		Mr. Jackson	X	
Mr. Lawler	X		Mrs. Kamlager-Dove	X	
Mr. Mills			Mr. Costa		
Mr. McCormick	X		Mr. Crow	X	
Mr. Moran	X				
Mr. James	X				
Mr. Self	X				
Mr. McCaul	X				

Yea [16] Nays [20]



**COMMITTEE ON FOREIGN AFFAIRS**  
**FULL COMMITTEE MARKUP**  
 118<sup>th</sup> CONGRESS  
**VOTES OF THE COMMITTEE**

Date: March 1, 2023  
 Vote: Allred Amendment #8 to H.R. 1153

Representative	Yea	Nay	Representative	Yea	Nay
Mr. Smith	X		Mr. Meeks	X	
Mr. Wilson	X		Mr. Sherman		
Mr. Perry			Mr. Connolly	X	
Mr. Issa	X		Mr. Keating	X	
Mrs. Wagner	X		Mr. Cicilline	X	
Mr. Mast	X		Mr. Bera	X	
Mr. Buck			Mr. Castro		
Mr. Burchett	X		Mrs. Titus	X	
Mr. Green			Mr. Lieu		
Mr. Barr	X		Mrs. Wild		
Mr. Jackson	X		Mr. Phillips	X	
Mrs. Kim	X		Mr. Allred		
Mrs. Salazar	X		Mr. Kim	X	
Mr. Huizenga	X		Ms. Jacobs	X	
Mrs. Radewagen	X		Mrs. Manning		
Mr. Hill	X		Mrs. Cherfilus-McCormick	X	
Mr. Davidson	X		Mr. Stanton	X	
Mr. Baird	X		Ms. Dean	X	
Mr. Waltz	X		Mr. Moskowitz	X	
Mr. Kean	X		Mr. Jackson	X	
Mr. Lawler	X		Mrs. Kamlager-Dove	X	
Mr. Mills	X		Mr. Costa		
Mr. McCormick	X		Mr. Crow	X	
Mr. Moran	X				
Mr. James	X				
Mr. Self	X				
Mr. McCaul	X				

Yea [16] Nays [24]



**COMMITTEE ON FOREIGN AFFAIRS**  
**FULL COMMITTEE MARKUP**  
 118<sup>th</sup> CONGRESS  
**VOTES OF THE COMMITTEE**

Date: March 1, 2023  
 Vote: Jacobs Amendment #11 to H.R. 1153

Representative	Yea	Nay	Representative	Yea	Nay
Mr. Smith		X	Mr. Meeks	X	
Mr. Wilson		X	Mr. Sherman		
Mr. Perry			Mr. Connolly	X	
Mr. Issa		X	Mr. Keating	X	
Mrs. Wagner		X	Mr. Cicilline	X	
Mr. Mast		X	Mr. Bera	X	
Mr. Buck			Mr. Castro		
Mr. Burchett		X	Mrs. Titus	X	
Mr. Green			Mr. Lieu		
Mr. Barr		X	Mrs. Wild		
Mr. Jackson		X	Mr. Phillips	X	
Mrs. Kim		X	Mr. Allred		
Mrs. Salazar		X	Mr. Kim	X	
Mr. Huizenga		X	Ms. Jacobs	X	
Mrs. Radewagen		X	Mrs. Manning		
Mr. Hill		X	Mrs. Cherfilus-McCormick	X	
Mr. Davidson		X	Mr. Stanton	X	
Mr. Baird		X	Ms. Dean	X	
Mr. Waltz		X	Mr. Moskowitz	X	
Mr. Kean		X	Mr. Jackson	X	
Mr. Lawler		X	Mrs. Kamlager-Dove	X	
Mr. Mills		X	Mr. Costa		
Mr. McCormick		X	Mr. Crow	X	
Mr. Moran		X			
Mr. James		X			
Mr. Self		X			
Mr. McCaul		X			

Yea [16] Nays [24]



**COMMITTEE ON FOREIGN AFFAIRS**  
**FULL COMMITTEE MARKUP**  
 118<sup>th</sup> CONGRESS  
 VOTES OF THE COMMITTEE

Date: March 1, 2023  
 Vote: Manning Amendment #4 to H.R. 1153

Representative	Yea	Nay	Representative	Yea	Nay
Mr. Smith	X		Mr. Meeks	X	
Mr. Wilson	X		Mr. Sherman		
Mr. Perry			Mr. Connolly	X	
Mr. Issa	X		Mr. Keating	X	
Mrs. Wagner	X		Mr. Cicilline	X	
Mr. Mast	X		Mr. Bera	X	
Mr. Buck			Mr. Castro		
Mr. Burchett	X		Mrs. Titus	X	
Mr. Green			Mr. Lieu		
Mr. Barr	X		Mrs. Wild		
Mr. Jackson	X		Mr. Phillips	X	
Mrs. Kim	X		Mr. Allred		
Mrs. Salazar	X		Mr. Kim	X	
Mr. Huizenga	X		Ms. Jacobs	X	
Mrs. Radewagen	X		Mrs. Manning		
Mr. Hill	X		Mrs. Cherfilus-McCormick	X	
Mr. Davidson	X		Mr. Stanton	X	
Mr. Baird	X		Ms. Dean	X	
Mr. Waltz	X		Mr. Moskowitz	X	
Mr. Kean	X		Mr. Jackson	X	
Mr. Lawler	X		Mrs. Kamlager-Dove	X	
Mr. Mills	X		Mr. Costa		
Mr. McCormick	X		Mr. Crow	X	
Mr. Moran	X				
Mr. James	X				
Mr. Self	X				
Mr. McCaul	X				

Yea [16] Nays [24]

**COMMITTEE ON FOREIGN AFFAIRS****FULL COMMITTEE MARKUP**118<sup>th</sup> CONGRESS

VOTES OF THE COMMITTEE

Date: March 1, 2023

Vote: Kamlager-Dove Amendment #17 to H.R. 1153

Representative	Yea	Nay	Representative	Yea	Nay
Mr. Smith	X		Mr. Meeks	X	
Mr. Wilson	X		Mr. Sherman		
Mr. Perry			Mr. Connolly	X	
Mr. Issa	X		Mr. Keating	X	
Mrs. Wagner	X		Mr. Cicilline	X	
Mr. Mast	X		Mr. Bera	X	
Mr. Buck			Mr. Castro		
Mr. Burchett	X		Mrs. Titus	X	
Mr. Green	X		Mr. Lieu		
Mr. Barr	X		Mrs. Wild		
Mr. Jackson	X		Mr. Phillips	X	
Mrs. Kim	X		Mr. Allred		
Mrs. Salazar	X		Mr. Kim	X	
Mr. Huizenga	X		Ms. Jacobs	X	
Mrs. Radewagen	X		Mrs. Manning		
Mr. Hill	X		Mrs. Cherfilus-McCormick	X	
Mr. Davidson	X		Mr. Stanton	X	
Mr. Baird	X		Ms. Dean	X	
Mr. Waltz	X		Mr. Moskowitz	X	
Mr. Kean	X		Mr. Jackson	X	
Mr. Lawler	X		Mrs. Kamlager-Dove	X	
Mr. Mills	X		Mr. Costa		
Mr. McCormick	X		Mr. Crow	X	
Mr. Moran	X				
Mr. James	X				
Mr. Self	X				
Mr. McCaul	X				

Yea [16] Nays [25]

**COMMITTEE ON FOREIGN AFFAIRS****FULL COMMITTEE MARKUP**118<sup>th</sup> CONGRESS

VOTES OF THE COMMITTEE

Date: March 1, 2023

Vote: Meeks Amendment #11 to H.R. 1153

Representative	Yea	Nay	Representative	Yea	Nay
Mr. Smith	X		Mr. Meeks	X	
Mr. Wilson	X		Mr. Sherman		
Mr. Perry			Mr. Connolly	X	
Mr. Issa	X		Mr. Keating	X	
Mrs. Wagner	X		Mr. Cicilline	X	
Mr. Mast	X		Mr. Bera	X	
Mr. Buck			Mr. Castro		
Mr. Burchett	X		Mrs. Titus	X	
Mr. Green	X		Mr. Lieu		
Mr. Barr	X		Mrs. Wild		
Mr. Jackson	X		Mr. Phillips	X	
Mrs. Kim	X		Mr. Allred		
Mrs. Salazar	X		Mr. Kim	X	
Mr. Huizenga	X		Ms. Jacobs	X	
Mrs. Radewagen	X		Mrs. Manning		
Mr. Hill	X		Mrs. Cherfilus-McCormick	X	
Mr. Davidson	X		Mr. Stanton	X	
Mr. Baird	X		Ms. Dean	X	
Mr. Waltz	X		Mr. Moskowitz	X	
Mr. Kean	X		Mr. Jackson	X	
Mr. Lawler	X		Mrs. Kamlager-Dove	X	
Mr. Mills			Mr. Costa		
Mr. McCormick	X		Mr. Crow	X	
Mr. Moran	X				
Mr. James	X				
Mr. Self	X				
Mr. McCaul	X				

Yea [16] Nays [24]



**COMMITTEE ON FOREIGN AFFAIRS**  
**FULL COMMITTEE MARKUP**  
 118<sup>th</sup> CONGRESS  
**VOTES OF THE COMMITTEE**

Date: March 1, 2023

Vote: Meeks Amendment in the Nature of a Substitute #16 to H.R. 1153

Representative	Yea	Nay	Representative	Yea	Nay
Mr. Smith	X		Mr. Meeks	X	
Mr. Wilson	X		Mr. Sherman		
Mr. Perry			Mr. Connolly	X	
Mr. Issa	X		Mr. Keating	X	
Mrs. Wagner	X		Mr. Cicilline	X	
Mr. Mast	X		Mr. Bera	X	
Mr. Buck			Mr. Castro		
Mr. Burchett	X		Mrs. Titus	X	
Mr. Green	X		Mr. Lieu		
Mr. Barr	X		Mrs. Wild		
Mr. Jackson	X		Mr. Phillips	X	
Mrs. Kim	X		Mr. Allred		
Mrs. Salazar	X		Mr. Kim	X	
Mr. Huizenga	X		Ms. Jacobs	X	
Mrs. Radewagen	X		Mrs. Manning		
Mr. Hill	X		Mrs. Cherfilus-McCormick	X	
Mr. Davidson	X		Mr. Stanton	X	
Mr. Baird			Ms. Dean	X	
Mr. Waltz	X		Mr. Moskowitz	X	
Mr. Kean	X		Mr. Jackson	X	
Mr. Lawler	X		Mrs. Kamlager-Dove	X	
Mr. Mills			Mr. Costa		
Mr. McCormick	X		Mr. Crow	X	
Mr. Moran	X				
Mr. James	X				
Mr. Self	X				
Mr. McCaul	X				

Yea [16] Nays [23]



**COMMITTEE ON FOREIGN AFFAIRS**  
**FULL COMMITTEE MARKUP**  
 118<sup>th</sup> CONGRESS  
**VOTES OF THE COMMITTEE**

Date: March 1, 2023

Vote: H.R. 1153 Deterring America's Technological Adversaries Act

Representative	Yea	Nay	Representative	Yea	Nay
Mr. Smith	X		Mr. Meeks		X
Mr. Wilson	X		Mr. Sherman		
Mr. Perry			Mr. Connolly		X
Mr. Issa	X		Mr. Keating		X
Mrs. Wagner	X		Mr. Cicilline		X
Mr. Mast	X		Mr. Bera		X
Mr. Buck			Mr. Castro		
Mr. Burchett	X		Mrs. Titus		X
Mr. Green			Mr. Lieu		
Mr. Barr	X		Mrs. Wild		
Mr. Jackson	X		Mr. Phillips		X
Mrs. Kim	X		Mr. Allred		
Mrs. Salazar	X		Mr. Kim		X
Mr. Huizenga	X		Ms. Jacobs		X
Mrs. Radewagen	X		Mrs. Manning		
Mr. Hill	X		Mrs. Cherfilus-McCormick		X
Mr. Davidson	X		Mr. Stanton		X
Mr. Baird	X		Ms. Dean		X
Mr. Waltz	X		Mr. Moskowitz		X
Mr. Kean	X		Mr. Jackson		X
Mr. Lawler	X		Mrs. Kamlager-Dove		X
Mr. Mills	X		Mr. Costa		
Mr. McCormick	X		Mr. Crow		X
Mr. Moran	X				
Mr. James	X				
Mr. Self	X				
Mr. McCaul	X				

Yea [24] Nays [16]



**COMMITTEE ON FOREIGN AFFAIRS  
FULL COMMITTEE MARKUP  
118<sup>th</sup> CONGRESS  
VOTES OF THE COMMITTEE**

Date: March 1, 2023  
Vote: Y. Kim Amendment #13 to H.R. 1151

Representative	Yea	Nay	Representative	Yea	Nay
Mr. Smith	X		Mr. Meeks		X
Mr. Wilson	X		Mr. Sherman		
Mr. Perry			Mr. Connolly		X
Mr. Issa	X		Mr. Keating		X
Mrs. Wagner	X		Mr. Cicilline		X
Mr. Mast	X		Mr. Bera		X
Mr. Buck			Mr. Castro		
Mr. Burchett	X		Mrs. Titus		X
Mr. Green			Mr. Lieu		
Mr. Barr	X		Mrs. Wild		
Mr. Jackson	X		Mr. Phillips		X
Mrs. Kim	X		Mr. Allred		
Mrs. Salazar	X		Mr. Kim		X
Mr. Huizenga	X		Ms. Jacobs		X
Mrs. Radewagen	X		Mrs. Manning		
Mr. Hill	X		Mrs. Cherfilus-McCormick		X
Mr. Davidson	X		Mr. Stanton	X	
Mr. Baird	X		Ms. Dean		X
Mr. Waltz	X		Mr. Moskowitz		X
Mr. Kean	X		Mr. Jackson		X
Mr. Lawler	X		Mrs. Kamlager-Dove		X
Mr. Mills	X		Mr. Costa		
Mr. McCormick	X		Mr. Crow		X
Mr. Moran	X				
Mr. James	X				
Mr. Self	X				
Mr. McCaul	X				

Yea [25] Nays [15]

