

118TH CONGRESS
2D SESSION

H. R. 8394

To restrict the Chinese Government from accessing United States capital markets and exchanges if it fails to comply with international laws relating to finance, trade, and commerce.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2024

Mr. OGLES introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Agriculture, 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

A BILL

To restrict the Chinese Government from accessing United States capital markets and exchanges if it fails to comply with international laws relating to finance, trade, and commerce.

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. CONDITIONAL ACCESS FOR THE CHINESE GOV-**
4 **ERNMENT TO UNITED STATES CAPITAL MAR-**
5 **KETS AND EXCHANGES.**

6 (a) DEFINITIONS.—In this section:

1 (1) APPLICABLE LAWS.—The term “applicable
2 laws” means—

3 (A) the public international doctrine of
4 state succession, as it relates to international
5 norms and rules of finance, trade, and com-
6 merce, including the successor government doc-
7 trine with respect to sovereign debt;

8 (B) United States and foreign laws and
9 regulations governing transparency and disclo-
10 sures applicable to major capital markets, com-
11 modities markets, and exchanges; and

12 (C) international laws prohibiting the prac-
13 tice of exclusionary settlement, discriminatory
14 payments, and selective default.

15 (2) APPLICABLE UNITED STATES ENTITY.—The
16 term “applicable United States entity” means—

17 (A) a national securities exchange that is
18 registered in accordance with section 6 of the
19 Securities Exchange Act of 1934 (15 U.S.C.
20 78f);

21 (B) a broker or a dealer (as defined in the
22 Securities Act of 1933 (15 U.S.C. 77a et seq.)
23 or in the Securities Exchange Act of 1934 (15
24 U.S.C. 78a et seq.));

1 (C) an alternative trading system (as de-
2 fined in section 242.300 of title 17, Code of
3 Federal Regulations);

4 (D) an investment company (as defined in
5 section 3(a)(1) of the Investment Company Act
6 (15 U.S.C. 80a-3(a)(1));

7 (E) a commodity pool operator, a futures
8 commission merchant, an introducing broker, a
9 swap dealer, or a swap execution facility (as
10 such terms are defined in section 1a of the
11 Commodity Exchange Act (7 U.S.C. 1a)) or a
12 contract market designated pursuant to section
13 5 of such Act (7 U.S.C. 7);

14 (F) a national bank, a State bank, or a
15 savings association (as such terms are defined
16 in section 2 of the Federal Deposit Insurance
17 Act (12 U.S.C. 1813));

18 (G) a credit union, whether chartered
19 under the Federal Credit Union Act or under
20 State law;

21 (H) a real estate broker registered as such
22 under State law;

23 (I) a Federal, State, or local government
24 agency;

1 (J) a government-sponsored enterprise (as
2 defined in section 3(8) of the Congressional
3 Budget and Impoundment Control Act of 1974
4 (2 U.S.C. 622(8))); and

5 (K) any other entity authorized to accept
6 investments from, or engage in or effect trans-
7 actions on behalf of, the Government of the
8 People's Republic of China or any commercial
9 entity under the control of such government
10 designated by the Secretary as an applicable
11 United States entity.

12 (b) IN GENERAL.—If the Secretary of the Treasury,
13 in consultation with the Committee on Foreign Investment
14 in the United States, determines that the Government of
15 the People's Republic of China is not in compliance with
16 applicable laws relating to finance, trade, and commerce,
17 as specified in subsection (c) and including the successor
18 government doctrine with respect to sovereign debt, the
19 Secretary shall prohibit any applicable United States enti-
20 ty, including capital markets, bond markets, and ex-
21 changes, from accepting any new investment, or effecting
22 any transaction for others relating to a new investment,
23 from such government or any commercial entities under
24 the control of such government.

1 (c) SPECIFIED INTERNATIONAL LAWS.—The inter-
2 national laws specified in this subsection are—

3 (1) the public international doctrine of state
4 succession, as it relates to international norms and
5 rules of finance, trade, and commerce;

6 (2) the transparency and disclosure rules and
7 regulations applicable to major capital markets and
8 exchanges; and

9 (3) international laws prohibiting the practice
10 of exclusionary settlement, discriminatory payments,
11 and selective default.

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