

HR 3136

National Critical Capabilities Defense Act of 2023

Congress: 118 (2023–2025, Ended)

Chamber: House

Policy Area: Foreign Trade and International Finance

Introduced: May 9, 2023

Current Status: Referred to the Subcommittee on Trade.

Latest Action: Referred to the Subcommittee on Trade. (Dec 17, 2024)

Official Text: <https://www.congress.gov/bill/118th-congress/house-bill/3136>

Sponsor

Name: Rep. DeLauro, Rosa L. [D-CT-3]

Party: Democratic • **State:** CT • **Chamber:** House

Cosponsors (6 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Fitzpatrick, Brian K. [R-PA-1]	R · PA		May 9, 2023
Rep. Pascrell, Bill, Jr. [D-NJ-9]	D · NJ		May 9, 2023
Rep. Carson, Andre [D-IN-7]	D · IN		May 11, 2023
Rep. Ruppersberger, C. A. Dutch [D-MD-2]	D · MD		May 15, 2023
Rep. Tokuda, Jill N. [D-HI-2]	D · HI		May 17, 2023
Rep. Sherman, Brad [D-CA-32]	D · CA		Nov 28, 2023

Committee Activity

Committee	Chamber	Activity	Date
Ways and Means Committee	House	Referred to	Dec 17, 2024

Subjects & Policy Tags

Policy Area:

Foreign Trade and International Finance

Related Bills

No related bills are listed.

National Critical Capabilities Defense Act of 2023

This bill establishes a notification process for certain U.S. investment (known as outbound investment) involving national critical capabilities sectors in countries of concern (e.g., China and Russia). *National critical capabilities sector* includes, among others, a sector involving semiconductor manufacturing and advanced packaging, artificial intelligence, active pharmaceutical ingredients, or automobile manufacturing.

Specifically, the bill directs the President to establish a Committee on National Critical Capabilities, which must establish regulations to carry out this bill.

The bill requires a U.S. business or individual, 90 days before undertaking a covered activity (e.g., investment), to submit a written notification to the committee. The committee may review a covered activity that is the subject of a notification to determine if the activity poses a risk to U.S. national security. The bill outlines the factors to be considered during this review.

The committee may, if it has reason to believe that a covered activity poses a risk to national security, take certain actions to mitigate the risk posed by the activity. Further, the committee may prohibit or regulate covered activities (with exceptions).

Additionally, the committee must determine the sensitivities and risks for sourcing goods, materials, and technologies needed for national critical capabilities sectors.

The bill outlines enforcement mechanisms and establishes civil penalties for violations.

The bill directs (1) the President to conduct bilateral and multilateral engagement with U.S. allies and partners, and (2) the committee to develop a strategy to work with these countries and provide technical assistance.

Actions Timeline

- **Dec 17, 2024:** Referred to the Subcommittee on Trade.
- **May 9, 2023:** Introduced in House
- **May 9, 2023:** Referred to the House Committee on Ways and Means.