

## HR 5337

National Security Foreign Investment Reform and Strengthened Transparency Act of 2006

**Congress:** 109 (2005–2007, Ended)

**Chamber:** House

**Policy Area:** Foreign Trade and International Finance

**Introduced:** May 10, 2006

**Current Status:** Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Cale

**Latest Action:** Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders.

Calendar No. 538. (Jul 27, 2006)

**Official Text:** <https://www.congress.gov/bill/109th-congress/house-bill/5337>

### Sponsor

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**Name:** Rep. Blunt, Roy [R-MO-7]

**Party:** Republican • **State:** MO • **Chamber:** Senate

**Cosponsors** (87 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bachus, Spencer [R-AL-6]	R · AL		May 10, 2006
Rep. Baker, Richard H. [R-LA-6]	R · LA		May 10, 2006
Rep. Barton, Joe [R-TX-6]	R · TX		May 10, 2006
Rep. Biggert, Judy [R-IL-13]	R · IL		May 10, 2006
Rep. Crowley, Joseph [D-NY-7]	D · NY		May 10, 2006
Rep. Doolittle, John T. [R-CA-4]	R · CA		May 10, 2006
Rep. Foley, Mark [R-FL-16]	R · FL		May 10, 2006
Rep. Fossella, Vito [R-NY-13]	R · NY		May 10, 2006
Rep. Harris, Katherine [R-FL-13]	R · FL		May 10, 2006
Rep. Hoekstra, Peter [R-MI-2]	R · MI		May 10, 2006
Rep. Kelly, Sue W. [R-NY-19]	R · NY		May 10, 2006
Rep. King, Peter T. [R-NY-3]	R · NY		May 10, 2006
Rep. Maloney, Carolyn B. [D-NY-14]	D · NY		May 10, 2006
Rep. Manzullo, Donald A. [R-IL-16]	R · IL		May 10, 2006
Rep. McCotter, Thaddeus G. [R-MI-11]	R · MI		May 10, 2006
Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		May 10, 2006
Rep. Ney, Robert W. [R-OH-18]	R · OH		May 10, 2006
Rep. Pryce, Deborah [R-OH-15]	R · OH		May 10, 2006
Rep. Reynolds, Thomas M. [R-NY-26]	R · NY		May 10, 2006
Rep. Shays, Christopher [R-CT-4]	R · CT		May 10, 2006
Rep. Smith, Lamar [R-TX-21]	R · TX		May 10, 2006
Rep. Young, Don [R-AK-At Large]	R · AK		May 10, 2006
Rep. Camp, Dave [R-MI-4]	R · MI		May 23, 2006
Rep. Clay, Wm. Lacy [D-MO-1]	D · MO		May 23, 2006
Rep. Ford, Harold E., Jr. [D-TN-9]	D · TN		May 23, 2006
Rep. Meeks, Gregory W. [D-NY-6]	D · NY		May 23, 2006
Rep. Moore, Dennis [D-KS-3]	D · KS		May 23, 2006
Rep. Ros-Lehtinen, Ileana [R-FL-18]	R · FL		May 23, 2006
Rep. Scott, David [D-GA-13]	D · GA		May 23, 2006
Rep. Sessions, Pete [R-TX-32]	R · TX		May 23, 2006
Rep. Stearns, Cliff [R-FL-6]	R · FL		May 23, 2006
Rep. Wamp, Zach [R-TN-3]	R · TN		May 23, 2006
Rep. Davis, Artur [D-AL-7]	D · AL		May 25, 2006
Rep. Hooley, Darlene [D-OR-5]	D · OR		May 25, 2006
Rep. Bean, Melissa L. [D-IL-8]	D · IL		Jun 7, 2006
Rep. Coble, Howard [R-NC-6]	R · NC		Jun 7, 2006
Rep. Feeney, Tom [R-FL-24]	R · FL		Jun 7, 2006
Rep. Leach, James A. [R-IA-2]	R · IA		Jun 7, 2006
Rep. Matheson, Jim [D-UT-2]	D · UT		Jun 7, 2006
Rep. Carson, Julia [D-IN-7]	D · IN		Jun 8, 2006
Rep. English, Phil [R-PA-3]	R · PA		Jun 8, 2006

Cosponsor	Party / State	Role	Date Joined
Rep. Israel, Steve [D-NY-2]	D · NY		Jun 8, 2006
Rep. Moore, Gwen [D-WI-4]	D · WI		Jun 8, 2006
Rep. Shuster, Bill [R-PA-9]	R · PA		Jun 8, 2006
Rep. Campbell, John [R-CA-48]	R · CA		Jun 9, 2006
Rep. McHenry, Patrick T. [R-NC-10]	R · NC		Jun 9, 2006
Rep. Owens, Major R. [D-NY-11]	D · NY		Jun 9, 2006
Rep. Rangel, Charles B. [D-NY-15]	D · NY		Jun 9, 2006
Rep. Tiahrt, Todd [R-KS-4]	R · KS		Jun 9, 2006
Rep. Tiberi, Patrick J. [R-OH-12]	R · OH		Jun 9, 2006
Rep. Velazquez, Nydia M. [D-NY-12]	D · NY		Jun 9, 2006
Rep. Watt, Melvin L. [D-NC-12]	D · NC		Jun 9, 2006
Rep. Cubin, Barbara [R-WY-At Large]	R · WY		Jun 12, 2006
Rep. Green, Al [D-TX-9]	D · TX		Jun 12, 2006
Rep. Hastings, Alcee L. [D-FL-23]	D · FL		Jun 12, 2006
Rep. Hinojosa, Ruben [D-TX-15]	D · TX		Jun 12, 2006
Rep. Bishop, Timothy H. [D-NY-1]	D · NY		Jun 13, 2006
Rep. Cleaver, Emanuel [D-MO-5]	D · MO		Jun 13, 2006
Rep. Garrett, Scott [R-NJ-5]	R · NJ		Jun 13, 2006
Rep. Gillmor, Paul E. [R-OH-5]	R · OH		Jun 13, 2006
Rep. Gutierrez, Luis V. [D-IL-4]	D · IL		Jun 13, 2006
Rep. LaTourette, Steven C. [R-OH-14]	R · OH		Jun 13, 2006
Rep. Lee, Barbara [D-CA-9]	D · CA		Jun 13, 2006
Rep. Lucas, Frank D. [R-OK-3]	R · OK		Jun 13, 2006
Rep. Lynch, Stephen F. [D-MA-9]	D · MA		Jun 13, 2006
Rep. Meek, Kendrick B. [D-FL-17]	D · FL		Jun 13, 2006
Rep. Miller, Brad [D-NC-13]	D · NC		Jun 13, 2006
Rep. Price, Tom [R-GA-6]	R · GA		Jun 13, 2006
Rep. Reichert, David G. [R-WA-8]	R · WA		Jun 13, 2006
Rep. Wasserman Schultz, Debbie [D-FL-20]	D · FL		Jun 13, 2006
Rep. Baca, Joe [D-CA-43]	D · CA		Jun 14, 2006
Rep. Cummings, Elijah E. [D-MD-7]	D · MD		Jun 14, 2006
Rep. Green, Gene [D-TX-29]	D · TX		Jun 14, 2006
Rep. Harman, Jane [D-CA-36]	D · CA		Jun 14, 2006
Rep. McCarthy, Carolyn [D-NY-4]	D · NY		Jun 14, 2006
Rep. Miller, Gary G. [R-CA-42]	R · CA		Jun 14, 2006
Rep. Pearce, Stevan [R-NM-2]	R · NM		Jun 14, 2006
Rep. Thompson, Bennie G. [D-MS-2]	D · MS		Jun 14, 2006
Rep. Bradley, Jeb [R-NH-1]	R · NH		Jun 20, 2006
Rep. Van Hollen, Chris [D-MD-8]	D · MD		Jun 20, 2006
Rep. Towns, Edolphus [D-NY-10]	D · NY		Jun 21, 2006
Rep. Kuhl, John R. "Randy", Jr. [R-NY-29]	R · NY		Jun 22, 2006
Rep. Sullivan, John [R-OK-1]	R · OK		Jun 22, 2006

Cosponsor	Party / State	Role	Date Joined
Rep. Melancon, Charlie [D-LA-3]	D · LA		Jun 27, 2006
Rep. Murphy, Tim [R-PA-18]	R · PA		Jun 27, 2006
Rep. Nunes, Devin [R-CA-21]	R · CA		Jul 11, 2006
Rep. Terry, Lee [R-NE-2]	R · NE		Jul 17, 2006

### Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Hearings By (subcommittee)	Jul 11, 2006
Financial Services Committee	House	Discharged from	May 17, 2006
Foreign Affairs Committee	House	Discharged From	Jul 18, 2006

### Subjects & Policy Tags

#### Policy Area:

Foreign Trade and International Finance

### Related Bills

*No related bills are listed.*

National Security Foreign Investment Reform and Strengthened Transparency Act of 2006 - Amends the Defense Production Act of 1950 (DPA) to revise the review and investigation process for foreign investment activities that may affect U.S. national security.

(Sec. 2) Directs the President, upon receiving written notification of a possible merger, acquisition, or takeover which could result in foreign control of any person engaged in interstate commerce (covered transaction), or upon a motion of the President, the Committee on Foreign Investment in the United States (CFIUS), or a committee member, to review such covered transaction to determine its effects on national security.

Requires CFIUS to investigate a covered transaction which it determines is a foreign government-controlled transaction.

Allows any party to a covered transaction to initiate a review of such transaction by submitting written notice of the transaction to the Chairperson of CFIUS. Establishes a procedure for withdrawing such notice. Requires a transaction review to be completed within 30 days.

Authorizes the President, CFIUS, or any member of CFIUS to initiate a review of any covered transaction or any previously reviewed or investigated covered transaction which involves the submission of false or misleading material information or a breach of a mitigation agreement or condition.

Directs the President to conduct an investigation of the effects of certain covered transactions on national security and to take any necessary steps to protect national security. Requires such investigation to be completed within 45 days unless extended by the President or by two-thirds roll call vote of CFIUS members.

Requires any review or investigation of a covered transaction to be approved by a majority roll call vote of CFIUS members and be signed by the Secretaries of the Treasury, of Homeland Security, and of Commerce.

Requires the Director of National Intelligence to conduct an analysis of any threat to national security posed by a covered transaction.

(Sec. 3) Establishes CFIUS as a multi-agency statutory committee and revises the membership of such committee. Designates the Secretary of the Treasury as the Chairperson of CFIUS and the Secretary of Homeland Security as Vice Chairperson. Grants CFIUS subpoena power to carryout its responsibilities. Authorizes appropriations for the operation of CFIUS for FY2007-FY2010.

(Sec. 4) Makes the consideration of specified factors in evaluating a covered transaction mandatory (currently, discretionary with the President). Adds to the list of such factors: (1) whether the covered transaction has a security-related impact on critical U.S. infrastructure; (2) whether the covered transaction is a foreign government-controlled transaction; and (3) such other factors as the President or the President's designee may consider appropriate.

(Sec. 5) Grants immunity to the United States for losses or other expenses incurred by a party to a covered transaction resulting from governmental actions if the party did not notify CFIUS of such transaction or did not wait until the completion of a required review or investigation of the transaction.

(Sec. 6) Authorizes CFIUS to: (1) enter into agreements with parties to a covered transaction to mitigate any threat to national security; and (2) designate a lead federal agency to negotiate, modify, monitor, and enforce such agreements.

Establishes a method of tracking covered transactions which are withdrawn from the review or investigation process and a process for setting interim protections to address specific national security concerns relating to such transactions.

(Sec. 7) Revises and expands requirements for CFIUS to report to Congress on investigations of covered transactions. Requires CFIUS to report within five days after it takes final action in an investigation of a covered transaction and to provide classified briefings on covered transactions to Members of Congress, if so requested.

Requires CFIUS to file semiannual reports with Congress on all reviews and investigations of covered transactions within a previous six-month period. Specifies the required content of such reports.

Requires the Inspector General of the Department of the Treasury to conduct an investigation of each failure of the Department of the Treasury to make required reports under DPA and to report to Congress on such investigation.

Requires the Secretary of the Treasury to: (1) study investments in the United States, especially investments in critical infrastructure and industries affecting national security by foreign governments or their agents which comply with any boycott of Israel or which do not ban foreign terrorist organizations; and (2) report to Congress on such study.

(Sec. 8) Requires any notice and other information required to be submitted by a party to a covered transaction to be accompanied by a written statement of the chief executive officer involved certifying that such notice or information fully complies with DPA requirements and is accurate and complete in all material respects.

## Actions Timeline

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- **Jul 27, 2006:** Received in the Senate. Read twice. Placed on Senate Legislative Calendar under General Orders. Calendar No. 538.
- **Jul 26, 2006:** Mr. Oxley moved to suspend the rules and pass the bill, as amended.
- **Jul 26, 2006:** Considered under suspension of the rules. (consideration: CR H5863-5873)
- **Jul 26, 2006:** DEBATE - The House proceeded with forty minutes of debate on H.R. 5337.
- **Jul 26, 2006:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Jul 26, 2006:** Considered as unfinished business. (consideration: CR H5899-5900)
- **Jul 26, 2006:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 424 - 0 (Roll no. 404).(text: CR H5863-5867)
- **Jul 26, 2006:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 424 - 0 (Roll no. 404). (text: CR H5863-5867)
- **Jul 26, 2006:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 17, 2006:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 109-523, Part II.
- **Jul 17, 2006:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 109-523, Part II.
- **Jul 17, 2006:** Committee on International Relations discharged.
- **Jul 17, 2006:** Committee on International Relations discharged.
- **Jul 17, 2006:** Placed on the Union Calendar, Calendar No. 329.
- **Jul 12, 2006:** Committee Consideration and Mark-up Session Held.
- **Jul 12, 2006:** Ordered to be Reported (Amended) by Voice Vote.
- **Jul 11, 2006:** Subcommittee Hearings Held.
- **Jun 22, 2006:** Reported (Amended) by the Committee on Financial Services. H. Rept. 109-523, Part I.
- **Jun 22, 2006:** Reported (Amended) by the Committee on Financial Services. H. Rept. 109-523, Part I.
- **Jun 22, 2006:** House Committee on Energy and Commerce Granted an extension for further consideration ending not later than July 17, 2006.
- **Jun 22, 2006:** House Committee on International Relations Granted an extension for further consideration ending not later than July 17, 2006.
- **Jun 14, 2006:** Ordered to be Reported (Amended) by the Yeas and Nays: 64 - 0.
- **Jun 14, 2006:** Committee Consideration and Mark-up Session Held.
- **Jun 5, 2006:** Referred to the Subcommittee on Commerce, Trade and Consumer Protection, for a period to be subsequently determined by the Chairman .
- **May 17, 2006:** Subcommittee Hearings Held.
- **May 17, 2006:** Subcommittee on Domestic and International Monetary Policy, Trade, and Technology Discharged.
- **May 16, 2006:** Referred to the Subcommittee on Domestic and International Monetary Policy, Trade, and Technology.
- **May 10, 2006:** Introduced in House
- **May 10, 2006:** Introduced in House
- **May 10, 2006:** Referred to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **May 10, 2006:** Referred to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **May 10, 2006:** Referred to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
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