

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

Page 13, after line 12, insert the following (and re-designate the subsequent subparagraph accordingly):

1 “(D) EXCEPTION FOR AIR CARRIERS.—
2 Subparagraph (B)(iii) shall not apply to a
3 change in the rights of a person with respect to
4 an investment involving an air carrier, as de-
5 fined in section 40102(a)(2) of title 49, United
6 States Code, that holds a certificate issued
7 under section 41102 of that title.”.

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

8 **SEC. 503. FUNDING.**

9 Section 721 of the Defense Production Act of 1950
10 (50 U.S.C. 4565), as amended by section 602, is further
11 amended by adding at the end the following:

12 “(t) FUNDING.—

13 “(1) ESTABLISHMENT OF FUND.—There is es-
14 tablished in the Treasury of the United States a

1 fund, to be known as the ‘Committee on Foreign In-
2 vestment in the United States Fund’ (in this sub-
3 section referred to as the ‘Fund’), to be adminis-
4 tered by the chairperson.

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

9 “(3) FILING FEES.—

10 “(A) IN GENERAL.—The Committee may
11 assess and collect a fee in an amount deter-
12 mined by the Committee in regulations, without
13 regard to section 9701 of title 31, United
14 States Code, and subject to subparagraph (B),
15 with respect to each covered transaction for
16 which a written notice is submitted to the Com-
17 mittee under subsection (b)(1)(C)(i) or a dec-
18 laration is submitted to the Committee under
19 subsection (b)(1)(C)(v).

20 “(B) DETERMINATION OF AMOUNT OF
21 FEE.—

22 “(i) IN GENERAL.—The amount of
23 the fee to be assessed under subparagraph
24 (A) with respect to a covered transaction—

1 “(I) may not exceed an amount
2 equal to the lesser of—

3 “(aa) 1 percent of the value
4 of the transaction; or

5 “(bb) \$300,000, as such
6 amount is adjusted annually for
7 inflation pursuant to regulations
8 prescribed by the Committee; and

9 “(II) shall be determined by
10 the Committee after taking into con-
11 sideration—

12 “(aa) the effect of the fee on
13 small business concerns (as de-
14 fined in section 3 of the Small
15 Business Act (15 U.S.C. 632));

16 “(bb) the expenses of the
17 Committee associated with con-
18 ducting activities under this sec-
19 tion;

20 “(cc) the effect of the fee on
21 foreign investment;

22 “(dd) the unified budget re-
23 quest or annual spending plan, as
24 appropriate, described in section
25 502 of the Foreign Investment

1 Risk Review Modernization Act
2 of 2018; and

3 “(ee) such other matters as
4 the Committee considers appro-
5 priate.

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

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

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

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

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

1 “(iv) be in addition to any appropria-
2 tions made available to the members of the
3 Committee.

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

