

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 556
OFFERED BY MR. FRANK OF MASSACHUSETTS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “National Security For-
3 eign Investment Reform and Strengthened Transparency
4 Act of 2007”.

**5 SEC. 2. UNITED STATES SECURITY IMPROVEMENT AMEND-
6 MENTS; CLARIFICATION OF REVIEW AND IN-
7 VESTIGATION PROCESS.**

8 Section 721 of the Defense Production Act of 1950
9 (50 U.S.C. App. 2170) is amended by striking subsections
10 (a) and (b) and inserting the following new subsections:

11 “(a) DEFINITIONS.—For purposes of this section, the
12 following definitions shall apply:

13 “(1) COMMITTEE.—The term ‘Committee’
14 means the Committee on Foreign Investment in the
15 United States.

16 “(2) CONTROL.—The term ‘control’ has the
17 meaning given to such term in regulations which the
18 Committee shall prescribe.

1 “(3) COVERED TRANSACTION.—The term ‘cov-
2 ered transaction’ means any merger, acquisition, or
3 takeover by or with any foreign person which could
4 result in foreign control of any person engaged in
5 interstate commerce in the United States.

6 “(4) FOREIGN GOVERNMENT-CONTROLLED
7 TRANSACTION.—The term ‘foreign government-con-
8 trolled transaction’ means any covered transaction
9 that could result in the control of any person en-
10 gaged in interstate commerce in the United States
11 by a foreign government or an entity controlled by
12 or acting on behalf of a foreign government.

13 “(5) CLARIFICATION.—The term ‘national secu-
14 rity’ shall be construed so as to include those issues
15 relating to ‘homeland security’, including its applica-
16 tion to critical infrastructure.

17 “(b) NATIONAL SECURITY REVIEWS AND INVESTIGA-
18 TIONS.—

19 “(1) NATIONAL SECURITY REVIEWS.—

20 “(A) IN GENERAL.—Upon receiving writ-
21 ten notification under subparagraph (C) of any
22 covered transaction, or on a motion made under
23 subparagraph (D) with respect to any covered
24 transaction, the President, acting through the
25 Committee, shall review the covered transaction

1 to determine the effects of the transaction on
2 the national security of the United States.

3 “(B) CONTROL BY FOREIGN GOVERN-
4 MENT.—If the Committee determines that the
5 covered transaction is a foreign government-
6 controlled transaction, the Committee shall con-
7 duct an investigation of the transaction under
8 paragraph (2).

9 “(C) WRITTEN NOTICE.—

10 “(i) IN GENERAL.—Any party to any
11 covered transaction may initiate a review
12 of the transaction under this paragraph by
13 submitting a written notice of the trans-
14 action to the Chairperson of the Com-
15 mittee.

16 “(ii) WITHDRAWAL OF NOTICE.—No
17 covered transaction for which a notice was
18 submitted under clause (i) may be with-
19 drawn from review unless—

20 “(I) a written request for such
21 withdrawal is submitted by any party
22 to the transaction; and

23 “(II) the request is approved in
24 writing by the Chairperson, in con-

1 sultation with the Vice Chairpersons,
2 of the Committee.

3 “(iii) CONTINUING DISCUSSIONS.—

4 The approval of a withdrawal request
5 under clause (ii) shall not be construed as
6 precluding any party to the covered trans-
7 action from continuing informal discus-
8 sions with the Committee or any Com-
9 mittee member regarding possible resub-
10 mission for review pursuant to this para-
11 graph.

12 “(D) UNILATERAL INITIATION OF RE-
13 VIEW.—Subject to subparagraph (F), the Presi-
14 dent, the Committee, or any member acting on
15 behalf of the Committee may move to initiate a
16 review under subparagraph (A) of—

17 “(i) any covered transaction;

18 “(ii) any covered transaction that has
19 previously been reviewed or investigated
20 under this section, if any party to the
21 transaction submitted false or misleading
22 material information to the Committee in
23 connection with the review or investigation
24 or omitted material information, including

1 material documents, from information sub-
2 mitted to the Committee; or

3 “(iii) any covered transaction that has
4 previously been reviewed or investigated
5 under this section, if any party to the
6 transaction or the entity resulting from
7 consummation of the transaction inten-
8 tionally materially breaches a mitigation
9 agreement or condition described in sub-
10 section (l)(1)(A), and—

11 “(I) such breach is certified by
12 the lead department or agency moni-
13 toring and enforcing such agreement
14 or condition as an intentional material
15 breach; and

16 “(II) such department or agency
17 certifies that there is no other remedy
18 or enforcement tool available to ad-
19 dress such breach.

20 “(E) TIMING.—Any review under this
21 paragraph shall be completed before the end of
22 the 30-day period beginning on the date of the
23 receipt of written notice under subparagraph
24 (C) by the Chairperson of the Committee, or
25 the date of the initiation of the review in ac-

1 cordance with a motion under subparagraph
2 (D).

3 “(F) LIMIT ON DELEGATION OF CERTAIN
4 AUTHORITY.—The authority of the Committee
5 or any member of the Committee to initiate a
6 review under subparagraph (D) may not be del-
7 egated to any person other than the Deputy
8 Secretary or an appropriate Under Secretary of
9 the department or agency represented on the
10 committee or by such member (or by a person
11 holding an equivalent position to a Deputy Sec-
12 retary or Under Secretary).

13 “(2) NATIONAL SECURITY INVESTIGATIONS.—

14 “(A) IN GENERAL.—In each case in
15 which—

16 “(i) a review of a covered transaction
17 under paragraph (1) results in a deter-
18 mination that—

19 “(I) the transaction threatens to
20 impair the national security of the
21 United States and that threat has not
22 been mitigated during or prior to the
23 review of a covered transaction under
24 paragraph (1); or

1 “(II) the transaction is a foreign
2 government-controlled transaction;

3 “(ii) a roll call vote pursuant to para-
4 graph (3)(A) in connection with a review
5 under paragraph (1) of any covered trans-
6 action results in at least 1 vote by a Com-
7 mittee member against approving the
8 transaction; or

9 “(iii) the Director of National Intel-
10 ligence identifies particularly complex intel-
11 ligence concerns that could threaten to im-
12 pair the national security of the United
13 States and Committee members were not
14 able to develop and agree upon measures
15 to mitigate satisfactorily those threats dur-
16 ing the initial review period under para-
17 graph (1),

18 the President, acting through the Committee,
19 shall immediately conduct an investigation of
20 the effects of the transaction on the national se-
21 curity of the United States and take any nec-
22 essary actions in connection with the trans-
23 action to protect the national security of the
24 United States.

25 “(B) TIMING.—

1 “(i) IN GENERAL.—Any investigation
2 under subparagraph (A) shall be completed
3 before the end of the 45-day period begin-
4 ning on the date of the investigation com-
5 menced.

6 “(ii) EXTENSIONS OF TIME.—The pe-
7 riod established under subparagraph (B)
8 for any investigation of a covered trans-
9 action may be extended with respect to any
10 particular investigation by the President or
11 by a rollcall vote of at least 2/3 of the
12 members of the Committee involved in the
13 investigation by the amount of time speci-
14 fied by the President or the Committee at
15 the time of the extension, not to exceed 45
16 days, as necessary to collect and fully
17 evaluate information relating to—

18 “(I) the covered transaction or
19 parties to the transaction; and

20 “(II) any effect of the trans-
21 action that could threaten to impair
22 the national security of the United
23 States.

24 “(C) EXCEPTION.—Notwithstanding sub-
25 paragraph (A)(i)(II), an investigation of a for-

1 eign government-controlled transaction shall not
2 be required under this paragraph if the Sec-
3 retary of the Treasury, the Secretary of Home-
4 land Security, and the Secretary of Commerce
5 determine, on the basis of the review of the
6 transaction under paragraph (1), that the
7 transaction will not affect the national security
8 of the United States and no agreement or con-
9 dition is required, with respect to the trans-
10 action, to mitigate any threat to the national
11 security (and such authority of each such Sec-
12 retary may not be delegated to any person other
13 than the Deputy Secretary of the Treasury, of
14 Homeland Security, or of Commerce, respec-
15 tively).

16 “(3) APPROVAL OF CHAIRPERSON AND VICE
17 CHAIRPERSONS REQUIRED.—

18 “(A) IN GENERAL.—A review or investiga-
19 tion under this subsection of a covered trans-
20 action shall not be treated as final or complete
21 until the results of such review or investigation
22 are approved by a majority of the members of
23 the Committee in a roll call vote and signed by
24 the Secretary of the Treasury, the Secretary of
25 Homeland Security, and the Secretary of Com-

1 merce (and such authority of each such Sec-
2 retary may not be delegated to any person other
3 than the Deputy Secretary or an appropriate
4 Under Secretary of the Treasury, of Homeland
5 Security, or of Commerce, respectively).

6 “(B) ADDITIONAL ACTION REQUIRED IN
7 CERTAIN CASES.—In the case of any roll call
8 vote pursuant to subparagraph (A) in connec-
9 tion with an investigation under paragraph (2)
10 of any foreign government-controlled trans-
11 action in which there is at least 1 vote by a
12 Committee member against approving the
13 transaction, the investigation shall not be treat-
14 ed as final or complete until the findings and
15 report resulting from such investigation are
16 signed by the President (in addition to the
17 Chairperson and the Vice Chairpersons of the
18 Committee under subparagraph (A)).

19 “(4) ANALYSIS BY DIRECTOR OF NATIONAL IN-
20 TELLIGENCE.—

21 “(A) IN GENERAL.—The Director of Na-
22 tional Intelligence shall expeditiously carry out
23 a thorough analysis of any threat to the na-
24 tional security of the United States of any cov-
25 ered transaction, including making requests for

1 information to the Director of the Office of
2 Foreign Assets Control within the Department
3 of the Treasury and the Director of the Finan-
4 cial Crimes Enforcement Network. The Direc-
5 tor of National Intelligence also shall seek and
6 incorporate the views of all affected or appro-
7 priate intelligence agencies.

8 “(B) TIMING.—The Director of National
9 Intelligence shall be provided adequate time to
10 complete the analysis required under subpara-
11 graph (A), including any instance described in
12 paragraph (2)(A)(iii).

13 “(C) INDEPENDENT ROLE OF DIRECTOR.—
14 The Director of National Intelligence shall not
15 be a member of the Committee and shall serve
16 no policy role with the Committee other than to
17 provide analysis under subparagraph (A) in
18 connection with a covered transaction.

19 “(5) SUBMISSION OF ADDITIONAL INFORMA-
20 TION.—No provision of this subsection shall be con-
21 strued as prohibiting any party to a covered trans-
22 action from submitting additional information con-
23 cerning the transaction, including any proposed re-
24 structuring of the transaction or any modifications
25 to any agreements in connection with the trans-

1 action, while any review or investigation of the
2 transaction is on-going.

3 “(6) REGULATIONS.—Regulations prescribed
4 under this section shall include standard procedures
5 for—

6 “(A) submitting any notice of a proposed
7 or pending covered transaction to the Com-
8 mittee;

9 “(B) submitting a request to withdraw a
10 proposed or pending covered transaction from
11 review; and

12 “(C) resubmitting a notice of proposed or
13 pending covered transaction that was previously
14 withdrawn from review.”.

15 **SEC. 3. STATUTORY ESTABLISHMENT OF THE COMMITTEE**
16 **ON FOREIGN INVESTMENT IN THE UNITED**
17 **STATES.**

18 (a) IN GENERAL.—Section 721 of the Defense Pro-
19 duction Act of 1950 (50 U.S.C. App. 2170) is amended
20 by striking subsection (k) and inserting the following new
21 subsection:

22 “(k) COMMITTEE ON FOREIGN INVESTMENT IN THE
23 UNITED STATES.—

24 “(1) ESTABLISHMENT.—The Committee on
25 Foreign Investment in the United States established

1 pursuant to Executive Order No. 11858 shall be a
2 multi-agency committee to carry out this section and
3 such other assignments as the President may des-
4 ignate.

5 “(2) MEMBERSHIP.—The Committee shall be
6 comprised of the following members or the designee
7 of any such member:

8 “(A) The Secretary of the Treasury.

9 “(B) The Secretary of Homeland Security.

10 “(C) The Secretary of Commerce.

11 “(D) The Secretary of Defense.

12 “(E) The Secretary of State.

13 “(F) The Attorney General.

14 “(G) The Secretary of Energy.

15 “(H) The Chairman of the Council of Eco-
16 nomic Advisors.

17 “(I) The United States Trade Representa-
18 tive.

19 “(J) The Director of the Office of Manage-
20 ment and Budget.

21 “(K) The Director of the National Eco-
22 nomic Council.

23 “(L) The Director of the Office of Science
24 and Technology Policy.

1 “(M) The President’s Assistant for Na-
2 tional Security Affairs.

3 “(N) Any other designee of the President
4 from the Executive Office of the President.

5 “(3) CHAIRPERSON; VICE CHAIRPERSONS.—The
6 Secretary of the Treasury shall be the Chairperson
7 of the Committee. The Secretary of Homeland Secu-
8 rity and the Secretary of Commerce shall be the Vice
9 Chairpersons of the Committee.

10 “(4) OTHER MEMBERS.—Subject to subsection
11 (b)(4)(B), the Chairperson of the Committee shall
12 involve the heads of such other Federal departments,
13 agencies, and independent establishments in any re-
14 view or investigation under subsection (b) as the
15 Chairperson, after consulting with the Vice Chair-
16 persons, determines to be appropriate on the basis
17 of the facts and circumstances of the transaction
18 under investigation (or the designee of any such de-
19 partment or agency head).

20 “(5) MEETINGS.—The Committee shall meet
21 upon the direction of the President or upon the call
22 of the Chairperson of the Committee without regard
23 to section 552b of title 5, United States Code (if
24 otherwise applicable).

1 “(6) COLLECTION OF EVIDENCE.—Subject to
2 subsection (c), the Committee may, for the purpose
3 of carrying out this section—

4 “(A) sit and act at such times and places,
5 take such testimony, receive such evidence, ad-
6 minister such oaths; and

7 “(B) require the attendance and testimony
8 of such witnesses and the production of such
9 books, records, correspondence, memoranda, pa-
10 pers, and documents as the Chairperson of the
11 Committee may determine advisable.

12 “(7) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated to the Sec-
14 retary of the Treasury for each of fiscal years 2008,
15 2009, 2010, and 2011 expressly and solely for the
16 operations of the Committee that are conducted by
17 the Secretary, the sum of \$10,000,000.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—
19 The first sentence of section 721(c) of the Defense Pro-
20 duction Act of 1950 (50 U.S.C. App. 2170(c)) is amend-
21 ed—

22 (1) by striking “material filed with” and insert-
23 ing “material, including proprietary business infor-
24 mation, filed with, or testimony presented to,”; and

1 (2) by striking “or documentary material” the
2 second place such term appears and inserting “, doc-
3 umentary material, or testimony”.

4 **SEC. 4. ADDITIONAL FACTORS REQUIRED TO BE CONSID-**
5 **ERED.**

6 Section 721(f) of the Defense Production Act of 1950
7 (50 U.S.C. App. 2170(f)) is amended—

8 (1) in the matter preceding paragraph (1)—

9 (A) by striking “may” and inserting
10 “shall”; and

11 (B) by striking “among other factors”;

12 (2) by striking “and” at the end of paragraph
13 (4);

14 (3) by striking the period at the end of para-
15 graph (5) and inserting a semicolon; and

16 (4) by adding at the end the following new
17 paragraphs:

18 “(6) whether the covered transaction has a se-
19 curity-related impact on critical infrastructure in the
20 United States;

21 “(7) whether the covered transaction is a for-
22 eign government-controlled transaction; and

23 “(8) such other factors as the President or the
24 President’s designee may determine to be appro-

1 priate, generally or in connection with a specific re-
2 view or investigation.”.

3 **SEC. 5. NONWAIVER OF SOVEREIGN IMMUNITY.**

4 Section 721(d) of the Defense Production Act of
5 1950 (50 U.S.C. App. 2170(d)) is amended by adding at
6 the end the following new sentence: “The United States
7 shall not be held liable for any losses or other expenses
8 incurred by any party to a covered transaction as a result
9 of actions taken under this section after a covered trans-
10 action has been consummated if the party did not submit
11 a written notice of the transaction to the Chairperson of
12 the Committee under subsection (b)(1)(C) or did not wait
13 until the completion of any review or investigation under
14 subsection (b), or the end of the 15-day period referred
15 to in this subsection, before consummating the trans-
16 action.”.

17 **SEC. 6. MITIGATION, TRACKING, AND POST-CONSUMMA-**
18 **TION MONITORING AND ENFORCEMENT.**

19 Section 721 of the Defense Production Act of 1950
20 (50 U.S.C. App. 2170) is amended by inserting after sub-
21 section (k) (as amended by section 3 of this Act) the fol-
22 lowing new subsection:

23 “(l) MITIGATION, TRACKING, AND
24 POSTCONSUMMATION MONITORING AND ENFORCE-
25 MENT.—

1 “(1) MITIGATION.—

2 “(A) IN GENERAL.—The Committee or any
3 agency designated by the Chairperson and Vice
4 Chairpersons may, on behalf of the Committee,
5 negotiate, enter into or impose, and enforce any
6 agreement or condition with any party to a cov-
7 ered transaction in order to mitigate any threat
8 to the national security of the United States
9 that arises as a result of the transaction.

10 “(B) RISK-BASED ANALYSIS REQUIRED.—
11 Any agreement entered into or condition im-
12 posed under subparagraph (A) shall be based
13 on a risk-based analysis of the threat to na-
14 tional security of the covered transaction.

15 “(2) TRACKING AUTHORITY FOR WITHDRAWN
16 NOTICES.—

17 “(A) IN GENERAL.—If any written notice
18 of a covered transaction that was submitted to
19 the Committee under this section is withdrawn
20 before any review or investigation by the Com-
21 mittee under subsection (b) is completed, the
22 Committee shall establish, as appropriate—

23 “(i) interim protections to address
24 specific concerns with such transaction
25 that have been raised in connection with

1 any such review or investigation pending
2 any resubmission of any written notice
3 under this section with respect to such
4 transaction and further action by the
5 President under this section;

6 “(ii) specific timeframes for resubmit-
7 ting any such written notice; and

8 “(iii) a process for tracking any ac-
9 tions that may be taken by any party to
10 the transaction, in connection with the
11 transaction, before the notice referred to in
12 clause (ii) is resubmitted.

13 “(B) DESIGNATION OF AGENCY.—The
14 Committee may designate 1 or more appro-
15 priate Federal departments or agencies, other
16 than any entity of the intelligence community
17 (as defined in the National Security Act of
18 1947), as a lead agency to carry out, on behalf
19 of the Committee, the requirements of subpara-
20 graph (A) with respect to any covered trans-
21 action that is subject to such subparagraph.

22 “(3) NEGOTIATION, MODIFICATION, MONI-
23 TORING, AND ENFORCEMENT.—

24 “(A) DESIGNATION OF AGENCY.—The
25 Committee shall designate 1 or more Federal

1 departments or agencies as the lead agency to
2 negotiate, modify, monitor, and enforce, on be-
3 half of the Committee, any agreement entered
4 into or condition imposed under paragraph (1)
5 with respect to a covered transaction based on
6 the expertise with and knowledge of the issues
7 related to such transaction on the part of the
8 designated department or agency.

9 “(B) REPORTING BY DESIGNATED AGEN-
10 CY.—

11 “(i) IMPLEMENTATION REPORTS.—
12 Each Federal department or agency des-
13 ignated by the Committee as a lead agency
14 under subparagraph (A) in connection with
15 any agreement entered into or condition
16 imposed under paragraph (1) with respect
17 to a covered transaction shall—

18 “(I) provide periodic reports to
19 the Chairperson and Vice Chair-
20 persons of the Committee on the im-
21 plementation of such agreement or
22 condition; and

23 “(II) require, as appropriate, any
24 party to the covered transaction to re-
25 port to the head of such department

1 or agency (or the designee of such de-
2 partment or agency head) on the im-
3 plementation or any material change
4 in circumstances.

5 “(ii) MODIFICATION REPORTS.—Any
6 Federal department or agency designated
7 by the Committee as a lead agency under
8 subparagraph (A) in connection with any
9 agreement entered into or condition im-
10 posed with respect to a covered transaction
11 shall—

12 “(I) provide periodic reports to
13 the Chairperson and Vice Chair-
14 persons of the Committee on any
15 modification to any such agreement or
16 condition imposed with respect to the
17 transaction; and

18 “(II) ensure that any significant
19 modification to any such agreement or
20 condition is reported to the Director
21 of National Intelligence and to any
22 other Federal department or agency
23 that may have a material interest in
24 such modification.”.

1 **SEC. 7. INCREASED OVERSIGHT BY THE CONGRESS.**

2 (a) REPORT ON ACTIONS.—Section 721(g) of the De-
3 fense Production Act of 1950 (50 U.S.C. App. 2170) is
4 amended to read as follows:

5 “(g) REPORTS TO THE CONGRESS.—

6 “(1) REPORTS ON COMPLETED COMMITTEE IN-
7 VESTIGATIONS.—

8 “(A) IN GENERAL.—Not later than 5 days
9 after the completion of a Committee investiga-
10 tion of a covered transaction under subsection
11 (b)(2), or, if the President indicates an intent
12 to take any action authorized under subsection
13 (d) with respect to the transaction, after the
14 end of 15-day period referred to in subsection
15 (d), the Chairperson or a Vice Chairperson of
16 the Committee shall submit a written report on
17 the findings or actions of the Committee with
18 respect to such investigation, the determination
19 of whether or not to take action under sub-
20 section (d), an explanation of the findings
21 under subsection (e), and the factors considered
22 under subsection (f), with respect to such trans-
23 action, to—

24 “(i) the Majority Leader and the Mi-
25 nority Leader of the Senate;

1 “(ii) the Speaker and the Minority
2 Leader of the House of Representatives;
3 and

4 “(iii) the chairman and ranking mem-
5 ber of each committee of the House of
6 Representatives and the Senate with juris-
7 diction over any aspect of the covered
8 transaction and its possible effects on na-
9 tional security, including the Committee on
10 Foreign Affairs, the Committee on Finan-
11 cial Services, and the Committee on En-
12 ergy and Commerce of the House of Rep-
13 resentatives.

14 “(B) NOTICE AND BRIEFING REQUIRE-
15 MENT.—If a written request for a briefing on a
16 covered transaction is submitted to the Com-
17 mittee by any Senator or Member of Congress
18 who receives a report on the transaction under
19 subparagraph (A), the Chairperson or a Vice
20 Chairperson (or such other person as the Chair-
21 person or a Vice Chairperson may designate)
22 shall provide 1 classified briefing to each House
23 of the Congress from which any such briefing
24 request originates in a secure facility of appro-
25 priate size and location that shall be open only

1 to the Majority Leader and the Minority Leader
2 of the Senate, the Speaker and the Minority
3 Leader of the House of Representatives, (as the
4 case may be) the chairman and ranking mem-
5 ber of each committee of the House of Rep-
6 resentatives or the Senate (as the case may be)
7 with jurisdiction over any aspect of the covered
8 transaction and its possible effects on national
9 security, including the Committee on Inter-
10 national Relations, the Committee on Financial
11 Services, and the Committee on Energy and
12 Commerce of the House of Representatives, and
13 appropriate staff members who have security
14 clearance.

15 “(2) APPLICATION OF OTHER PROVISION.—

16 “(A) IN GENERAL.—The disclosure of in-
17 formation under this subsection shall be con-
18 sistent with the requirements of subsection (c).
19 Members of Congress and staff of either House
20 or any committee of the Congress shall be sub-
21 ject to the same limitations on disclosure of in-
22 formation as are applicable under such sub-
23 section.

24 “(B) PROPRIETARY INFORMATION.—Pro-
25 prietary information which can be associated

1 with a particular party to a covered transaction
2 shall be furnished in accordance with subpara-
3 graph (A) only to a committee of the Congress
4 and only when the committee provides assur-
5 ances of confidentiality, unless such party oth-
6 erwise consents in writing to such disclosure.”.

7 (b) ANNUAL REPORT.—Section 721 of the Defense
8 Production Act of 1950 (50 U.S.C. App. 2170) is amend-
9 ed by inserting after subsection (l) (as added by section
10 6 of this Act) the following new subsection:

11 “(m) ANNUAL REPORT TO THE CONGRESS.—

12 “(1) IN GENERAL.—The Chairperson of the
13 Committee shall transmit a report to the chairman
14 and ranking member of each committee of the
15 House of Representatives and the Senate with juris-
16 diction over any aspect of the report, including the
17 Committee on International Relations, the Com-
18 mittee on Financial Services, and the Committee on
19 Energy and Commerce of the House of Representa-
20 tives, before July 31 of each year on all the reviews
21 and investigations of covered transactions completed
22 under subsection (b) during the 12-month period
23 covered by the report.

24 “(2) CONTENTS OF REPORT RELATING TO COV-
25 ERED TRANSACTIONS.—The report under paragraph

1 (1) shall contain the following information with re-
2 spect to each covered transaction:

3 “(A) A list of all notices filed and all re-
4 views or investigations completed during the pe-
5 riod with basic information on each party to the
6 transaction, the nature of the business activities
7 or products of all pertinent persons, along with
8 information about the status of the review or
9 investigation, information on any withdrawal
10 from the process, any rollcall votes by the Com-
11 mittee under this section, any extension of time
12 for any investigation, and any presidential deci-
13 sion or action under this section.

14 “(B) Specific, cumulative, and, as appro-
15 priate, trend information on the numbers of fil-
16 ings, investigations, withdrawals, and presi-
17 dential decisions or actions under this section.

18 “(C) Cumulative and, as appropriate,
19 trend information on the business sectors in-
20 volved in the filings which have been made, and
21 the countries from which the investments have
22 originated.

23 “(D) Information on whether companies
24 that withdrew notices to the Committee in ac-
25 cordance with subsection (b)(1)(C)(ii) have

1 later re-filed such notices, or, alternatively,
2 abandoned the transaction.

3 “(E) The types of security arrangements
4 and conditions the Committee has used to miti-
5 gate national security concerns about a trans-
6 action.

7 “(F) A detailed discussion of all perceived
8 adverse effects of covered transactions on the
9 national security or critical infrastructure of the
10 United States that the Committee will take into
11 account in its deliberations during the period
12 before delivery of the next such report, to the
13 extent possible.

14 “(3) CONTENTS OF REPORT RELATING TO
15 CRITICAL TECHNOLOGIES.—

16 “(A) IN GENERAL.—In order to assist the
17 Congress in its oversight responsibilities with
18 respect to this section, the President and such
19 agencies as the President shall designate shall
20 include in the annual report submitted under
21 paragraph (1) the following:

22 “(i) An evaluation of whether there is
23 credible evidence of a coordinated strategy
24 by 1 or more countries or companies to ac-
25 quire United States companies involved in

1 research, development, or production of
2 critical technologies for which the United
3 States is a leading producer.

4 “(ii) An evaluation of whether there
5 are industrial espionage activities directed
6 or directly assisted by foreign governments
7 against private United States companies
8 aimed at obtaining commercial secrets re-
9 lated to critical technologies.

10 “(B) CRITICAL TECHNOLOGIES DE-
11 FINED.—For purposes of this paragraph, the
12 term ‘critical technologies’ means technologies
13 identified under title VI of the National Science
14 and Technology Policy, Organization, and Pri-
15 orities Act of 1976 or other critical technology,
16 critical components, or critical technology items
17 essential to national defense or national security
18 identified pursuant to this section.

19 “(C) RELEASE OF UNCLASSIFIED
20 STUDY.—That portion of the annual report
21 under paragraph (1) that is required by this
22 paragraph may be classified. An unclassified
23 version of that portion of the report shall be
24 made available to the public.”.

25 (c) STUDY AND REPORT.—

1 (1) STUDY REQUIRED.—Before the end of the
2 120-day period beginning on the date of the enact-
3 ment of this Act, the Secretary of the Treasury, in
4 consultation with the Secretary of State and the
5 Secretary of Commerce, shall conduct a study on in-
6 vestments in the United States, especially invest-
7 ments in critical infrastructure and industries affect-
8 ing national security, by—

9 (A) foreign governments, entities controlled
10 by or acting on behalf of a foreign government,
11 or persons of foreign countries which comply
12 with any boycott of Israel; or

13 (B) foreign governments, entities con-
14 trolled by or acting on behalf of a foreign gov-
15 ernment, or persons of foreign countries which
16 do not ban organizations designated by the Sec-
17 retary of State as foreign terrorist organiza-
18 tions.

19 (2) REPORT.—Before the end of the 30-day pe-
20 riod beginning upon completion of the study under
21 paragraph (1) or in the next annual report under
22 section 721(m) of the Defense Production Act of
23 1950 (as added by subsection (b)), the Secretary of
24 the Treasury shall submit a report to the Congress,
25 for transmittal to all appropriate committees of the

1 Senate and the House of Representatives, containing
2 the findings and conclusions of the Secretary with
3 respect to the study, together with an analysis of the
4 effects of such investment on the national security of
5 the United States and on any efforts to address
6 those effects.

7 **SEC. 8. CERTIFICATION OF NOTICES AND ASSURANCES.**

8 Section 721 of the Defense Production Act of 1950
9 (50 U.S.C. App. 2170) is amended by inserting after sub-
10 section (m) (as added by section 7(b) of this Act) the fol-
11 lowing new subsection:

12 “(n) CERTIFICATION OF NOTICES AND ASSUR-
13 ANCES.—Each notice required to be submitted, by a party
14 to a covered transaction, to the President or the Presi-
15 dent’s designee under this section and regulations pre-
16 scribed under such section, and any information submitted
17 by any such party in connection with any action for which
18 a report is required pursuant to paragraph (3)(B)(ii) of
19 subsection (l) with respect to the implementation of any
20 mitigation agreement or condition described in paragraph
21 (1)(A) of such subsection, or any material change in cir-
22 cumstances, shall be accompanied by a written statement
23 by the chief executive officer or the designee of the person
24 required to submit such notice or information certifying
25 that, to the best of the person’s knowledge and belief—

1 “(1) the notice or information submitted fully
2 complies with the requirements of this section or
3 such regulation, agreement, or condition; and

4 “(2) the notice or information is accurate and
5 complete in all material respects.”.

6 **SEC. 9. REGULATIONS.**

7 Section 721(h) of the Defense Production Act of
8 1950 (50 U.S.C. App. 2170(h)) is amended to read as
9 follows:

10 “(h) REGULATIONS.—The President shall direct the
11 issuance of regulations to carry out this section. Such reg-
12 ulations shall, to the extent possible, minimize paperwork
13 burdens and shall to the extent possible coordinate report-
14 ing requirements under this section with reporting re-
15 quirements under any other provision of Federal law.”.

16 **SEC. 10. EFFECT ON OTHER LAW.**

17 Section 721(i) of the Defense Production Act of 1950
18 (50 U.S.C. App. 2170(i)) is amended to read as follows:

19 “(i) EFFECT ON OTHER LAW.—No provision of this
20 section shall be construed as altering or affecting any
21 other authority, process, regulation, investigation, enforce-
22 ment measure, or review provided by or established under
23 any other provision of Federal law, including the Inter-
24 national Emergency Economic Powers Act, or any other

1 authority of the President or the Congress under the Con-
2 stitution of the United States.”.

3 **SEC. 11. EFFECTIVE DATE.**

4 The amendments made by this Act shall apply after
5 the end of the 90-day period beginning on the date of the
6 enactment of this Act.