

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5841
OFFERED BY MRS. CAROLYN B. MALONEY OF
NEW YORK**

Page 49, after line 2, insert the following (and re-designate the subsequent section accordingly):

1 SEC. 503. FUNDING.

2 Section 721 of the Defense Production Act of 1950
3 (50 U.S.C. 4565), as amended by section 602, is further
4 amended by adding at the end the following:

5 “(t) FUNDING.—

6 “(1) ESTABLISHMENT OF FUND.—There is es-
7 tablished in the Treasury of the United States a
8 fund, to be known as the ‘Committee on Foreign In-
9 vestment in the United States Fund’ (in this sub-
10 section referred to as the ‘Fund’), to be adminis-
11 tered by the chairperson.

12 “(2) AUTHORIZATION OF APPROPRIATIONS FOR
13 THE COMMITTEE.—There are authorized to be ap-
14 propriated to the Fund such sums as may be nec-
15 essary to perform the functions of the Committee.

16 “(3) FILING FEES.—

1 “(A) IN GENERAL.—The Committee shall
2 assess and collect a fee in an amount deter-
3 mined by the Committee in regulations, without
4 regard to section 9701 of title 31, United
5 States Code, and subject to subparagraph (B),
6 with respect to each covered transaction for
7 which a written notice is submitted to the Com-
8 mittee under subsection (b)(1)(C)(i) or a dec-
9 laration is submitted to the Committee under
10 subsection (b)(1)(C)(v).

11 “(B) DETERMINATION OF AMOUNT OF
12 FEE.—

13 “(i) IN GENERAL.—In determining
14 the amount of the fee to be assessed under
15 subparagraph (A) with respect to a covered
16 transaction, the Committee shall base the
17 amount of the fee on the value of the
18 transaction, taking into consideration—

19 “(I) the effect of the fee on small
20 business concerns (as defined in sec-
21 tion 3 of the Small Business Act (15
22 U.S.C. 632));

23 “(II) the expenses of the Com-
24 mittee associated with conducting ac-
25 tivities under this section;

1 “(III) the effect of the fee on for-
2 eign investment; and

3 “(IV) such other matters as the
4 Committee considers appropriate.

5 “(ii) UPDATES.—The Committee shall
6 periodically reconsider and adjust the
7 amount of the fee to be assessed under
8 subparagraph (A) with respect to a covered
9 transaction to ensure that the amount of
10 the fee remains appropriate.

11 “(C) DEPOSIT AND AVAILABILITY OF
12 FEES.—Notwithstanding section 3302 of title
13 31, United States Code, fees collected under
14 subparagraph (A) shall—

15 “(i) be deposited into the Fund for
16 use in carrying out activities under this
17 section;

18 “(ii) to the extent and in the amounts
19 provided in advance in appropriations Acts,
20 be available to the chairperson;

21 “(iii) remain available until expended;
22 and

23 “(iv) be in addition to any appropria-
24 tions made available to the members of the
25 Committee.

1 “(4) TRANSFER OF FUNDS.—To the extent pro-
2 vided in advance in appropriations Acts, the chair-
3 person may transfer any amounts in the Fund to
4 any other department or agency represented on the
5 Committee for the purpose of addressing emerging
6 needs in carrying out activities under this section.
7 Amounts so transferred shall be in addition to any
8 other amounts available to that department or agen-
9 cy for that purpose.”.

