

118TH CONGRESS
2D SESSION

S. 4788

To restrict Federal funding for events giving adversary foreign entities access to critical transportation infrastructure or military facilities.

IN THE SENATE OF THE UNITED STATES

JULY 25, 2024

Mr. SCOTT of Florida (for himself and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To restrict Federal funding for events giving adversary foreign entities access to critical transportation infrastructure or military facilities.

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 TITLES.**

4 This Act may be cited as the “Stopping Adversaries
5 From Exploring United States Facilities Act” or the
6 “SAFE U.S. Facilities Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) COVERED AGENCY.—The term “covered
2 agency” has the meaning given the term “executive
3 agency” in section 133 of title 41, United States
4 Code.

5 (2) COVERED FOREIGN ENTITY.—The term
6 “covered foreign entity” means—

7 (A) the Government of the People’s Repub-
8 lic of China, the Communist Party of China,
9 the People’s Liberation Army, the Ministry of
10 State Security, any special administrative re-
11 gion of the People’s Republic of China, includ-
12 ing Hong Kong and Macau, or any other secu-
13 rity service or intelligence agency of the Peo-
14 ple’s Republic of China, including any host or
15 harbor of any such entity, any enterprise owned
16 by the People’s Republic of China, and any
17 other firm tied to the People’s Republic of
18 China;

19 (B) the Government of the Russian Fed-
20 eration or any entity sanctioned by the Sec-
21 retary of the Treasury under Executive Order
22 13662 (50 U.S.C. 1701 note; relating to block-
23 ing property of additional persons contributing
24 to the situation in Ukraine); or

(C) the government of any country that the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to—

(i) section 1754(c)(1)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(c)(1)(A));

(ii) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

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

(iv) any other provision of law.

SEC. 3. PROHIBITION AGAINST HOSTING COVERED FOREIGN ENTITIES AT CRITICAL TRANSPORTATION FACILITIES AND CERTAIN SECURE FEDERAL FACILITIES.

No Federal funds that have been appropriated or otherwise made available for any covered agency may be obligated or expended to host any official or unofficial visit, training, or joint exercise for any official representative of a covered foreign entity or of a state-owned enterprise of a covered foreign entity involving actions—

(1) authorized under the SAFE Port Act (6 U.S.C. 901 et seq.);

1 (2) authorized under subtitle VII of title 46,
2 United States Code;

3 (3) authorized under subtitle IV, V, or IX of
4 title 49, United States Code;

5 (4) authorized under chapter 449 of title 49,
6 United State Code; or

7 (5) taking place at any facility operated by the
8 Department of Defense or the Department of Home-
9 land Security.

10 **SEC. 4. WITHHOLDING FEDERAL GRANTS FROM STATES,**
11 **LOCAL GOVERNMENTS, AND NONGOVERN-**
12 **MENTAL ORGANIZATIONS THAT HOST COV-**
13 **ERED FOREIGN ENTITIES.**

14 (a) GOVERNMENT ENTITIES.—Except as provided in
15 section 5, no Federal funds may be allocated to any State
16 or local government entity that facilitates or funds private
17 travel (including accommodations and transportation) for
18 any official representative of a covered foreign entity if
19 the primary purpose of such travel is to participate in or
20 observe a joint exercise, tour, seminar, or meeting involv-
21 ing actions described in section 3.

22 (b) NONGOVERNMENTAL ORGANIZATIONS.—Except
23 as provided in section 5, no Federal funds may be dis-
24 bursed to an nongovernmental organization that facilitates
25 or funds private travel (including accommodations and

1 transportation) for any official representative from a cov-
2 ered foreign entity if the primary purpose of such travel
3 is to participate in or observe a joint exercise, tour, sem-
4 inar, or meeting involving actions described in section 3.

5 (c) EFFECT OF EXISTING TREATIES.—The limita-
6 tions set forth in subsections (a) and (b) shall not be af-
7 fected by any treaty or agreement with any covered foreign
8 entity that is in force as of the date of the enactment of
9 this Act.

10 **SEC. 5. WAIVER.**

11 (a) IN GENERAL.—Subject to the limitations under
12 subsection (b), the President may waive the conflict of in-
13 terest restrictions under this Act, on a case-by-case basis,
14 if—

15 (1) after consultation with the Secretary of De-
16 fense, the Secretary of Homeland Security, and the
17 Director of National Intelligence, the President de-
18 termines such waiver to be in the national security
19 interests of the United States; and

20 (2) not later than 5 days before the effective
21 period of such waiver, the head of the executive
22 agency requesting such waiver submits a notification
23 containing the information described in subsection
24 (b)(3) to the congressional committees with jurisdic-
25 tion over such executive agency.

1 (b) LIMITATIONS.—

2 (1) DURATION.—Each waiver granted pursuant
3 to subsection (a) shall remain in effect for a period
4 not to exceed 5 days.

5 (2) NUMBER.—Not more than 1 waiver may be
6 active at any given time.

7 (3) OCCURRENCE.—Each waiver granted pursu-
8 ant to subsection (a)—

9 (A) shall only apply to a single event; and

10 (B) may not be applied to annually reoc-
11 ccurring events or events that do not happen on
12 consecutive days.

13 (4) NOTIFICATION REQUIREMENTS.—The noti-
14 fication required under subsection (a)(2) shall in-
15 clude information regarding the nature of the event
16 requiring the waiver, including—

17 (A) the justification of the executive agen-
18 cy's need for requesting the waiver;

19 (B) an assessment that weighs the benefits
20 against the risks for the event;

21 (C) the projected and actual dollar value of
22 hosting the event;

23 (D) what covered agency, organization, or
24 entity is covering the cost of the event;

25 (E) the location of the event;

1 (F) the nature of and reason for the event;

2 (G) the date and duration of the event;

3 (H) the name and nationality of each for-
4 eign representative attending the event;

5 (I) any military or intelligence application
6 risks that could be impacted as a result of the
7 waiver; and

8 (J) an acceptable management oversight
9 plan to ensure that the event with the covered
10 foreign entity does not—

11 (i) compromise the safety of United
12 States citizens; or

13 (ii) harm the national security of the
14 United States.

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