

118TH CONGRESS
1ST SESSION

H. R. 6146

To prohibit certain contractors who have previously consulted for certain foreign entities or who fail to make disclosures relating to conflicts of interest that relate to national security or foreign policy from receiving contracts from the Department of State, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2023

Mr. GREEN of Tennessee introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To prohibit certain contractors who have previously consulted for certain foreign entities or who fail to make disclosures relating to conflicts of interest that relate to national security or foreign policy from receiving contracts from the Department of State, 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 “No CCP Consultants
5 Act”.

1 **SEC. 2. ORGANIZATIONAL CONFLICT OF INTERESTS RELAT-**
2 **ING TO NATIONAL SECURITY AND FOREIGN**
3 **POLICY.**

4 (a) PROHIBITION RELATED CERTAIN CONTRACTS OR
5 GRANTS.—

6 (1) IN GENERAL.—The Secretary may not,
7 after the date of the enactment of this Act, enter
8 into, renew, or extend a contract with, or award a
9 grant to, a covered consultancy.

10 (2) DISCLOSURE.—Any individual or entity that
11 submits an offer or bid for a contract to provide con-
12 sulting services to the Department of State shall dis-
13 close in such offer or bid any information relevant
14 to the individual or entity with respect to the prohi-
15 bition under paragraph (1), including—

16 (A) whether the individual or entity has
17 entered into a contract with, or received grants
18 or other financial awards from a covered entity
19 in the five years prior to submitting the offer
20 or bid; and

21 (B) at the time the contract to provide
22 consulting services to the Department will be
23 entered into, whether—

24 (i) any contract entered into by the
25 individual or entity with a covered entity
26 will still be in effect; and

1 (ii) the individual or entity will be re-
2 ceiving funds from, or have any unobli-
3 gated or unexpended funds received under,
4 any grant or other financial award from a
5 covered entity.

6 (3) PENALTIES.—

7 (A) IN GENERAL.—If the Secretary deter-
8 mines that a contractor of the Department
9 failed to make the disclosure required by para-
10 graph (2), the Secretary shall—

11 (i) terminate the applicable contract
12 for cause; and

13 (ii) initiate a suspension and debar-
14 ment proceeding with respect to the con-
15 tractor.

16 (B) MAXIMUM LENGTH OF DEBARMENT.—
17 The maximum length of debarment of a con-
18 tractor under this paragraph shall be a period
19 of 5 years.

20 (b) CERTIFICATION.—

21 (1) IN GENERAL.—After a determination by the
22 Secretary that a company is a covered consultancy,
23 such company may submit to the Secretary a written
24 and signed certification that—

25 (A) the consultancy is no longer—

1 (i) performing under a contract with a
2 covered entity;

3 (ii) carrying out activities under a
4 grant received from a covered entity; or

5 (iii) receiving funds, or have any un-
6 obligated or unexpended funds received
7 from a covered entity; and

8 (B) will not receive or pursue a contract
9 with a covered entity or a grant or other finan-
10 cial award from a covered entity—

11 (i) during the term of a contract with
12 the Department of State; or

13 (ii) while receiving funds from the De-
14 partment of State or obligating or expend-
15 ing any such funds.

16 (2) STATUS CHANGE.—Upon the approval by
17 the Secretary of a certification submitted under
18 paragraph (1), a company is deemed to not be a cov-
19 ered consultancy until the expiration of the certifi-
20 cation under paragraph (3).

21 (3) EXPIRATION.—A certification submitted by
22 a company under paragraph (1) shall expire on the
23 earlier date on which the company, after submitting
24 such certification enters into, extends, renews, or

1 performs under a contract with a covered entity for
2 consulting services.

3 (c) GUIDANCE.—The Secretary, in consultation with
4 the Secretary of Commerce, the Secretary of Homeland
5 Security, the Secretary of the Treasury, the Director of
6 National Intelligence, the Attorney General, the Secretary
7 of Defense, and the heads of such other Executive agen-
8 cies (as such term is defined in section 105 of title 5,
9 United States Code) as determined appropriate by the
10 Secretary, shall issue procurement policies for the Depart-
11 ment of State as follows:

12 (1) Policies to implement the prohibition under
13 subsection (a)(1).

14 (2) Best practices to avoid becoming covered
15 consultancies under this section and for covered
16 consultancies to end their status as such.

17 (3) A policy containing the exact provisions and
18 terms relating to the requirements of paragraphs (2)
19 and (3) of subsection (a) to be included in solicita-
20 tions, contracts, and grants of the Department.

21 (d) REVISION OF DEPARTMENT OF STATE ACQUISI-
22 TION REGULATION.—Not later than one year after the
23 date of the enactment of this Act, the Secretary shall re-
24 vise the acquisition regulations of the Department of State
25 to implement this section.

1 (e) DEFINITIONS.—In this section:

2 (1) CONSULTING SERVICES.—The term “con-
3 sulting services” has the meaning given the term
4 “advisory and assistance services” in section 2.101
5 of the Federal Acquisition Regulation, except that—

6 (A) the term does not include the services
7 described in paragraph (3) of such section; and

8 (B) each instance of the term “Federal” is
9 replaced with “client”.

10 (2) COVERED CONSULTANCY.—The term “cov-
11 ered consultancy” means a company that, itself or
12 any subsidiary or affiliate thereof, in immediately
13 preceding one year period entered into, extended, re-
14 newed, or performed under a contract with a covered
15 entity for consulting services.

16 (3) COVERED ENTITY.—The term “covered en-
17 tity” means any of the following:

18 (A) The Government of the People’s Re-
19 public of China.

20 (B) The Chinese Communist Party.

21 (C) The People’s Liberation Army, the
22 Ministry of State Security, or other security
23 service or intelligence agency of the People’s
24 Republic of China.

1 (D) Any entity on the Non-SDN Chinese
2 Military-Industrial Complex Companies List
3 (NS-CMIC-List) maintained by the Office of
4 Foreign Assets Control of the Department of
5 the Treasury under Executive Order 14032 (86
6 Fed. Reg. 30145; relating to addressing the
7 threat from securities investments that finance
8 certain companies of the People’s Republic of
9 China), or any successor order.

10 (E) Any Chinese military company identi-
11 fied by the Secretary of Defense pursuant to
12 section 1237(b) of the Strom Thurmond Na-
13 tional Defense Authorization Act for Fiscal
14 Year 1999 (Public Law 105-261; 50 U.S.C.
15 1701 note).

16 (F) Any Chinese state-owned entity or
17 other entity under the ownership, or control, di-
18 rectly or indirectly, of the Government of the
19 People’s Republic of China or the Chinese Com-
20 munist Party that is engaged in one or more
21 national security industries.

22 (G) The Government of the Russian Fed-
23 eration, any Russian State-owned entity, or any
24 entity sanctioned by the Secretary of the Treas-
25 ury under Executive Order 13662 titled “Block-

1 ing Property of Additional Persons Contrib-
2 uting to the Situation in Ukraine”(79 Fed. 5
3 Reg. 16169).

4 (H) The government or any State-owned
5 entity of any country if the Secretary of State
6 determines that such government has repeat-
7 edly provided support for acts of international
8 terrorism pursuant to—

9 (i) section 1754(c)(1)(A) of the Ex-
10 port Control Reform Act of 2018 (50
11 U.S.C. 4318(c)(1)(A));

12 (ii) section 620A of the Foreign As-
13 sistance Act of 1961 (22 U.S.C. 2371);

14 (iii) section 40 of the Arms Export
15 Control Act (22 U.S.C. 2780); or

16 (iv) any other provision of law.

17 (I) Any entity included on any of the fol-
18 lowing lists maintained by the Department of
19 Commerce—

20 (i) the Entity List set forth in Supple-
21 ment No. 4 to part 744 of the Export Ad-
22 ministration Regulations;

23 (ii) the Denied Persons List as de-
24 scribed in section 764.3(a)(2) of the Ex-
25 port Administration Regulations; and

1 (iii) the Unverified List set forth in
2 Supplement No. 6 to part 744 of the Ex-
3 port Administration Regulations.

4 (J) The Military End User List set forth
5 in Supplement No. 7 to part 744 of the Export
6 Administration Regulations.

7 (4) EXPORT ADMINISTRATION REGULATIONS.—
8 The term “Export Administration Regulations”
9 means the regulations set forth in subchapter C of
10 chapter VII of title 15, Code of Federal Regulations.

11 (5) NATIONAL SECURITY INDUSTRY.—The term
12 “national security industry” means—

13 (A) a military-related industry;

14 (B) semiconductor production;

15 (C) researching or commercializing quan-
16 tum computing;

17 (D) producing products or services that
18 use artificial intelligence;

19 (E) the biotechnology industry;

20 (F) the cybersecurity industry; or

21 (G) the mining, processing, or refining of
22 critical minerals (as such term is defined in sec-
23 tion 7002(a) of the Energy Act of 2020 (30
24 U.S.C. 1606(a))) for use by a covered entity.

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of State.

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