

118TH CONGRESS
2D SESSION

S. 3989

To prohibit defense contracting with companies that employ lobbyists who represent Chinese military companies or human rights abusers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 20, 2024

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To prohibit defense contracting with companies that employ lobbyists who represent Chinese military companies or human rights abusers, 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 “Chinese Communist
5 Party Lobbying Divestment Act of 2024”.

1 **SEC. 2. PROHIBITION ON CONTRACTING WITH COMPANIES**
2 **WITH LOBBYING TIES TO CHINESE MILITARY**
3 **COMPANIES AND HUMAN RIGHTS ABUSERS.**

4 (a) IN GENERAL.—Chapter 363 of title 10, United
5 States Code, is amended by adding at the end the fol-
6 lowing new section:

7 **“§ 4663. Prohibition on contracting with companies**
8 **with lobbying ties to Chinese military**
9 **companies and human rights abusers**

10 “(a) PROHIBITION.—The Secretary of Defense may
11 not enter into a contract for the procurement of goods
12 or services with any person unless that person certifies to
13 the Secretary of Defense that—

14 “(1) the person does not employ or retain, and
15 will not employ or retain for the duration of the con-
16 tract, any lobbyist or lobbying firm that is registered
17 to conduct lobbying activities on behalf of a client
18 that is listed on—

19 “(A) the Department of Defense’s Chinese
20 Military Company List;

21 “(B) the Department of the Treasury’s
22 Non-SDN Chinese Military Industrial Complex
23 Companies List;

24 “(C) the Department of Commerce’s De-
25 nied Persons List, Entity List, or Military End
26 User List, if the client in question is—

1 “(i) an agency or instrumentality of
2 the People’s Republic of China;

3 “(ii) an entity headquartered in the
4 People’s Republic of China; or

5 “(iii) directly or indirectly owned or
6 controlled by an agency, instrumentality,
7 or entity described in clause (i) or (ii); or

8 “(D) the Department of Homeland Secu-
9 rity’s Uyghur Forced Labor Prevention Act En-
10 tity List; and

11 “(2) the person will adopt reasonable proce-
12 dures to detect and report if any lobbyist or lobbying
13 firm it has employed or retained registers to conduct
14 lobbying activities on behalf of a client described in
15 paragraph (1) during the performance of a contract.

16 “(b) VIOLATIONS.—Each contract described under
17 subsection (a) shall—

18 “(1) include a mechanism for the contractor or
19 third parties to report violations of a requirement
20 under subsection (a);

21 “(2) provide that the Department of Defense
22 may audit or otherwise inspect the records of the
23 contractor to determine if the contractor has violated
24 a requirement under subsection (a); and

1 “(3) provide that, if the head of an agency de-
2 termines that a contractor has violated a require-
3 ment under subsection (a), the Department of De-
4 fense may—

5 “(A) withhold or claw back funds from the
6 contractor until such time as the contractor
7 ceases to employ or retain the lobbyist; and

8 “(B) rescind the contract if the contractor
9 fails to come into compliance with a require-
10 ment under subsection (a) in a timely manner.

11 “(c) WAIVER.—The Secretary of Defense may waive
12 the prohibition on a case-by-case basis if the Secretary de-
13 termines and certifies to the Committee on Armed Serv-
14 ices of the Senate and the Committee on Armed Services
15 of the House of Representatives that exercising such waiv-
16 er is necessary to the national security interests of the
17 United States.

18 “(d) LOBBYIST AND LOBBYING FIRM DEFINED.—In
19 this section, the terms ‘lobbyist’ and ‘lobbying firm’ have
20 the meaning given the terms in section 3 of the Lobbying
21 Disclosure Act of 1995 (2 U.S.C. 1602).”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 363 of title 10, United States
24 Code, is amended by inserting after the item relating to
25 section 4662 the following new item:

“4663. Prohibition on contracting with companies with lobbying ties to Chinese military companies and human rights abusers.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect 30 days after the date of the
3 enactment of this Act.

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