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S. 3574

To prohibit United States courts from recognizing, enforcing, or giving effect to any judgment, order, decree, or provisional measure issued by a court of the People’s Republic of China in a proceeding motivated by retaliation for lawful acts, including political speech.

IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2025

Mr. SCHMITT introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit United States courts from recognizing, enforcing, or giving effect to any judgment, order, decree, or provisional measure issued by a court of the People’s Republic of China in a proceeding motivated by retaliation for lawful acts, including political speech.

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 “Ending Chinese
5 Lawfare Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The judicial system of the People’s Republic
2 of China is constitutionally subordinate to the Chi-
3 nese Communist Party, which exercises ultimate au-
4 thority over judicial outcomes.

5 (2) Courts of the People’s Republic of China
6 have been used as instruments of state policy, in-
7 cluding by retaliating against foreign officials, gov-
8 ernments, businesses, and individuals for protected
9 political speech and lawful sovereign acts.

10 (3) The United States has a compelling interest
11 in protecting the First Amendment rights of its offi-
12 cials and citizens, preserving national sovereignty,
13 and preventing foreign governments from
14 weaponizing judicial processes to chill lawful con-
15 duct.

16 (4) Recognition and enforcement of foreign
17 judgments in the United States is a matter of com-
18 ity, not obligation, and Congress has authority to
19 regulate or prohibit such recognition whenever it
20 conflicts with the Constitution, laws, or public policy
21 of the United States.

22 (5) Politically motivated foreign judgments pose
23 a direct threat to democratic governance and judicial
24 integrity whenever foreign courts are used to punish

1 speech or official action protected under United
 2 States law.

3 **SEC. 3. PROHIBITION ON RECOGNITION OR ENFORCEMENT**
 4 **OF POLITICALLY-MOTIVATED JUDGMENTS.**

5 (a) GENERAL RULE.—No court of the United States,
 6 or of any State, territory, or possession of the United
 7 States, may recognize, enforce, or give effect to any judg-
 8 ment, order, decree, or provisional measure issued by a
 9 court of the People’s Republic of China if the United
 10 States court determines that the proceeding at which such
 11 issuance occurred—

12 (1) was initiated, directed, controlled, or mate-
 13 rially supported by the Chinese Communist Party,
 14 the Government of the People’s Republic of China,
 15 or any instrumentality of either such entity; and

16 (2) was substantially motivated by retaliation
 17 for—

18 (A) protected political speech;

19 (B) the lawful exercise of governmental au-
 20 thority; or

21 (C) the exercise of rights secured by the
 22 Constitution or laws of the United States.

23 (b) EVIDENTIARY STANDARD.—A United States
 24 court may make a determination described in subsection

25 (a) based on the totality of the circumstances, including—

1 (1) the lack of judicial independence in the orig-
2 inating forum;

3 (2) the identity of the plaintiff or its affiliation
4 with the Chinese Communist Party or state entities;

5 (3) public statements by Chinese officials relat-
6 ing to the proceeding;

7 (4) the nature of the claims asserted and their
8 relationship to protected speech or sovereign acts;
9 and

10 (5) the absence of due process or neutral adju-
11 dication.

12 **SEC. 4. FEE-SHIFTING AND DETERRENCE.**

13 If a party seeks recognition or enforcement of a judg-
14 ment, order, decree, or provisional measure barred under
15 section 3, the prevailing party opposing enforcement shall
16 be awarded reasonable attorneys' fees, costs, and ex-
17 penses, including expert fees.

18 **SEC. 5. FEDERAL JURISDICTION AND REMOVAL.**

19 (a) ORIGINAL JURISDICTION.—The district courts of
20 the United States shall have original jurisdiction over any
21 action seeking recognition or enforcement of a judgment,
22 order, decree, or provisional measure described in section
23 3(a).

24 (b) REMOVAL.—Any action described in subsection
25 (a) that is commenced in a State court may be removed

1 to the appropriate United States district court by any
2 party.

3 **SEC. 6. DEPARTMENT OF JUSTICE INTERVENTION.**

4 (a) RIGHT TO INTERVENE.—The Attorney General
5 may intervene, as of right, in any proceeding involving the
6 recognition or enforcement of a judgment, order, decree,
7 or provisional measure described in section 3(a).

8 (b) STATEMENT OF INTEREST.—The Attorney Gen-
9 eral may submit a statement of interest regarding the po-
10 litical nature of the foreign proceeding, the lack of judicial
11 independence, or the foreign policy interests of the United
12 States, which the United States court shall give substan-
13 tial weight.

14 **SEC. 7. FIRST AMENDMENT AND SOVEREIGNTY PROTEC-**
15 **TION CLAUSE.**

16 No judgment described in section 3(a) may be recog-
17 nized or enforced if such recognition or enforcement
18 would—

19 (1) penalize, burden, or chill speech or conduct
20 protected by the First Amendment to the Constitu-
21 tion of the United States; or

22 (2) interfere with the lawful exercise of United
23 States sovereign authority.

1 **SEC. 8. DECLARATORY AND INJUNCTIVE RELIEF.**

2 (a) CIVIL ACTION AUTHORIZED.—Any person, State,
 3 or governmental entity that is a party to, the subject of,
 4 or the target of a proceeding in a court of the People’s
 5 Republic of China described in section 3(a), and that has
 6 incurred or is incurring concrete costs, burdens, or re-
 7 straints as a result of such proceeding, may bring a civil
 8 action in a United States district court for declaratory and
 9 injunctive relief.

10 (b) INJURY IN FACT.—For purposes of article III of
 11 the Constitution of the United States, an injury in fact
 12 shall be deemed to exist if the plaintiff demonstrates, to
 13 the satisfaction of the court—

14 (1) participation in, or exposure to, a foreign
 15 judicial proceeding described in section 3; and

16 (2)(A) legal expenses or compliance costs;

17 (B) reputational injury;

18 (C) a credible chilling effect on constitutionally
 19 protected speech or conduct;

20 (D) impairment of property, contractual, or fi-
 21 nancial interests; or

22 (E) a substantial risk of enforcement efforts af-
 23 fecting United States-based interests.

24 (c) RELIEF.—In any action under this section, the
 25 court may—

1 (1) declare the foreign judgment or proceeding
2 is not recognizable or enforceable in the United
3 States; and

4 (2) grant appropriate injunctive relief to pre-
5 vent any attempt to seek recognition or enforcement
6 of such judgment.

7 **SEC. 9. RULE OF CONSTRUCTION.**

8 Nothing in this Act may be construed to require a
9 United States court to recognize or enforce any foreign
10 judgment. This Act establishes a minimum standard of
11 nonrecognition and does not limit other grounds for refus-
12 ing enforcement under Federal or State law.

13 **SEC. 10. SEVERABILITY.**

14 If any provision of this Act, or the application of such
15 provision, is held invalid, the remainder of this Act and
16 other applications of this Act shall not be affected.

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