

116TH CONGRESS
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S. 4629

To address issues involving the People’s Republic of China.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2020

Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. DURBIN, Mr. WYDEN, Mr. BROWN, Mrs. MURRAY, Mr. REED, Mr. WARNER, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mr. VAN HOLLEN, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To address issues involving the People’s Republic of China.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “America Labor, Economic competitiveness, Alliances,
6 Democracy and Security Act” or the “America LEADS
7 Act”.

8 (b) TABLE OF CONTENTS.—The table of contents for
9 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.

- Sec. 3. Definitions.
- Sec. 4. Statement of policy on Indo-Pacific and China strategy.
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- Sec. 450. Report on anticompetitive behavior by the Government of China.
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- Sec. 453. Analysis of foreign laws, policies, and practices that harm competition.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The United States and the People’s Republic of China established diplomatic relations on January 1, 1979, and both countries can benefit from constructive diplomatic ties and regular dialogue.

7 (2) The strategic competition between the United States and the People’s Republic of China will shape the future of the 21st century, and the United States must accordingly reinvigorate its do-

1 mestic industries and invest in research and develop-
2 ment, entrepreneurs, domestic manufacturing, and
3 the skills, education, and success of a diverse and in-
4 clusive workforce, while also ensuring that American
5 soft and hard power remain unparalleled on the
6 world stage.

7 (3) United States policy towards the People's
8 Republic of China is part of a broader approach to
9 the Indo-Pacific and the world which aspires to work
10 with our allies and partners to advance shared val-
11 ues and interests by preserving and enhancing a
12 free, open, democratic inclusive, rules-based, stable,
13 and diverse region.

14 (4) The United States does not seek to deter-
15 mine a particular state for the People's Republic of
16 China or contain the People's Republic of China's le-
17 gitimate development or the legitimate aspirations of
18 the Chinese people; nor do we wish to disengage
19 from the People's Republic of China or its people.

20 (5) The Government of China has made and
21 continues to make decisions that fundamentally chal-
22 lenge United States national interests, regional
23 peace and stability, and international security, in-
24 cluding on vital strategic, economic, and diplomatic
25 matters, human rights, and the rule of law.

1 (6) The malign activities of the Government of
2 China related to predatory trade practices, economic
3 espionage, regional aggression, and disrespect for
4 human rights, democratic norms, and international
5 law inhibits diplomatic, economic, and security rela-
6 tions with the United States.

7 (7) United States-China trade and economic re-
8 lations have expanded significantly over the past
9 three decades. Yet the People's Republic of China's
10 commitments on trade issues, including technology
11 transfers, intellectual property rights, and subsidies
12 of domestic industries, have fallen short, requiring a
13 rebalancing of trade and economic ties, the enforce-
14 ment of existing rules and agreements, and the pur-
15 suit of future trade agreements that include rigorous
16 verification and enforcement mechanisms.

17 (8) In recent years, United States-China mili-
18 tary exchanges, with a goal of achieving greater
19 transparency, mutual understanding, and confidence,
20 have included high-level visits and recurrent ex-
21 changes between civilian and military officials. The
22 United States remains committed to military-mili-
23 tary engagement that would help to prevent mis-
24 calculation and miscommunication.

1 (9) The authoritarianism of the Government of
2 China has deepened under General Secretary Xi
3 Jinping, including a decision to remove presidential
4 term limits and new and repressive policies in Hong
5 Kong, Xinjiang, and Tibet, a new governance model
6 embracing “digital authoritarianism,” and steps to
7 severely repress and crush China’s civil society.

8 (10) The United States and the People’s Re-
9 public of China are both permanent members of the
10 United Nations Security Council and have opportu-
11 nities to cooperate where shared interests align on
12 areas of mutual concern, including mitigating the ef-
13 fects of climate change, building a strong global
14 economy, and ensuring regional peace and security.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) APPRENTICESHIP.—The term “apprentice-
18 ship” means an apprenticeship program that is reg-
19 istered by the Office of Apprenticeship or a State
20 apprenticeship agency under the Act of August 16,
21 1937 (commonly known as the “National Appren-
22 ticeship Act”) (50 State. 664, chapter 663; 29
23 U.S.C. 50 et seq.), including, as in effect on Decem-
24 ber 30, 2019, any requirement, standard, or rule
25 promulgated under that Act.

1 (2) CRITICAL TECHNOLOGY; CRITICAL TECH-
2 NOLOGY AREAS.—The terms “critical technology”
3 and “critical technology area” have the meaning
4 given the term “critical technology” in section
5 103(a).

6 **SEC. 4. STATEMENT OF POLICY ON INDO-PACIFIC AND**
7 **CHINA STRATEGY.**

8 It shall be the policy of the United States:

9 (1) To preserve and enhance a free, open, inclu-
10 sive, stable, and diversified Indo-Pacific in which
11 countries pursue their objectives peacefully and in
12 accordance with international law and shared norms
13 and principles, including—

14 (A) the peaceful resolution of disputes;

15 (B) an open economic order that promotes
16 strong, sustainable, balanced, and equitable
17 growth through a level, competitive playing
18 field; and

19 (C) a diplomatic and political order that
20 promotes peace and human dignity, based on
21 the rule of law and respect for human rights.

22 (2) To strengthen cooperation among our part-
23 ners in the region, leveraging their significant and
24 growing capabilities to build a network of like-mind-
25 ed states that sustains and strengthens a rules-based

1 regional order and addresses regional and global
2 challenges.

3 (3) To recognize and respond to the differences
4 between the United States and the People’s Republic
5 of China and the geopolitical, strategic, economic,
6 technological, and normative challenge that the Gov-
7 ernment of China, under President Xi Jinping’s
8 leadership, poses to the United States and to the
9 global community, as well as to the opportunities
10 that exist to engage cooperatively with a China that
11 is peaceful, stable, prosperous, and a responsible
12 player in international affairs, with economic policies
13 consistent with a rules-based level playing field and
14 its international obligations.

15 **SEC. 5. RULES OF CONSTRUCTION.**

16 (a) RESTRICTION ON FUNDING FOR APPRENTICE-
17 SHIP PROGRAMS.—Funds made available under this Act
18 to support apprenticeship programs may only be used to
19 support apprenticeship programs that meet the definition
20 of apprenticeship under section 3.

21 (b) APPLICABILITY OF EXISTING RESTRICTIONS ON
22 ASSISTANCE TO FOREIGN SECURITY FORCES.—Nothing
23 in this Act shall be construed to diminish, supplant, super-
24 sede, or otherwise restrict or prevent responsibilities of the
25 United States Government under 620M of the Foreign As-

1 sistance Act (22 U.S.C. 2378d) or section 362 of title 10,
 2 United States Code.

3 **TITLE I—INVESTING IN**
 4 **AMERICAN COMPETITIVENESS**
 5 **Subtitle A—Science and**
 6 **Technology**

7 **SEC. 101. APPROPRIATE CONGRESSIONAL COMMITTEES**

8 **DEFINED.**

9 In this subtitle, the term “appropriate congressional
 10 committees” means—

11 (1) the Committee on Foreign Relations, the
 12 Select Committee on Intelligence, the Committee on
 13 Commerce, Science, and Transportation, the Com-
 14 mittee on Energy and Natural Resources, and the
 15 Committee on Appropriations of the Senate; and

16 (2) the Committee on Foreign Affairs, the Per-
 17 manent Select Committee on Intelligence, the Com-
 18 mittee on Energy and Commerce, the Committee on
 19 Science, Space, and Technology, and the Committee
 20 on Appropriations of the House of Representatives.

21 **SEC. 102. RESTORATION OF FEDERAL FUNDING FOR RE-**

22 **SEARCH AND DEVELOPMENT.**

23 (a) **IN GENERAL.**—There is authorized to be appro-
 24 priated for Federal funding for research and development
 25 in science and technology—

1 (1) for the period of the 4 calendar years begin-
2 ning after the date of enactment of this Act,
3 \$300,000,000,000, which shall be in addition to any
4 other Federal funding available for such purposes;
5 and

6 (2) for each fiscal year following the end of the
7 period described in paragraph (1), the amount nec-
8 essary to provide for increased total funding (includ-
9 ing any other Federal funding available) for such
10 purposes at a level that is 3 percent more than the
11 total funding provided for such purposes for the pre-
12 ceding fiscal year.

13 (b) BUDGET REQUIREMENTS.—

14 (1) OMB IDENTIFICATION.—The Director of the
15 Office of Management and Budget shall, for each of
16 the fiscal years 2020 through 2026—

17 (A) determine the amount of funds that
18 should be made available to each applicable
19 Federal agency, including all Federal science
20 agencies, in order to ensure that the Federal
21 Government supports research and development
22 in science and technology for the fiscal year in
23 the amount described in subsection (a); and

1 (B) inform the head of each applicable
2 Federal agency of the amount determined
3 under subparagraph (A) for such agency.

4 (2) BUDGETS.—For each of fiscal years 2020
5 through 2026—

6 (A) the head of each Federal science agen-
7 cy shall prepare and submit a budget estimate
8 and request to the Director of the Office of
9 Management and Budget for such fiscal year
10 that provides for funding for science and tech-
11 nology at the level determined under paragraph
12 (1)(A) for the agency; and

13 (B) the President shall include, in the
14 budget submitted under section 1105 of title
15 31, United States Code, for the fiscal year, the
16 budget estimate and request prepared by the
17 head of each Federal science agency under sub-
18 paragraph (A) for such fiscal year.

19 (3) DEFINITION OF FEDERAL SCIENCE AGEN-
20 CY.—In this subsection, the term “Federal science
21 agency” has the meaning given the term in section
22 103 of the America COMPETES Reauthorization
23 Act of 2010 (42 U.S.C. 6623).

1 **SEC. 103. EXCELLENCE IN CRITICAL TECHNOLOGIES PRO-**
2 **GRAM.**

3 (a) DEFINITIONS.—In this section:

4 (1) COUNCIL.—The term “Council” means the
5 National Science and Technology Council.

6 (2) CRITICAL TECHNOLOGIES.—The term “crit-
7 ical technologies” means the technologies included
8 on the most recent list under subsection (e), includ-
9 ing any additions or deletions made by the Director
10 in accordance with subsection (e)(2).

11 (3) DIRECTOR.—The term “Director” means
12 the Director of the Office of Science and Technology
13 Policy.

14 (4) INSTITUTION OF HIGHER EDUCATION.—The
15 term “institution of higher education” has the
16 meaning given the term in section 101(a) of the
17 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

18 (5) MINORITY-SERVING INSTITUTION.—The
19 term “minority-serving institution” means an eligi-
20 ble institution described in section 371(a) of the
21 Higher Education Act of 1965 (20 U.S.C.
22 1067q(a)).

23 (6) NATIONAL LABORATORIES.—The term “Na-
24 tional Laboratories” has the meaning given that
25 term in section 2 of the Energy Policy Act of 2005
26 (42 U.S.C. 15801).

1 (7) PROGRAM.—The term “Program” means
2 the Excellence in Critical Technologies Program es-
3 tablished under subsection (b).

4 (8) SOCIALLY AND ECONOMICALLY DISADVAN-
5 TAGED INDIVIDUAL.—The term “socially and eco-
6 nomically disadvantaged individual” means any so-
7 cially and economically disadvantaged individual de-
8 scribed in the flush text following section 8(d)(3)(C)
9 of the Small Business Act (15 U.S.C. 637(d)(3)(C))
10 and in any relevant subcontracting regulation issued
11 under such section 8(d).

12 (b) EXCELLENCE IN CRITICAL TECHNOLOGIES PRO-
13 GRAM ESTABLISHED.—

14 (1) IN GENERAL.—The Director, acting
15 through the Council, shall coordinate interagency ac-
16 tivities to develop and advance critical technologies
17 in the United States.

18 (2) DESIGNATION.—The initiative established
19 under paragraph (1) shall be known as the “Excel-
20 lence in Critical Technologies Program”.

21 (c) ACTIVITIES OF PROGRAM.—The activities of the
22 Program shall include the following:

23 (1) Establish and coordinate interagency initia-
24 tives to advance critical technologies through re-
25 search and development, and to encourage and en-

1 able the domestic production of such technologies,
2 that will draw on the private sector, institutions of
3 higher education (including minority-serving institu-
4 tions), National Laboratories, Federal laboratories,
5 and other relevant entities, as appropriate.

6 (2) Advise Congress on opportunities for great-
7 er investment in United States entities involved in
8 the domestic development, deployment, and manu-
9 facturing of critical technologies.

10 (3) Collaborate with labor organizations (in-
11 cluding labor unions), elementary and secondary
12 schools, institutions of higher education (including
13 minority-serving institutions), and other educational
14 institutions and training providers on best practices
15 for—

16 (A) developing the United States tech-
17 nology workforce;

18 (B) creating and protecting domestic jobs;
19 and

20 (C) increasing participation in the tech-
21 nology workforce by low-income individuals,
22 women, racial and ethnic minorities, and other
23 underrepresented populations.

24 (4) Establish norms for the proper development
25 of critical technologies that ensure—

1 (A) the application of the critical tech-
2 nologies remains consistent with individual
3 human rights; and

4 (B) the critical technologies cannot be
5 abused by authoritarian states.

6 (d) AGENCIES.—The program shall be implemented
7 by the following agencies:

8 (1) The Department of Commerce, including
9 the National Institute of Standards and Technology.

10 (2) The Department of Defense.

11 (3) The Department of Energy.

12 (4) The National Aeronautics and Space Ad-
13 ministration.

14 (5) The National Institutes of Health.

15 (6) The National Institute of Standards and
16 Technology.

17 (7) The National Science Foundation.

18 (8) Other relevant agencies designated by the
19 Director.

20 (e) LIST OF CRITICAL TECHNOLOGIES; UPDATING
21 PROCESS.—

22 (1) INITIAL LIST.—The initial list of critical
23 technologies shall consist of the following:

24 (A) Artificial intelligence and machine
25 learning.

1 (B) High-performance computing, semi-
2 conductors, and advanced computer hardware.

3 (C) Quantum computing and information
4 systems.

5 (D) Robotics, automation, and advanced
6 manufacturing.

7 (E) Natural or anthropogenic disaster pre-
8 vention.

9 (F) Advanced communications technology.

10 (G) Biotechnology, genomics, and synthetic
11 biology.

12 (H) Advanced energy technology.

13 (I) Cybersecurity, data storage, and data
14 management technologies.

15 (J) Metal and material production relevant
16 to other critical technologies.

17 (K) Materials science, engineering, and ex-
18 ploration relevant to other critical technologies.

19 (2) ADDING OR DELETING CRITICAL TECH-
20 NOLOGIES.—Beginning on the date that is 4 years
21 after the date of enactment of this Act, and every
22 4 years thereafter, the Director—

23 (A) shall, in consultation with the working
24 group established under subsection (f), review

1 the list of critical technologies developed under
2 this subsection; and

3 (B) as part of that review, may add or de-
4 lete critical technologies if the competitive
5 threats to the United States have shifted
6 (whether because the United States or other
7 nations have advanced or fallen behind in a
8 technology), subject to paragraph (3).

9 (3) LIMIT ON CRITICAL TECHNOLOGY CAT-
10 EGORIES.—Not more than 10 critical technology cat-
11 egories shall be included on the list of critical tech-
12 nologies at any time.

13 (4) UPDATING LIST OF CRITICAL TECH-
14 NOLOGIES AND DISTRIBUTION.—Upon the comple-
15 tion of each review under paragraph (2), the Direc-
16 tor shall make the list of critical technologies readily
17 available to the public, including by publishing the
18 list in the Federal Register, even if no changes have
19 been made to the prior list.

20 (f) PRIVATE SECTOR WORKING GROUP.—

21 (1) ESTABLISHMENT.—Not later than 120 days
22 after the date of enactment of this Act, the Director
23 shall establish a private sector working group to ad-
24 vise the Federal Government in the development of

1 a strategy to achieve the activities listed in sub-
2 section (c).

3 (2) MEMBERSHIP.—

4 (A) COMPOSITION.—The working group
5 established under paragraph (1) shall be com-
6 posed of members selected by the Director from
7 among the following:

8 (i) Leading technical experts on crit-
9 ical technologies.

10 (ii) Business leaders, including from
11 startups, small businesses, and businesses
12 owned by socially and economically dis-
13 advantaged individuals, formerly incarcerated
14 individuals, women, veterans, and
15 other underrepresented populations.

16 (iii) Representatives of labor organiza-
17 tions (including labor unions).

18 (iv) Representatives of elementary,
19 secondary, and higher education, and of
20 workforce development, including organiza-
21 tions that specialize in workforce diversity
22 and inclusion.

23 (v) Experts on human rights.

24 (vi) Experts on cybersecurity.

25 (vii) Experts on safety and health.

1 (B) LEADERSHIP.—The Director shall des-
2 ignate one individual named under subpara-
3 graph (A) to be the chair of the working group
4 established under paragraph (1).

5 (C) ADVICE.—Before making appoint-
6 ments under this subsection, the Director shall
7 consult with the National Academy of Sciences
8 and other relevant groups.

9 (3) CONVENE.—Not later than 120 days after
10 the date of enactment of this Act, the working group
11 established under paragraph (1) shall convene for
12 the first time.

13 (4) MEETINGS.—After its first meeting, the
14 working group established under paragraph (1) shall
15 convene once every 3 months or when called upon by
16 the Director.

17 (5) CONFLICT OF INTEREST.—The Director
18 shall establish procedures, in accordance with Fed-
19 eral law, to deal with conflicts of interest.

20 (g) REPORTING REQUIREMENT.—Each year, at the
21 time of the President’s annual budget submission to Con-
22 gress, the Director shall submit a report that describes—

23 (1) the activities and funding levels of the Pro-
24 gram, by agency, in the prior and current fiscal

1 years, and plans for activities in the upcoming fiscal
2 year;

3 (2) the overall strategy to advance critical tech-
4 nologies through the Program and to encourage and
5 enable the domestic production of the critical tech-
6 nologies;

7 (3) the achievements of the Program in the
8 prior fiscal year and any elements of the Program
9 that need to be strengthened; and

10 (4) how agency activities are being coordinated
11 to maximize the effectiveness of Federal efforts.

12 (h) ENDLESS FRONTIER.—

13 (1) SENSE OF CONGRESS.—It is the sense of
14 Congress that—

15 (A) the Director of the National Science
16 Foundation should establish a Technology Di-
17 rectorate, consistent with the bill entitled “A
18 bill to establish a new Directorate for Tech-
19 nology in the redesignated National Science and
20 Technology Foundation, to establish a regional
21 technology hub program, to require a strategy
22 and report on economic security, science, re-
23 search, and innovation, and for other purposes”
24 (S. 3832, 116th Congress, introduced on May
25 21, 2020) (referred to in this subsection as the

1 “Endless Frontier Act”), to advance research
2 and innovation in critical technologies;

3 (B) the Secretary of Commerce should es-
4 tablish regional technology hubs, consistent
5 with the Endless Frontier Act, to promote re-
6 gional economic development related to critical
7 technologies; and

8 (C) the Director of the National Science
9 Foundation requires an additional
10 \$100,000,000,000 over a period of 5 years, and
11 the Secretary of Commerce requires an addi-
12 tional \$10,000,000,000 over a period of 5
13 years, to carry out subparagraphs (A) and (B).

14 (2) IMPLEMENTATION.—

15 (A) IN GENERAL.—The Director shall
16 carry out this section in a manner consistent
17 with the agency roles in the Endless Frontier
18 Act.

19 (B) TRANSITION AFTER ENACTMENT.—Be-
20 ginning upon the date of enactment of the End-
21 less Frontier Act, the role of the working group
22 under subsection (f) shall be carried out by the
23 Board of Advisors established under the End-
24 less Frontier Act.

1 (i) CONSULTATION.—In carrying out this section, the
2 Director shall consult with the National Economic Coun-
3 cil, the National Security Council, and other relevant
4 White House entities.

5 **SEC. 104. LIST OF ACQUISITION PROGRAMS, TECH-**
6 **NOLOGIES, MANUFACTURING CAPABILITIES,**
7 **AND RESEARCH AREAS CRITICAL TO NA-**
8 **TIONAL AND ECONOMIC SECURITY.**

9 (a) LIST REQUIRED.—

10 (1) IN GENERAL.—The Director of the Office of
11 Science and Technology Policy (referred to in this
12 section as the “Director”), in coordination with the
13 National Security Council, the National Economic
14 Council, and the relevant agencies described in para-
15 graph (2), shall establish and maintain a list of ac-
16 quisition programs, technologies, manufacturing ca-
17 pabilities, and research areas that are critical for
18 maintaining the national and economic security tech-
19 nological advantage of the United States over for-
20 eign countries of special concern.

21 (2) RELEVANT AGENCIES.—The agencies de-
22 scribed in this paragraph are—

23 (A) the Department of Commerce, includ-
24 ing the National Institute of Standards and

1 Technology and the Bureau of Industry and Se-
2 curity;

3 (B) the Department of Defense;

4 (C) the Department of Energy;

5 (D) the National Aeronautics and Space
6 Administration;

7 (E) the National Institutes of Health;

8 (F) the National Science Foundation; and

9 (G) other relevant agencies designated by
10 the Director.

11 (b) USE OF LIST.—The Director may use the list es-
12 tablished and maintained under subsection (a)(1) for the
13 following purposes:

14 (1) To guide the recommendations of the Fed-
15 eral Government in any interagency determinations
16 conducted pursuant to Federal law relating to tech-
17 nology protection, including relating to export licens-
18 ing, deemed exports, technology transfer, and for-
19 eign direct investment.

20 (2) To inform Federal Government interagency
21 processes on promotion and protection activities in-
22 volving acquisition programs and technologies that
23 are necessary to achieve and maintain the national
24 and economic security technology advantage of the

1 United States, including those that are supportive of
2 military requirements and strategies.

3 (3) To inform the Federal Government's activi-
4 ties to integrate acquisition, intelligence, counter-
5 intelligence and security, and law enforcement to in-
6 form requirements, acquisition, programmatic, and
7 strategic courses of action for technology protection.

8 (4) To identify vulnerabilities in supply chains
9 in critical technologies and foundational manufac-
10 turing capabilities that are key to domestic manufac-
11 turing competitiveness and resiliency, including
12 forming, casting, machining, joining, surface treat-
13 ment, and tooling.

14 (5) To inform development of research invest-
15 ment strategies and activities and development of in-
16 novation centers and the critical technology indus-
17 trial base through the employment of financial as-
18 sistance from the Federal Government through ap-
19 propriate statutory authorities and programs.

20 (6) To identify opportunities for alliances and
21 partnerships in key research and development areas
22 to achieve and maintain a national and economic se-
23 curity technology advantage.

24 (7) To identify opportunities for the Federal
25 Government's acquisition programs to prompt the

1 development, deployment, and domestic manufac-
2 turing of technologies, including creating market de-
3 mand for new technologies and key manufacturing
4 processes.

5 (8) For such other purposes as the Director
6 considers appropriate.

7 (c) UPDATES.—Not less frequently than once each
8 year, the Director shall update the list established and
9 maintained under subsection (a)(1).

10 (d) PUBLICATION.—

11 (1) INITIAL PUBLICATION.—Not later than 180
12 days after the date of enactment of this Act, the Di-
13 rector shall publish the list established and main-
14 tained under subsection (a)(1).

15 (2) UPDATES.—Not later than one year after
16 publishing the list under paragraph (1) and not less
17 frequently than once each year thereafter, the Direc-
18 tor shall publish the list more recently updated
19 under subsection (c).

20 (3) JUSTIFICATIONS.—Each publication under
21 this subsection shall include a justification for the
22 inclusion of items on the list, including specific per-
23 formance and technical figures of merit.

24 (e) EXCELLENCE IN CRITICAL TECHNOLOGIES PRO-
25 GRAM.—The Director shall implement this section in con-

1 junction with the Excellence in Critical Technologies Pro-
2 gram established by section 103.

3 **SEC. 105. DEPARTMENT OF STATE OFFICE OF INTER-**
4 **NATIONAL STRATEGIC SCIENTIFIC INNOVA-**
5 **TION.**

6 (a) IN GENERAL.—There shall be established in the
7 Office of the Secretary of State, the Office of International
8 Strategic Scientific Innovation (referred to in this section
9 as the “Office”). The head of the Office shall be appointed
10 by the President, with the advice and consent of the Sen-
11 ate, shall be referred to as the Ambassador at Large for
12 International Strategic Scientific Innovation, and shall re-
13 port directly to the Secretary of State.

14 (b) DUTIES.—The Office shall—

15 (1) develop and communicate United States posi-
16 tions regarding scientific innovation policies and
17 the exchange of scientific information;

18 (2) coordinate with allies and partner govern-
19 ments to ensure that the United States works coop-
20 eratively with nations in the Group of Seven and the
21 Organization for Economic Co-operation and Devel-
22 opment to leverage our combined technical expertise
23 to lead in scientific innovation in the 21st century;

24 (3) encourage partner countries—

1 (A) to increase their national research and
2 development budgets;

3 (B) to target specific critical technology
4 sectors for such increased budgets; and

5 (C) to provide research and development
6 tax incentives for technology firms to form
7 international collaborative partnerships;

8 (4) coordinate efforts among relevant Federal
9 agencies to build and enhance partnerships with
10 countries to develop digital infrastructure;

11 (5) lead the efforts of the Department of State,
12 including through the Under Secretary for Manage-
13 ment, to increase opportunities to bring specialists
14 in innovation and critical technologies into the De-
15 partment of State, including for fellowships and any
16 other program identified by the Office;

17 (6) engage with allies and partners with respect
18 to best practices for investing in entities that pro-
19 mote a free, stable, open, and secure digital domain;

20 (7) foster increased engagement between United
21 States private sector entities working on critical
22 technologies with private entities or academic insti-
23 tutions located in like-minded nations; and

24 (8) coordinate with the United States Inter-
25 national Development Finance Corporation, the

1 United States Agency for International Develop-
2 ment, the Export-Import Bank of the United States,
3 and other Federal departments and agencies to en-
4 courage American startups in artificial intelligence
5 and data science, genomics and synthetic biology,
6 quantum information systems, clean energy, and
7 other frontier technologies to invest in, export to,
8 and form research and development partnerships
9 with reputable firms in critical technology eco-
10 systems.

11 (c) QUALIFICATIONS.—The Ambassador at Large for
12 International Strategic Scientific Innovation shall have
13 demonstrated expertise in—

- 14 (1) critical technologies;
- 15 (2) scientific innovation and development policy;
- 16 (3) international relations and diplomacy; and
- 17 (4) the intersection of innovation and workforce
18 and skills development.

19 (d) COORDINATION REPORTING REQUIREMENT.—
20 Not later than 90 days after the date of enactment of this
21 Act, the Ambassador at Large for International Strategic
22 Scientific Innovation shall submit a strategy to the Com-
23 mittee on Foreign Relations of the Senate and the Com-
24 mittee on Foreign Affairs of the House of Representative

1 for creating mechanisms whereby the United States and
2 like-minded countries can coordinate—

3 (1) to ensure an open flow of ideas related to
4 innovation and technology; and

5 (2) to protect the benefits of promoting innova-
6 tion.

7 **SEC. 106. REPORT ON DEVELOPMENT AND UTILIZATION OF**
8 **DUAL-USE TECHNOLOGIES BY THE GOVERN-**
9 **MENT OF CHINA.**

10 Not later than 90 days after the date of enactment
11 of this Act, the Secretary of State, in coordination with
12 the Secretary of Defense, Secretary of Commerce, Sec-
13 retary of Energy, and Secretary of the Treasury, shall
14 submit a report to the appropriate congressional commit-
15 tees that—

16 (1) assesses the Government of China’s develop-
17 ment and utilization of dual-use technologies (includ-
18 ing robotics, artificial intelligence and autonomous
19 systems, facial recognition systems, quantum com-
20 puting, cryptography, space systems and satellites,
21 5G telecommunications, and other digitally enabled
22 technologies and services) and the effects of such
23 technologies on the United States and allied national
24 security interests;

1 (2) assesses the Government of China’s use of
2 global supply chains and other international mecha-
3 nisms to access foreign technology sources to aid in
4 the development of its domestic dual-use tech-
5 nologies, including—

6 (A) the use of United States-sourced soft-
7 ware and hardware in Chinese manufactured
8 technologies;

9 (B) the use of European-sourced software
10 and hardware in Chinese manufactured tech-
11 nologies; and

12 (C) the use of the Belt and Road Initiative
13 to secure resources, knowledge, and other com-
14 ponents needed to develop critical dual-use tech-
15 nologies;

16 (3) assesses the Government of China’s indus-
17 trial policy and monetary investments, including
18 their effect on the development of Chinese-made
19 dual use technologies;

20 (4) assesses the Government of China’s
21 cyberespionage and the extent to which such actions
22 have aided in China’s development of dual-use tech-
23 nologies;

24 (5) describes the policies the United States
25 Government is adopting to protect the interests of

1 the United States with respect to dual-use tech-
2 nologies; and

3 (6) recommends additional actions the United
4 States Government should take to enhance the pro-
5 tection of the interests described in this section.

6 **SEC. 107. REPORT ON ANTICOMPETITIVE BEHAVIOR BY**
7 **THE GOVERNMENT OF CHINA.**

8 (a) IN GENERAL.—Not later than one year after the
9 date of enactment of this Act, and annually thereafter,
10 the Secretary of Commerce, in consultation with the
11 United States Trade Representative, shall submit to the
12 Committee on Finance and the Committee on Foreign Re-
13 lations of the Senate and the Committee on Ways and
14 Means and the Committee on Foreign Affairs of the
15 House of Representatives a report on anticompetitive be-
16 havior by the Government of China, including the Govern-
17 ment of China’s use of the Anti-Monopoly law and subse-
18 quent treatment of United States companies in the Peo-
19 ple’s Republic of China with respect to politically moti-
20 vated investigations, forced transfer of intellectual prop-
21 erty or proprietary information, illegal market capture, in-
22 timidation, bribery and extortion, due process, and trans-
23 parency.

24 (b) ELEMENTS.—The report required under sub-
25 section (a) shall include the following elements:

1 (1) An analysis of anticompetitive behavior per-
2 petrated by the Government of China and its state-
3 owned enterprises in specific industries, including—

4 (A) pharmaceuticals;

5 (B) financial services;

6 (C) telecommunications;

7 (D) infrastructure;

8 (E) advance manufacturing;

9 (F) transportation; and

10 (G) critical technologies.

11 (2) An assessment of the extent to which and
12 how significant bribery, corruption, and extortion
13 play into their anticompetitive behavior.

14 (3) A description of the effects of the Govern-
15 ment of China's anticompetitive behavior on United
16 States-owned businesses in the People's Republic of
17 China.

18 (4) A description of the effects of the Govern-
19 ment of China's anticompetitive behavior on United
20 States domestic industries and jobs.

1 **SEC. 108. STATEMENT OF POLICY ON COOPERATION IN**
2 **PEACEFUL EXPLORATION OF SPACE AND**
3 **STRATEGY TO DEVELOP COLLABORATIVE,**
4 **TRANSPARENT CONDUCT IN SPACE.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) the United States should seek areas of co-
8 operation in the peaceful exploration of space;

9 (2) the testing and use of anti-satellite tech-
10 nologies by the Government of China or any other
11 country—

12 (A) threatens the peaceful use of space;

13 (B) creates dangerous space debris that
14 impedes the space efforts of all countries; and

15 (C) contributes to a climate of suspicion
16 and instability with respect to space explo-
17 ration, rather than a climate of cooperation;
18 and

19 (3) it is in the interests of all countries to es-
20 tablish and adhere to norms and treaties enshrining
21 principles of free, peaceful, and collaborative conduct
22 in space.

23 (b) STATEMENT OF POLICY.—It is the policy of the
24 United States to seek cooperation in the peaceful explo-
25 ration of space with any country, including the People's
26 Republic of China, so long as such cooperation does not—

- 1 (1) impinge on critical domestic technologies;
- 2 (2) pose a risk to the security of the United
3 States;
- 4 (3) further debris-producing anti-satellite weap-
5 ons testing; and
- 6 (4) threaten human rights protections.

7 (c) STRATEGY AND ASSESSMENT.—Not later than
8 180 days after the date of enactment of this Act, the
9 President, acting through the National Space Council,
10 shall submit to Congress—

11 (1) a strategy for pursuing bilateral and multi-
12 lateral efforts to develop norms, treaties, and agree-
13 ments governing responsible, collaborative, and
14 transparent conduct in space, including—

15 (A) remote proximity operations between
16 satellites or crewed vehicles;

17 (B) reinforcing and building upon existing
18 agreements limiting the stationing of weapons
19 in outer space or on a celestial body;

20 (C) greater interoperability between space
21 systems, as appropriate, including in further-
22 ance of the United Nations “Agreement on the
23 Rescue of Astronauts, the Return of Astronauts
24 and the Return of Objects Launched into Outer

1 Space”, entered into force on December 3,
2 1968;

3 (D) the protection of heritage or historical
4 sites and artifacts;

5 (E) the registration and mitigation of
6 space debris and development of responsible
7 procedures for disposal of satellites and other
8 objects;

9 (F) clarifying and enhancing responsibility
10 for oversight and governance of commercial or
11 private space activities;

12 (G) the promotion of transparency between
13 countries with respect to space operations and
14 intentions;

15 (H) the sharing of scientific data and re-
16 search; and

17 (I) reinforcing and expanding adoption of
18 current international treaties and agreements
19 governing conduct in space;

20 (2) a strategy for maintaining and enhancing
21 efforts to return humans to the Moon and success-
22 fully carry out a crewed mission to Mars; and

23 (3) an assessment of the sufficiency of current
24 law and government structures to oversee space ac-
25 tivities and foster continuing growth of space indus-

1 try, including recommendations to achieve the same
2 and a description of any provision of law that unne-
3 cessarily impedes appropriate collaboration with for-
4 eign countries on space programs.

5 **Subtitle B—Global Infrastructure** 6 **Development**

7 **SEC. 111. APPROPRIATE CONGRESSIONAL COMMITTEES**

8 **DEFINED.**

9 In this subtitle, the term “appropriate congressional
10 committees” means—

11 (1) the Committee on Foreign Relations, the
12 Select Committee on Intelligence, the Committee on
13 Banking, Housing, and Urban Affairs, the Com-
14 mittee on Finance, the Committee on Energy and
15 Natural Resources, and the Committee on Appro-
16 priations of the Senate; and

17 (2) the Committee on Foreign Affairs, the Per-
18 manent Select Committee on Intelligence, the Com-
19 mittee on Financial Services, the Committee on
20 Ways and Means, and the Committee on Appropria-
21 tions of the House of Representatives.

1 **SEC. 112. NEGOTIATIONS TO ESTABLISH INTERNATIONAL**
2 **QUALITY INFRASTRUCTURE INVESTMENT**
3 **STANDARDS.**

4 (a) IN GENERAL.—The President, acting through the
5 Secretary of State and in coordination with the heads of
6 other relevant Federal agencies, shall build upon efforts
7 of the G20 and initiate a multi-stakeholder initiative that
8 brings together governments, the private sector, and civil
9 society to encourage the adoption of trusted standards for
10 quality global infrastructure development in an open and
11 inclusive framework, including with respect to the fol-
12 lowing issues:

13 (1) Respect for the sovereignty of countries in
14 which infrastructure investments are made.

15 (2) Anti-corruption.

16 (3) Rule of law.

17 (4) Human rights and labor rights.

18 (5) Fiscal and debt sustainability.

19 (6) Social and governance safeguards.

20 (7) Transparency.

21 (8) Environmental and energy standards, in-
22 cluding support for high-quality carbon-neutral en-
23 ergy infrastructure promoting new and renewable
24 technologies, including wind and solar and commit-
25 ments to reduce particulate pollution and greenhouse
26 gas emissions.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the United States should immediately launch
3 a series of fora around the world showcasing the commit-
4 ment of the United States and partners of the United
5 States to high-quality development cooperation, including
6 with respect to the issues as described in subsection (a).

7 (c) REPORT ON PROGRESS OF NEGOTIATIONS.—Not
8 later than one year after the date of the enactment of this
9 Act, the President shall submit to the Committee on For-
10 eign Relations of the Senate and the Committee on For-
11 eign Affairs of the House of Representatives a briefing
12 on the progress of any negotiations conducted under sub-
13 section (a).

14 **SEC. 113. GLOBAL ASSESSMENT OF INFRASTRUCTURE.**

15 (a) IN GENERAL.—Not later than one year after the
16 date of the enactment of this Act, the Secretary of State,
17 in coordination with the Administrator of the United
18 States Agency for International Development, the Sec-
19 retary of Commerce, the Board of Directors of the United
20 States International Development Finance Corporation,
21 and, as appropriate, the Director of National Intelligence,
22 shall submit to the appropriate congressional committees
23 a report that—

24 (1) assesses infrastructure around the world;

1 (2) describes interests of the United States re-
2 relating to infrastructure, disaggregated by regional
3 and functional priorities; and

4 (3) identifies—

5 (A) pending or future projects that would
6 be considered vital to those interests; and

7 (B) pending or future projects that pose
8 little or no threat to those interests.

9 (b) FORM OF REPORT.—The report required by sub-
10 section (a) shall be submitted in unclassified form but may
11 include a classified annex.

12 (c) USE OF INFORMATION BY UNITED STATES
13 INTERNATIONAL DEVELOPMENT FINANCE CORPORA-
14 TION.—The Board of Directors of the United States Inter-
15 national Development Finance Corporation shall use the
16 assessment conducted under subsection (a) to inform deci-
17 sions relating to the appropriate allocation of funds avail-
18 able to the Corporation, consistent with the authorities of
19 the Corporation under the Better Utilization of Invest-
20 ments Leading to Development Act of 2018 (22 U.S.C.
21 9601 et seq.).

22 **SEC. 114. INFRASTRUCTURE TRANSACTION AND ASSIST-**
23 **ANCE NETWORK.**

24 The Secretary of State shall establish a program, to
25 be known as the “Infrastructure Transaction and Assist-

1 ance Network”, under which the Secretary, in coordina-
 2 tion with the Global Infrastructure Coordinating Com-
 3 mittee, shall advance the development of quality infra-
 4 structure, as described in section 113, around the world
 5 by—

6 (1) strengthening capacity-building programs to
 7 improve project evaluation processes, regulatory and
 8 procurement environments, and project preparation
 9 capacity of countries that are partners of the United
 10 States in such development;

11 (2) providing transaction advisory services to
 12 support sustainable infrastructure; and

13 (3) coordinating the provision of United States
 14 assistance for the development of infrastructure and
 15 catalyzing investment led by the private sector.

16 **SEC. 115. PROVISION OF ASSISTANCE BY COMMITTEE ON**
 17 **FOREIGN INVESTMENT IN THE UNITED**
 18 **STATES TO ALLIES AND PARTNERS WITH RE-**
 19 **SPECT TO REVIEWING FOREIGN INVEST-**
 20 **MENT.**

21 Section 721(c)(3) of the Defense Production Act of
 22 1950 (50 U.S.C. 4565(c)(3)) is amended—

23 (1) by striking subparagraph (A) and inserting
 24 the following:

1 “(A) IN GENERAL.—The chairperson, in
2 the discretion of the chairperson and in con-
3 sultation with other members of the Committee,
4 shall, to protect the national security of the
5 United States and countries that are allies or
6 partners of the United States, establish a for-
7 mal process for—

8 “(i) the exchange of information
9 under paragraph (2)(C) with the govern-
10 ments of such countries; and

11 “(ii) the provision of assistance to
12 those countries with respect to—

13 “(I) reviewing foreign investment
14 transactions in such countries;

15 “(II) determining the beneficial
16 ownership of parties to such trans-
17 actions; and

18 “(III) identifying trends in in-
19 vestment and technology that could
20 pose risks to the national security of
21 the United States and such coun-
22 tries.”; and

23 (2) in subparagraph (B)—

24 (A) in clause (ii), by striking “; and” and
25 inserting a semicolon;

1 (B) by redesignating clause (iii) as clause
2 (iv); and

3 (C) by inserting after clause (ii) the fol-
4 lowing:

5 “(iii) provide for the provision of as-
6 sistance to support such countries to re-
7 view foreign investment transactions in
8 such countries and determine the beneficial
9 ownership of the parties to such trans-
10 actions; and”.

11 **SEC. 116. STRATEGY FOR ADVANCED AND RELIABLE EN-
12 ERGY INFRASTRUCTURE.**

13 (a) STRATEGY FOR DEVELOPING COUNTRIES.—The
14 President shall direct a whole-of-government effort,
15 through the National Security Council, to establish a com-
16 prehensive, integrated, multiyear strategy, in consultation
17 with the United States private sector—

18 (1) to strengthen energy security;

19 (2) to increase clean energy and trade;

20 (3) to reduce greenhouse gas emissions and
21 congestion from transportation sectors; and

22 (4) to expand energy access in developing coun-
23 tries that are critical to United States interests
24 around the world.

1 (b) STRATEGY TO INCREASE UNITED STATES CLEAN
2 ENERGY EXPORTS.—Not later than 180 days after the
3 date of the enactment of this Act, and annually thereafter
4 for the next 5 years, the Secretary of State, in consulta-
5 tion with the Secretary of Energy, shall establish a United
6 States Government strategy to increase United States ex-
7 ports of clean energy technology to assist foreign countries
8 in—

- 9 (1) strengthening their energy security;
- 10 (2) creating open, efficient, rule-based, and
11 transparent energy markets;
- 12 (3) improving free, fair, and reciprocal energy
13 trading relationships; and
- 14 (4) expanding access to affordable, reliable,
15 clean energy and low carbon transportation.

16 (c) ADVANCED AND RELIABLE ENERGY PARTNER-
17 SHIPS.—It is the sense of Congress that—

- 18 (1) the United States should establish bilateral,
19 multilateral, and regional initiatives to increase en-
20 ergy security in Latin America, Africa, the Middle
21 East, North Africa, and the Indo-Pacific region;
- 22 (2) the United States should explore opportuni-
23 ties to partner with the private sector and multilat-
24 eral institutions, such as the World Bank, to pro-
25 mote universal access to reliable clean energy and

1 less carbon intensive transportation in developing
2 countries;

3 (3) the United States should establish a part-
4 nership between the Department of Energy national
5 laboratories and the governments of appropriate
6 countries to provide technical assistance with respect
7 to electrical grid development and the development
8 and deployment of new and advanced clean energy
9 technologies including low- and zero-emission vehi-
10 cles; and

11 (4) the United States should seek to encourage
12 and support the export of United States-based ef-
13 forts for the development and deployment of new
14 and advanced clean energy technology, including
15 low- and zero-emissions vehicles, as a central ele-
16 ment of the development strategy of the United
17 States.

18 **SEC. 117. ENSURING GREATER TRANSPARENCY OF FINANC-**
19 **ING PROVIDED BY THE PEOPLE'S REPUBLIC**
20 **OF CHINA.**

21 (a) UNITED STATES POLICY AT INTERNATIONAL FI-
22 NANCIAL INSTITUTIONS.—The Secretary of the Treasury
23 shall instruct the United States Executive Director of each
24 international financial institution (as defined in section
25 1701(c)(2) of the International Financial Institutions Act

1 (22 U.S.C. 262r(c)(2)) that it is the policy of the United
2 States to use the voice and vote of the United States at
3 that institution to seek to secure greater transparency
4 with respect to the terms and conditions of financing pro-
5 vided by the Government of China to any country that
6 is a member of the institution and receives financing from
7 the institution, consistent with the rules and principles of
8 the Paris Club.

9 (b) REPORT REQUIRED.—The Chairman of the Na-
10 tional Advisory Council on International Monetary and Fi-
11 nancial Policies shall include in the annual report required
12 by section 1701 of the International Financial Institutions
13 Act (22 U.S.C. 262r)—

14 (1) a description of progress made toward ad-
15 vancing the policy described in subsection (a); and

16 (2) a discussion of financing provided by enti-
17 ties owned or controlled by the Government of China
18 to countries described in subsection (a), including
19 any efforts or recommendations by the Chairman to
20 seek greater transparency with respect to such fi-
21 nancing.

22 (c) TERMINATION.—The requirements of subsections
23 (a) and (b) shall terminate on the earlier of—

24 (1) the date that is 7 years after the date of the
25 enactment of this Act; or

1 (2) the date that is 30 days after the date on
2 which the Secretary submits to the Committee on
3 Financial Services of the House of Representatives
4 and the Committee on Foreign Relations of the Sen-
5 ate a report stating that the Government of China
6 is in substantial compliance with the rules and prin-
7 ciples of the Paris Club.

8 **SEC. 118. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—There are authorized to be appro-
10 priated such sums as may be necessary—

11 (1) to carry out the activities required under
12 this subtitle; and

13 (2) to co-finance infrastructure projects that
14 could otherwise be included in the Belt and Road
15 Initiative of the Government of China, if—

16 (A) the United States can leverage existing
17 and future projects that have entered into con-
18 tracts with the Belt and Road Initiative to fur-
19 ther promote transparency and debt sustain-
20 ability; and

21 (B) the projects promote the public good.

22 (b) LEVERAGING OF PRIVATE SECTOR FINANCING.—
23 The United States shall work with countries that are allies
24 and partners of the United States to leverage financing

1 from the private sector for projects described in subsection
 2 (a)(2).

3 **Subtitle C—Digital**

4 **SEC. 121. APPROPRIATE CONGRESSIONAL COMMITTEES** 5 **DEFINED.**

6 In this subtitle, the term “appropriate congressional
 7 committees” means—

8 (1) the Committee on Foreign Relations, the
 9 Select Committee on Intelligence, the Committee on
 10 Banking, Housing, and Urban Affairs, the Com-
 11 mittee on Finance, and the Committee on Appro-
 12 priations of the Senate; and

13 (2) the Committee on Foreign Affairs, the Per-
 14 manent Select Committee on Intelligence, the Com-
 15 mittee on Financial Services, the Committee on
 16 Ways and Means, and the Committee on Appropria-
 17 tions of the House of Representatives.

18 **SEC. 122. SENSE OF CONGRESS ON DIGITAL TECHNOLOGY** 19 **ISSUES.**

20 (a) **STATEMENT OF POLICY ON LEADERSHIP IN**
 21 **INTERNATIONAL STANDARDS SETTING.**—It is the sense of
 22 Congress that the United States must reassert its leader-
 23 ship in the international standard-setting bodies that set
 24 the governance norms and rules for critical and digitally
 25 enabled technologies in order to ensure that these tech-

1 nologies operate within a free, secure, interoperable, and
2 stable digital domain.

3 (b) NEGOTIATIONS FOR DIGITAL TRADE AGREE-
4 MENT.—It is the sense of Congress that the United States
5 Trade Representative should negotiate bilateral and multi-
6 lateral agreements relating to digital goods with the Euro-
7 pean Union, Japan, Taiwan, and the member countries
8 of the Five Eyes intelligence-sharing alliance.

9 (c) FREEDOM OF INFORMATION IN THE DIGITAL
10 AGE.—It is the sense of Congress that the United States
11 should lead a global effort to ensure that freedom of infor-
12 mation, including the ability to safely consume or publish
13 information without fear of undue reprisals, is maintained
14 as the digital domain becomes an increasingly integral
15 mechanism for communication.

16 (d) EFFORTS TO ENSURE TECHNOLOGICAL DEVEL-
17 OPMENT DOES NOT THREATEN DEMOCRATIC GOVERN-
18 ANCE OR HUMAN RIGHTS.—It is the sense of Congress
19 that the United States should convene a global effort to
20 develop and adopt a set of common principles and stand-
21 ards for critical technologies to ensure that the develop-
22 ment of new technologies cannot be abused by malign ac-
23 tors, whether they are governments or other entities, and
24 does not threaten democratic governance or human rights.

1 (e) FORMATION OF TECHNOLOGY TRADE ALLI-
2 ANCE.—It is the sense of Congress that the United States
3 should examine opportunities for diplomatic negotiations
4 regarding the formation of mutually beneficial alliances re-
5 lating to digitally enabled technologies and services.

6 **SEC. 123. SENSE OF CONGRESS ON COUNTERING THE GOV-
7 ERNMENT OF CHINA’S EFFORTS TO EXPORT
8 ITS SYSTEM OF DIGITAL AUTHORITARIANISM
9 AND OTHER FORMS OF MALIGN INFLUENCE.**

10 It is the sense of Congress that the United States,
11 along with allies and partners, should lead an inter-
12 national effort that utilizes all of the economic and diplo-
13 matic tools at its disposal to combat the expanding use
14 of information and communications technology products
15 and services to surveil, repress, and manipulate popu-
16 lations (also known as “digital authoritarianism”).

17 **SEC. 124. 5G POLICY COORDINATOR.**

18 (a) ESTABLISHMENT.—There is established within
19 the Executive Office of the President the position of 5G
20 Policy Coordinator.

21 (b) PURPOSE.—The 5G Policy Coordinator shall
22 oversee the coordination of United States Government ef-
23 forts to ensure the development of a safe, secure, open,
24 stable, and interoperable 5G environment globally.

1 (c) QUALIFICATIONS.—An individual appointed as
2 5G Policy Coordinator shall have demonstrated com-
3 petency in the following fields:

4 (1) Telecommunications and other relevant
5 technological fields.

6 (2) Cybersecurity.

7 (3) International diplomacy.

8 (d) DUTIES.—The duties of the 5G Policy Coordi-
9 nator shall include developing and leading, in coordination
10 with the Secretary of State and the Secretary of Com-
11 merce, a strategy for engagement with like-minded allies
12 and partners on—

13 (1) securing a 5G environment that is free, sta-
14 ble, open, secure, and interoperable;

15 (2) opportunities for mutually beneficial en-
16 gagement on 5G issues;

17 (3) efforts at countering the spread of the use
18 of information and communications technology prod-
19 ucts and services to surveil, repress, and manipulate
20 populations (also known as “digital authoritarian-
21 ism”); and

22 (4) promoting governance norms within inter-
23 national standard-setting bodies that align with val-
24 ues of the United States and like-minded allies and
25 partners for a free and open internet.

1 (e) PLACEMENT AND REPORTING.—The 5G Policy
2 Coordinator shall report directly to the National Security
3 Advisor to the President of the United States.

4 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed to affect the authority or jurisdic-
6 tion of the Federal Communications Commission or confer
7 upon the President, the 5G Policy Coordinator, or any
8 other executive branch agency the power to direct the ac-
9 tions of the Commission, whether directly or indirectly.

10 **SEC. 125. DIGITAL CONNECTIVITY AND CYBERSECURITY**
11 **PARTNERSHIP.**

12 (a) DIGITAL CONNECTIVITY AND CYBERSECURITY
13 PARTNERSHIP.—Not later than 180 days after the date
14 of the enactment of this Act, the Secretary of State shall,
15 in coordination with the Secretary of the Treasury, the
16 Secretary of Commerce, and the Secretary of Energy, sub-
17 mit to Congress a whole-of-government strategy (to be
18 known as the “Digital Connectivity and Cybersecurity
19 Partnership”) and implementation plan to leverage United
20 States expertise to help governments of foreign coun-
21 tries—

22 (1) develop and secure digital infrastructure in
23 those countries;

24 (2) protect technological assets, including data;
25 and

1 (3) advance cybersecurity and interoperability
2 to protect against cybercrime and cyberespionage.

3 (b) CHALLENGES.—The strategy required by sub-
4 section (a) shall address—

5 (1) developing interoperable frameworks that
6 allow for the free flow of data and information, with-
7 out unnecessarily restrictive requirements for data
8 localization and cross-border data flow, and that re-
9 spect individual liberties, privacy, and human rights;

10 (2) ensuring that the products and services nec-
11 essary for the functioning of the digital economy are
12 not subject to the control of an authoritarian gov-
13 ernment;

14 (3) establishing standards to ensure equipment
15 and software companies have transparent corporate
16 ownership and are financed transparently for the
17 purposes of procurement, investment, and con-
18 tracting;

19 (4) improving cybersecurity capabilities to miti-
20 gate vulnerabilities in a more complex and dynamic
21 threat environment; and

22 (5) developing best practices for financing and
23 deploying telecommunications networks to ensure
24 long-term solvency of market players.

1 (c) CONSULTATION.—In developing the strategy re-
2 quired by subsection (a), the Secretary of State shall con-
3 sult with—

4 (1) leaders of the United States industry;

5 (2) other relevant technology experts;

6 (3) representatives from relevant United States
7 Government agencies; and

8 (4) representatives from like-minded allies and
9 partners.

10 (d) DIGITAL CONNECTIVITY AND CYBERSECURITY
11 PARTNERSHIP FUND.—

12 (1) PROGRAM FOR FUND REQUIRED.—The Sec-
13 retary of State shall carry out a program, to be
14 known as the “Digital Connectivity and Cybersecu-
15 rity Partnership Fund”, under which the Secretary
16 awards grants to entities to carry out digital infra-
17 structure projects in foreign countries designed to
18 achieve the goals described in subsection (a).

19 (2) SELECTION OF GRANTEES.—The Secretary
20 shall award grants under the program required by
21 this subsection to the entities that submit proposals
22 to the Secretary for digital infrastructure projects
23 that the Secretary determines—

24 (A) meet the requirements established pur-
25 suant to paragraph (3)(D); and

1 (B) will have the greatest impact in meet-
2 ing such requirements for the least cost.

3 (3) PROGRAM ADMINISTRATION.—In carrying
4 out the program required by this subsection, the
5 Secretary shall develop—

6 (A) the policy goals of projects for which
7 grants will be awarded under the program;

8 (B) procedures for selecting such projects
9 and distributing such grants;

10 (C) a method of maximizing the number of
11 entities competing for such grants; and

12 (D) requirements for proposals for such
13 projects, including—

14 (i) minimum technical and financial
15 requirements; and

16 (ii) regulatory requirements.

17 (e) SEMIANNUAL BRIEFING REQUIREMENT.—Not
18 later than 180 days after the date of the enactment of
19 this Act, and every 180 days thereafter, the Secretary of
20 State shall provide to the Committee on Foreign Relations
21 of the Senate and the Committee on Foreign Affairs of
22 the House of Representatives a briefing on the implemen-
23 tation of the strategy required by subsection (a).

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated such sums as may be nec-
3 essary to carry out this section.

4 **SEC. 126. MULTILATERAL TELECOMMUNICATIONS SECU-**
5 **RITY FUND.**

6 (a) ESTABLISHMENT OF FUND.—

7 (1) IN GENERAL.—There is established in the
8 Treasury of the United States a trust fund to be
9 known as the “Multilateral Telecommunications Se-
10 curity Fund”.

11 (2) USE OF FUND.—Amounts deposited in the
12 Multilateral Telecommunications Security Fund
13 shall be available to the Secretary of State to make
14 expenditures under this subsection in such amounts
15 as the Secretary determines appropriate.

16 (3) AVAILABILITY.—

17 (A) IN GENERAL.—Amounts deposited in
18 the Multilateral Telecommunications Security
19 Fund—

20 (i) shall remain available through the
21 end of the tenth fiscal year beginning after
22 the date of the enactment of this Act; and

23 (ii) may only be allocated upon the
24 Secretary of State reaching an agreement
25 with foreign government partners to par-

1 participate in the common funding mechanism
2 described in subsection (b).

3 (B) REMAINDER TO TREASURY.—Any
4 amounts remaining in the Multilateral Tele-
5 communications Security Fund after the end of
6 the tenth fiscal year beginning after the date of
7 enactment of this Act shall be deposited in the
8 general fund of the Treasury.

9 (b) ADMINISTRATION OF FUND.—The Secretary of
10 State, in consultation with the National Telecommuni-
11 cations and Information Administration Administrator,
12 the Secretary of Homeland Security, the Secretary of the
13 Treasury, and the Director of National Intelligence, shall
14 establish a common funding mechanism, in coordination
15 with foreign partners, that uses amounts from the Multi-
16 lateral Telecommunications Security Fund to support the
17 development and adoption of secure and trusted tele-
18 communications technologies.

19 (c) ANNUAL REPORT TO CONGRESS.—Not later than
20 one year after the date of the enactment of this Act, and
21 annually thereafter for each fiscal year during which
22 amounts in the Multilateral Telecommunications Security
23 Fund are available, the Secretary of State shall submit
24 to the appropriate congressional committees a report on

1 the status and progress of the funding mechanism estab-
2 lished under subsection (b), including—

3 (1) any funding commitments from foreign
4 partners, including each specific amount committed;

5 (2) governing criteria for use of the Multilateral
6 Telecommunications Security Fund;

7 (3) an account of—

8 (A) how funds have been deployed, includ-
9 ing to whom they have been provided;

10 (B) amounts remaining in the Multilateral
11 Telecommunications Security Fund; and

12 (C) the progress of the Secretary in meet-
13 ing the objective described in subsection (b);
14 and

15 (4) additional authorities needed to enhance the
16 effectiveness of the Multilateral Telecommunications
17 Security Fund in achieving the security goals of the
18 United States.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section
21 \$500,000,000 for the period of fiscal years 2021 through
22 2026.

1 **SEC. 127. REPORT ON THREATS TO THE UNITED STATES**
2 **SEMICONDUCTOR INDUSTRY.**

3 Not later than 90 days after the date of the enact-
4 ment of this Act, the Secretary of Commerce shall submit
5 to the appropriate congressional committees a report re-
6 garding—

7 (1) the strengths and vulnerabilities of the
8 semiconductor industry in the United States; and

9 (2) the threat that the proposed “Made in
10 China 2025” initiative of the Government of China
11 poses to the global market share of the United
12 States with respect to the industry described in
13 paragraph (1).

14 **Subtitle D—Manufacturing, Re-**
15 **search, and Development Com-**
16 **petitiveness**

17 **SEC. 130. DEFINITIONS.**

18 In this subtitle:

19 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
20 **TEES.**—The term “appropriate congressional com-
21 mittees” means—

22 (A) the Committee on Commerce, Science,
23 and Transportation, the Committee on Armed
24 Services, the Committee on Health, Education,
25 Labor, and Pensions, the Committee on For-
26 eign Relations, the Committee on Banking,

1 Housing, and Urban Affairs, the Committee on
2 Energy and Natural Resources, and the Com-
3 mittee on Appropriations of the Senate; and

4 (B) the Committee on Energy and Com-
5 merce, the Committee on Transportation and
6 Infrastructure, the Committee on Armed Serv-
7 ices, the Committee on Science, Space, and
8 Technology, the Committee on Foreign Affairs,
9 the Committee on Financial Services, and the
10 Committee on Appropriations of the House of
11 Representatives.

12 (2) SOCIALLY AND ECONOMICALLY DISADVAN-
13 TAGED INDIVIDUAL.—The term “socially and eco-
14 nomically disadvantaged individual” means any so-
15 cially and economically disadvantaged individual de-
16 scribed in the flush text following section 8(d)(3)(C)
17 of the Small Business Act (15 U.S.C. 637(d)(3)(C))
18 and in any relevant subcontracting regulation issued
19 under such section 8(d).

20 **PART I—MANUFACTURING, RESEARCH, AND**
21 **TECHNOLOGY DEVELOPMENT**

22 **SEC. 131. MANUFACTURING USA PROGRAM.**

23 (a) FINDINGS.—Congress makes the following find-
24 ings:

1 (1) The Manufacturing USA Program is cen-
2 tral to maintaining the global leadership of the
3 United States in critical technologies.

4 (2) When the Manufacturing USA Program
5 was launched, it was envisioned that the program
6 would build a national network of 45 institutes.

7 (3) As of the date of the enactment of this Act,
8 15 Manufacturing USA institutes have been estab-
9 lished with support of the Federal Government to
10 advance new technologies and processes to strength-
11 en the manufacturing competitiveness of the United
12 States.

13 (4) The success of the Manufacturing USA
14 Program is underscored by the Government of China
15 copying the technology foci of the first 14 Manufac-
16 turing USA institutes in the creation of their own
17 manufacturing innovation centers as part of their
18 Made in China 2025 effort to become a world leader
19 in advanced manufacturing and critical technology
20 areas.

21 (5) The Government of China is doubling down
22 in its effort to build a network of manufacturing in-
23 novation centers, with plans to establish 40 such
24 centers by 2025 to leapfrog the efforts of the United

1 States to maintain global leadership in critical tech-
2 nologies.

3 (6) The Manufacturing USA Program has
4 broad bipartisan support, having recently been reau-
5 thorized by section 1741 of the National Defense
6 Authorization Act for Fiscal Year 2020 (Public Law
7 116–92) and expanded by such section to allow for
8 the renewal of existing Manufacturing USA insti-
9 tutes to establish longer term Federal commitment
10 based on the performance of each Manufacturing
11 USA institute.

12 (7) Fulfilling the original goal of establishing
13 45 Manufacturing USA institutes by 2025 is critical
14 to preventing Chinese dominance in critical tech-
15 nologies and ensuring the security and global leader-
16 ship in advanced manufacturing of the United
17 States.

18 (b) DEFINITIONS.—In this section:

19 (1) ALLIANCE MANUFACTURING USA INSTI-
20 TUTE.—The term “alliance Manufacturing USA in-
21 stitute” means a Manufacturing USA institute de-
22 scribed in paragraph (3) of section 34(d) of the Na-
23 tional Institute of Standards and Technology Act
24 (15 U.S.C. 278s(d)).

1 (2) MANUFACTURING USA INSTITUTE.—The
2 term “Manufacturing USA institute” means an in-
3 stitute described in section 34(d) of the National In-
4 stitute of Standards and Technology Act (15 U.S.C.
5 278s(d)).

6 (3) MANUFACTURING USA NETWORK.—The
7 term “Manufacturing USA Network” means the
8 network established under section 34(e) of the Na-
9 tional Institute of Standards and Technology Act
10 (15 U.S.C. 278s(e)).

11 (4) MANUFACTURING USA PROGRAM.—The
12 term “Manufacturing USA Program” means the
13 program established under section 34(b)(1) of the
14 National Institute of Standards and Technology Act
15 (15 U.S.C. 278s(b)(1)).

16 (5) MINORITY-SERVING INSTITUTION.—The
17 term “minority-serving institution” means an eligi-
18 ble institution described in section 371(a) of the
19 Higher Education Act of 1965 (20 U.S.C.
20 1067q(a)).

21 (6) NATIONAL PROGRAM OFFICE.—The term
22 “National Program Office” means the National Pro-
23 gram Office established under section 34(h)(1) of
24 the National Institute of Standards and Technology
25 Act (15 U.S.C. 278s(h)(1)).

1 (7) TRADITIONAL MANUFACTURING USA INSTI-
2 TUTE.—The term “traditional Manufacturing USA
3 institute” means a Manufacturing USA institute
4 that is not an alliance Manufacturing USA institute.

5 (c) AUTHORIZATION OF APPROPRIATIONS FOR EX-
6 PANSION OF MANUFACTURING USA PROGRAM.—

7 (1) IN GENERAL.—There is authorized to be
8 appropriated \$2,400,000,000 for the period of fiscal
9 years 2021 through 2025 for the Director of the Na-
10 tional Institute of Standards and Technology to
11 carry out the Manufacturing USA Program and to
12 expand such program to include at least 45 Manu-
13 facturing USA institutes.

14 (2) TRADITIONAL MANUFACTURING USA INSTI-
15 TUTES.—

16 (A) IN GENERAL.—Of the amounts appro-
17 priated pursuant to the authorization of appro-
18 priations in paragraph (1), \$1,500,000,000
19 shall be available for the period described in
20 such paragraph to support the establishment of
21 at least 3 traditional Manufacturing USA insti-
22 tutes each year during that period.

23 (B) FINANCIAL ASSISTANCE.—The Direc-
24 tor shall support the establishment of tradi-
25 tional Manufacturing USA institutes under sub-

1 paragraph (A) through the award of financial
2 assistance under section 34(e) of the National
3 Institute of Standards and Technology Act (15
4 U.S.C. 278s(e)).

5 (3) ALLIANCE MANUFACTURING USA INSTI-
6 TUTES.—Of the amounts appropriated pursuant to
7 the authorization of appropriations in paragraph (1),
8 \$375,000,000 shall be available for the period de-
9 scribed in such paragraph to establish not fewer
10 than 3 alliance Manufacturing USA institutes each
11 year during that covered period as designated by the
12 Director of the National Institute of Standards and
13 Technology for a Federal commitment of at least 5
14 years.

15 (4) COMMERCIALIZATION, WORKFORCE TRAIN-
16 ING, AND SUPPLY CHAIN INVESTMENT.—Of the
17 amounts appropriated pursuant to the authorization
18 of appropriations in paragraph (1), \$100,000,000
19 shall be available for the period described in such
20 paragraph to support such programming for com-
21 mercialization, workforce training, and supply chain
22 activities across the Manufacturing USA Network as
23 the Director considers appropriate.

24 (5) ONGOING SUPPORT FOR EXISTING MANU-
25 FACTURING USA INSTITUTES.—Of the amounts ap-

1 appropriated pursuant to the authorization of appro-
2 priations in paragraph (1), \$375,000,000 shall be
3 available for the period described in such paragraph
4 to support Manufacturing USA institutes that were
5 in effect on the day before the date of the enactment
6 of this Act, and \$5,000,000 shall be available to
7 each such Manufacturing USA institute each year
8 for such period for ongoing operation of the insti-
9 tutes, including operational overhead, workforce
10 training, and supply chain activities.

11 (6) MANAGEMENT OF INTERAGENCY SOLICITA-
12 TIONS AND ONGOING MANAGEMENT.—Of the
13 amounts appropriated pursuant to the authorization
14 of appropriations in paragraph (1), \$10,000,000
15 shall be available annually for the period described
16 in such paragraph for the National Program Office
17 to coordinate the activities of the Manufacturing
18 USA Network and manage interagency solicitations.

19 (d) COORDINATION BETWEEN MANUFACTURING
20 USA PROGRAM AND HOLLINGS MANUFACTURING EXTEN-
21 SION PARTNERSHIP.—The Secretary of Commerce shall
22 coordinate the activities of the Manufacturing USA Pro-
23 gram and the activities of Hollings Manufacturing Exten-
24 sion Partnership with each other to the degree that doing
25 so does not diminish the effectiveness of the ongoing ac-

1 tivities of a Manufacturing USA institute or a Center (as
2 the term is defined in section 25(a) of the National Insti-
3 tute of Standards and Technology Act (15 U.S.C.
4 278k(a)), including Manufacturing USA institutes con-
5 tracting with a Center (as so defined) to provide services
6 relating to the mission of the Hollings Manufacturing Ex-
7 tension Partnership, including outreach, technical assist-
8 ance, workforce development, and technology transfer and
9 adoption assistance to small and medium-sized manufac-
10 turers.

11 (e) WORKER ADVISORY COUNCIL IN MANUFAC-
12 TURING USA PROGRAM.—

13 (1) ESTABLISHMENT.—

14 (A) IN GENERAL.—The Secretary of Com-
15 merce shall, in coordination with the Secretary
16 of Labor, the Secretary of Defense, the Sec-
17 retary of Energy, and the Secretary of Edu-
18 cation, establish an advisory council for the
19 Manufacturing USA Program on the develop-
20 ment and dissemination of techniques, policies,
21 and investments for high-road labor practices,
22 worker adaptation and success with techno-
23 logical change, and increased worker participa-
24 tion across the Manufacturing USA Network.

1 (B) MEMBERSHIP.—The council estab-
2 lished under subparagraph (A) shall be com-
3 posed of not fewer than 15 members appointed
4 by the Secretary of Commerce, of whom—

5 (i) five shall be from labor organiza-
6 tions;

7 (ii) five shall be from educational in-
8 stitutions; and

9 (iii) five shall be from workforce de-
10 velopment and nonprofit organizations, in-
11 cluding those that focus on workforce di-
12 versity and inclusion.

13 (C) PERIOD OF APPOINTMENT; VACAN-
14 CIES.—

15 (i) IN GENERAL.—Each member of
16 the council established under subparagraph
17 (A) shall be appointed for a term of 3
18 years with the ability to renew the appoint-
19 ment for no more than 2 terms.

20 (ii) VACANCIES.—Any member ap-
21 pointed to fill a vacancy occurring before
22 the expiration of the term for which the
23 member's predecessor was appointed shall
24 be appointed only for the remainder of that
25 term. A member may serve after the expi-

1 ration of that term until a successor has
2 been appointed.

3 (D) MEETINGS.—

4 (i) INITIAL MEETING.—Not later than
5 180 days after the date of enactment of
6 this Act, the council established under sub-
7 paragraph (A) shall hold the first meeting.

8 (ii) ADDITIONAL MEETINGS.—After
9 the first meeting of the council, the council
10 shall meet upon the call of the chairperson
11 or of the Secretary, and at least once every
12 180 days thereafter.

13 (iii) QUORUM.—A majority of the
14 members of the council shall constitute a
15 quorum, but a lesser number of members
16 may hold hearings.

17 (E) CHAIRPERSON AND VICE CHAIR-
18 PERSON.—The members of the council estab-
19 lished under subparagraph (A) shall elect 1
20 member to serve as the chairperson and 1 mem-
21 ber to serve as the vice chairperson of the coun-
22 cil.

23 (2) DUTIES OF THE COUNCIL.—The council es-
24 tablished under paragraph (1)(A) shall provide ad-
25 vice and recommendations to the Secretary of Com-

1 merce on matters concerning investment in and sup-
2 port of the manufacturing workforce relating to the
3 following:

4 (A) Worker participation, including
5 through labor organizations, in the planning
6 and deployment of new technologies across an
7 industry and within workplaces.

8 (B) Policies to help workers adapt to tech-
9 nological change, including training and edu-
10 cation priorities for the Federal Government
11 and for employer investments in workers.

12 (C) Assessments of impact on workers of
13 development of new technologies and processes
14 by the Manufacturing USA institutes.

15 (D) Management practices that prioritize
16 job quality, worker protection, worker participa-
17 tion and power in decision making, and invest-
18 ment in worker career success.

19 (E) Policies and procedures to prioritize
20 diversity and inclusion in the manufacturing
21 and technology workforce by expanding access
22 to job, career advancement, and management
23 opportunities for underserved and underrep-
24 resented populations.

1 (F) Such other matters as the Secretary
2 considers appropriate.

3 (3) REPORT.—

4 (A) APPROPRIATE COMMITTEES OF CON-
5 GRESS DEFINED.—In this paragraph, the term
6 “appropriate committees of Congress” means—

7 (i) the Committee on Health, Edu-
8 cation, Labor, and Pensions, the Com-
9 mittee on Commerce, Science, and Trans-
10 portation, the Committee on Energy and
11 Natural Resources, the Committee on
12 Armed Services, and the Committee on Ap-
13 propriations of the Senate; and

14 (ii) the Committee on Education and
15 Labor, the Committee on Science, Space,
16 and Technology, the Committee on Energy
17 and Commerce, the Committee on Armed
18 Services, and the Committee on Appropria-
19 tions of the House of Representatives.

20 (B) REPORT REQUIRED.—Not later than
21 180 days after the date on which the council es-
22 tablished under paragraph (1)(A) holds its ini-
23 tial meeting under paragraph (1)(D)(i) and an-
24 nually thereafter, the council shall submit to
25 the appropriate committees of Congress a re-

1 port containing a detailed statement of the ad-
2 vice and recommendations of the council pursu-
3 ant to paragraph (2).

4 (4) COMPENSATION.—

5 (A) PROHIBITION OF COMPENSATION.—

6 Members of the Council may not receive addi-
7 tional pay, allowances, or benefits by reason of
8 their service on the Council.

9 (B) TRAVEL EXPENSES.—Each member
10 shall receive travel expenses, including per diem
11 in lieu of subsistence, in accordance with appli-
12 cable provisions under subchapter I of chapter
13 57 of title 5, United States Code.

14 (5) FACA APPLICABILITY.—

15 (A) IN GENERAL.—In discharging its du-
16 ties under this subsection, the council estab-
17 lished under paragraph (1)(A) shall function
18 solely in an advisory capacity, in accordance
19 with the Federal Advisory Committee Act (5
20 U.S.C. App.).

21 (B) EXCEPTION.—Section 14 of the Fed-
22 eral Advisory Committee Act shall not apply to
23 the Council.

24 (f) PARTICIPATION OF MINORITY-SERVING INSTITU-
25 TIONS.—The Secretary of Commerce shall coordinate with

1 existing and new Manufacturing USA institutes to inte-
2 grate minority-serving institutions as active members of
3 the Manufacturing USA institutes, including through the
4 development of preference criteria for proposals to create
5 new Manufacturing USA institutes or renew existing Man-
6 ufacturing USA institutes that include meaningful partici-
7 pation from minority-serving institutions.

8 (g) DEPARTMENT OF COMMERCE POLICIES TO PRO-
9 MOTE DOMESTIC PRODUCTION OF TECHNOLOGIES DE-
10 VELOPED UNDER MANUFACTURING USA PROGRAM.—

11 (1) DEFINITION OF DOMESTIC.—In this sub-
12 section, the term “domestic”, with respect to devel-
13 opment or production means development or produc-
14 tion by, or with respect to source means the source
15 is, a person incorporated or formed in the United
16 States—

17 (A) that is not under foreign ownership,
18 control, or influence (FOCI) as defined in sec-
19 tion 847 of the National Defense Authorization
20 Act for Fiscal Year 2020 (Public Law 116–92);

21 (B) whose beneficial owners, as defined in
22 section 847 of the National Defense Authoriza-
23 tion Act for Fiscal Year 2020 (Public Law
24 116–92), are United States persons;

1 (C) whose management are United States
2 citizens;

3 (D) whose principal place of business is in
4 the United States; and

5 (E) who is not—

6 (i) a foreign incorporated entity that
7 is an inverted domestic corporation or any
8 subsidiary of such entity; or

9 (ii) any joint venture if more than 10
10 percent of the joint venture (by vote or
11 value) is held by a foreign incorporated en-
12 tity that is an inverted domestic corpora-
13 tion or any subsidiary of such entity.

14 (2) POLICIES.—

15 (A) IN GENERAL.—The Secretary of Com-
16 merce shall establish policies to promote the do-
17 mestic production of technologies developed by
18 the Manufacturing USA Network.

19 (B) ELEMENTS.—The policies developed
20 under paragraph (2) shall include the following:

21 (i) Measures to partner domestic de-
22 velopers of goods, services, or technologies
23 by Manufacturing USA Network activities
24 with domestic manufacturers and sources
25 of financing.

1 (ii) Measures to develop and provide
2 incentives to promote transfer of intellec-
3 tual property and goods, services, or tech-
4 nologies developed by Manufacturing USA
5 Network activities to domestic manufactur-
6 ers.

7 (iii) Measures to assist with supplier
8 scouting and other supply chain develop-
9 ment, including the use of the Hollings
10 Manufacturing Extension Partnership to
11 carry out such measures.

12 (iv) A process to review and approve
13 or deny any transfer of intellectual prop-
14 erty and goods, services, or technologies
15 developed by Manufacturing USA Network
16 activities to outside of the United States,
17 especially to countries of concern, including
18 the People's Republic of China.

19 (v) Measures to prioritize Federal pro-
20 curement of goods, services, or technologies
21 developed by the Manufacturing USA Net-
22 work activities from domestic sources, as
23 appropriate.

24 (vi) Requirements that all contracts,
25 transactions, and agreements entered into

1 as part of participation in the Manufac-
2 turing USA Network shall include condi-
3 tions where developers of technologies by
4 activities conducted by the Manufacturing
5 USA network who manufacture such tech-
6 nology outside the United States agree
7 that they shall be required to refund to the
8 United States an appropriate amount of
9 funding, which shall include the amount
10 the Federal Government has contributed
11 and the present value of the future value
12 lost by the United States as a result of
13 such technology being manufactured out-
14 side the United States, under reasonable
15 conditions and procedures determined by
16 the Secretary in the interest of protecting
17 taxpayers.

18 (C) PROCESSES FOR WAIVERS.—The poli-
19 cies established under this paragraph shall in-
20 clude processes to permit waivers, on a case by
21 case basis, for policies that promote domestic
22 production based on cost, availability, severity
23 of technical and mission requirements, emer-
24 gency requirements, operational needs, other
25 legal or international treaty obligations, or

1 other factors deemed important to the success
2 of the Manufacturing USA Program.

3 (3) PROHIBITION.—

4 (A) DEFINITIONS.—In this paragraph, the
5 terms “beneficial owner”, “company”, and “for-
6 eign ownership, control, or influence” have the
7 meanings given such terms in section 847(a) of
8 the National Defense Authorization Act for Fis-
9 cal Year 2020 (Public Law 116–92).

10 (B) IN GENERAL.—A company of the Peo-
11 ple’s Republic of China may not participate in
12 the Manufacturing USA Program or the Manu-
13 facturing USA Network. Any company that en-
14 gages in joint research and development, tech-
15 nology licensing or transfer, or investment in-
16 volving technologies that result from the activi-
17 ties of the Manufacturing USA Program or the
18 Manufacturing USA Network with companies
19 in the People’s Republic of China or otherwise
20 under the foreign ownership, control or influ-
21 ence of the Government of China or whose ben-
22 efiticial owners are citizens of the People’s Re-
23 public of China may not participate in the Man-
24 ufacturing USA Program or the Manufacturing
25 USA Network.

1 **SEC. 132. INVESTING IN RESEARCH AND DEVELOPMENT OF**
2 **CRITICAL TECHNOLOGIES.**

3 (a) RESEARCH AND DEVELOPMENT.—

4 (1) AWARDS.—The Secretary of Energy shall,
5 in consultation with the Director of the National In-
6 stitute of Standards and Technology—

7 (A) make awards to conduct collaborative
8 research and development with industry, labor,
9 academic, and other partners, which may in-
10 clude collaboration with a Federal agency or a
11 Federal laboratory, in order to strengthen the
12 United States position in critical technology
13 areas, including artificial intelligence, nanotech-
14 nology, biotechnology, photonics and optics,
15 flexible hybrid technologies, microelectronics,
16 superconductors, advanced battery technologies,
17 robotics, and advanced sensors;

18 (B) make awards to institutions of higher
19 education to support research, testing, dem-
20 onstrations, and increased United States en-
21 gagement in standards development activities;
22 and

23 (C) make awards to institutions of higher
24 education, in collaboration with labor organiza-
25 tions and other relevant education and training
26 organizations, to support research and assess-

1 ments of the impacts of critical technology de-
2 velopment and deployment on jobs and skills
3 needs.

4 (2) INTERAGENCY COORDINATION.—The Sec-
5 retary may coordinate with the Secretary of Edu-
6 cation, the Secretary of Labor, and the heads of
7 such other relevant agencies in the implementation
8 of paragraph (1)(C).

9 (3) AUTHORIZATION OF APPROPRIATIONS.—

10 (A) IN GENERAL.—Subject to subpara-
11 graph (B), there is authorized to be appro-
12 priated to the Secretary of Energy
13 \$100,000,000 for the period of fiscal years
14 2021 through 2025 to carry out this subsection.

15 (B) LIMITATION.—Of the amounts appro-
16 priated pursuant to the authorization of appro-
17 priations in subparagraph (A), not more than
18 \$50,000,000 of such amounts may be used to
19 support laboratory research programs of the
20 Department of Energy aligned with the critical
21 technology areas referred to in paragraph
22 (1)(A).

23 (b) OTHER TRANSACTION AUTHORITIES FOR DIREC-
24 TOR OF THE NATIONAL INSTITUTE OF STANDARDS AND
25 TECHNOLOGY FOR CERTAIN PROGRAMS.—Paragraph (4)

1 of section 2(b) of the National Institute of Standards and
2 Technology Act (15 U.S.C. 272(b)) is amended to read
3 as follows:

4 “(4) to enter into and perform such contracts,
5 including cooperative research and development ar-
6 rangements and grants and cooperative agreements
7 or other transactions, as may be necessary in car-
8 rying out the Hollings Manufacturing Extension
9 Partnership under section 25 and the Manufacturing
10 USA Program under section 34 and on such terms
11 as the Director may deem appropriate, in further-
12 ance of the purposes of such partnership and such
13 program;”.

14 (c) SUPPORT FOR NATIONAL SCIENCE FOUNDATION
15 UNIVERSITY AND INDUSTRY RESEARCH PROGRAMS.—

16 (1) IN GENERAL.—There is authorized to be
17 appropriated to the National Science Foundation
18 \$150,000,000 for each of fiscal years 2021 through
19 2025, of which—

20 (A) \$50,000,000 shall be available each
21 year for the Industry-University Cooperative
22 Research Centers program of the Foundation;
23 and

1 (B) \$100,000,000 shall be available each
2 year for the Engineering Research Centers pro-
3 gram of the Foundation.

4 (2) MANUFACTURING ACTIVITIES.—The Direc-
5 tor of the National Science Foundation may
6 prioritize the use of amounts appropriated pursuant
7 to the authorization of appropriations under para-
8 graph (1) for awards to education, research, and
9 commercialization activities that support domestic
10 manufacturing in critical technology areas.

11 (d) INNOVATION AND TECHNOLOGY TRANSFER PRO-
12 GRAMS.—

13 (1) INNOVATION CORPS.—

14 (A) AUTHORIZATION.—There is authorized
15 to be appropriated for the Innovation Corps es-
16 tablished under section 601 of the American In-
17 novation and Competitiveness Act (42 U.S.C.
18 1862s–8), \$100,000,000 for each of fiscal years
19 2021 through 2025, of which at least 25 per-
20 cent each year shall be used for follow-on grant
21 awards under section 601(c)(3) of such Act.

22 (B) ADDITIONAL COORDINATION.—Section
23 601(c)(3) of the American Innovation and Com-
24 petitiveness Act (42 U.S.C. 1862s–8(e)(3)) is
25 amended by adding at the end the following:

1 “(C) COORDINATION.—The Director of the
2 National Science Foundation shall coordinate
3 with Federal agencies that are required to es-
4 tablish SBIR and STTR programs (as those
5 terms are defined in section 9(e) of the Small
6 Business Act (15 U.S.C. 638(e)) to facilitate
7 further relevant Federal support for I-Corps
8 participants.”.

9 (2) TRANSLATIONAL RESEARCH GRANTS.—
10 There are authorized to be appropriated to the Na-
11 tional Science Foundation \$50,000,000 for each of
12 fiscal years 2021 through 2025 for the translational
13 research grants under section 602 of the American
14 Innovation and Competitiveness Act (42 U.S.C.
15 1862s–9).

16 (e) CONSORTIUM FOR ADVANCED MANUFAC-
17 TURING.—

18 (1) ESTABLISHMENT.—The Director of the Na-
19 tional Science Foundation shall establish, oversee,
20 and support a consortium on advanced manufac-
21 turing that operates as an independent entity.

22 (2) ELEMENTS.—The consortium established,
23 overseen, and supported under paragraph (1) shall
24 be led by a nonprofit organization or an institution
25 of higher education.

1 (3) FUNCTIONS.—The functions of the consor-
2 tium established, overseen, and supported under
3 paragraph (1) are the following:

4 (A) To include all fields of advanced manu-
5 facturing, including emerging areas and areas
6 overlapping with other disciplines.

7 (B) To serve as a catalyst and enabler for,
8 and give a voice to, the national advanced man-
9 ufacturing research community in shaping the
10 future of advanced manufacturing.

11 (C) To consider issues, challenges, and op-
12 portunities facing United States advanced man-
13 ufacturing, and source perspectives on tech-
14 nology priorities, including novel and unantici-
15 pated perspectives, that can inform both the
16 broad advanced manufacturing community and
17 Federal programs and policies.

18 (D) To provide a resource for rapid re-
19 sponse expert advice to help inform cross-cut-
20 ting Federal research and development initia-
21 tives in advanced manufacturing, responses
22 might be provided within several days for sim-
23 ple informational items or within several
24 months for more complex issues.

1 (E) To serve as an intermediary for the ex-
2 ecutive and legislative branches of the Federal
3 Government in soliciting the input of the broad-
4 er manufacturing community.

5 (F) To consider innovation metrics in edu-
6 cation and research to inform initiatives that
7 will improve the national innovation ecosystem.

8 (4) REQUIREMENTS.—In carrying out para-
9 graph (3), the consortium established, overseen, and
10 supported under paragraph (1) shall—

11 (A) enable the advanced manufacturing
12 community to communicate to a broad audience
13 the myriad ways in which advances in manufac-
14 turing will create a brighter future and encour-
15 age the alignment of advanced manufacturing
16 research with pressing national priorities and
17 national challenges;

18 (B) facilitate the generation of visions for
19 advanced manufacturing research and education
20 and communicate them to a wide range of
21 stakeholders in the United States;

22 (C) provide flexible mechanisms that allow
23 single or multiple Federal agencies to sponsor
24 and participate in studies of specific agency in-
25 terest;

1 (D) respond to Federal agency requests
2 and identify key technology challenges facing
3 the private sector;

4 (E) convene experts from United States in-
5 dustry, academia, and labor to consider issues,
6 challenges, and opportunities in advanced man-
7 ufacturing;

8 (F) form focus teams to deep dive into
9 particular technology areas;

10 (G) engage experts from the private sector,
11 including industry, academia, and labor, with
12 the support of and participation from Federal
13 agency leadership; and

14 (H) provide input to the Federal Govern-
15 ment and engage with advisory committees and
16 groups consistent with law and regulations, as
17 appropriate for a body that is not chartered
18 under the Federal Advisory Committee Act (5
19 U.S.C. App.).

20 (5) INDEPENDENT OPERATIONS.—The Director
21 shall allow the consortium established, overseen, and
22 supported under paragraph (1) to operate independ-
23 ently and shall not require any advance review by
24 the Foundation of any findings, recommendations,
25 or other work products of the consortium.

1 (6) NONAPPLICABILITY OF FACA.—The Federal
2 Advisory Committee Act (5 U.S.C. App.) shall not
3 apply to the consortium established, overseen, and
4 supported under paragraph (1).

5 (7) REPORTS.—The consortium shall issue at
6 least four reports each year.

7 (8) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated to carry out
9 this subsection, \$10,000,000 for the period of fiscal
10 years 2021 through 2025.

11 **SEC. 133. FUNDING FOR QUANTUM COMPUTING AND**
12 **CONSORTIAL QUANTUM RESEARCH AND DE-**
13 **VELOPMENT.**

14 (a) FINDINGS.—Congress makes the following find-
15 ings:

16 (1) United States leadership in quantum com-
17 puting is vital for science, society, the economy, and
18 national security.

19 (2) It is in the national interest for the Federal
20 Government to foster continued growth of the
21 United States quantum computing innovation eco-
22 system.

23 (3) Federal Government investment in the ef-
24 forts of institutions of higher education and industry
25 to research, develop, demonstrate, and produce crit-

1 ical technologies and to establish successful domestic
2 companies is essential to national and economic se-
3 curity and to the global leadership of the United
4 States.

5 (b) QUANTUM USER EXPANSION FOR SCIENCE AND
6 TECHNOLOGY.—

7 (1) ESTABLISHMENT.—Not later than 90 days
8 after the date of the enactment of this Act, the Sec-
9 retary of Energy, acting through the Director of the
10 Office of Science of the Department of Energy and
11 in consultation with appropriate officials from other
12 government organizations, shall establish a competi-
13 tive, merit-based program to provide researchers ac-
14 cess to quantum computing resources via the cloud
15 so as—

16 (A) to enhance the United States quantum
17 research enterprise;

18 (B) to stimulate the United States quan-
19 tum computing industry;

20 (C) to educate the future quantum com-
21 puting workforce;

22 (D) to accelerate advancement of quantum
23 computer capabilities; and

24 (E) to develop requirements, applications,
25 and algorithms to determine and exploit the

1 utility of noisy intermediate-scale quantum
2 computers (NISQ) and state of the art quan-
3 tum computers.

4 (2) DESIGNATION.—The program established
5 under paragraph (1) shall be referred to as the
6 “Quantum User Expansion for Science and Tech-
7 nology” (in this subsection referred to as the “Pro-
8 gram”).

9 (3) ADMINISTRATION OF PROGRAM.—

10 (A) CONSULTATION.—The Secretary shall
11 administer the Program in consultation with
12 private sector stakeholders, the user commu-
13 nity, and interagency partners, including the
14 National Science Foundation, the National In-
15 stitute of Standards and Technology and the
16 Department of Defense.

17 (B) ACTIVITIES.—The Program shall in-
18 clude and focus on soliciting, considering, se-
19 lecting, and funding applications primarily from
20 United States-based researchers for access to
21 and use of cloud-based quantum computing re-
22 sources.

23 (C) APPLICATIONS.—Applications for
24 funding under subparagraph (B) shall be as-
25 sessed on the basis of the following:

- 1 (i) Scientific merit.
- 2 (ii) Societal, economic, or security im-
- 3 pact.
- 4 (iii) The need to access quantum com-
- 5 puting resources.

6 (4) REPORT.—Not later than 180 days after

7 the date of the enactment of this Act, the Secretary

8 shall submit to Congress a report on the status of

9 the Program.

10 (5) AUTHORIZATION OF APPROPRIATIONS.—

11 There is authorized to be appropriated to carry out

12 the Program \$100,000,000 in fiscal year 2021.

13 (c) QUANTUM ECONOMIC DEVELOPMENT CONSOR-

14 TIUM.—

15 (1) AUTHORIZATION OF APPROPRIATIONS.—

16 There is authorized to be appropriated to the Na-

17 tional Institute of Standards and Technology

18 \$100,000,000 for the period of fiscal years 2021

19 through 2025 for—

20 (A) the Quantum Economic Development

21 Consortium established under section 201 of

22 the National Quantum Initiative Act (15 U.S.C.

23 8831); and

24 (B) awards based on recommendations of

25 the Quantum Economic Development Consor-

1 tium that enable and grow a robust United
2 States quantum industry and supply chain to
3 maintain United States leadership in the field
4 of quantum computing.

5 (2) WAIVER.—Section 201(c) of the National
6 Quantum Initiative Act (15 U.S.C. 8831(c)) shall
7 not apply to use of amounts appropriated pursuant
8 to subparagraph (A).

9 (d) DEPARTMENT OF DEFENSE INVESTMENT IN
10 QUANTUM COMPUTING.—

11 (1) HIGH-RISK, HIGH-PAYOFF APPROACH.—The
12 Secretary of Defense shall—

13 (A) award at least 2 grants to industry-led
14 teams, which may include academic and other
15 research entities, with the goal of building fully
16 error-corrected, fault-tolerant quantum com-
17 puters before the date that is 5 years after the
18 date of the enactment of this Act;

19 (B) establish cost-sharing criteria for each
20 such award; and

21 (C) develop milestones and exit criteria for
22 each such award to measure progress, including
23 by requiring applicants to propose tangible
24 milestones to achieving the goal of building
25 fully error-corrected, fault-tolerant quantum

1 computers as close to the 5-year goal timeframe
2 as possible.

3 (2) SUSTAINING THE QUANTUM COMPUTING IN-
4 DUSTRY.—To make steady progress in the field of
5 quantum computing, the Secretary of Defense shall
6 provide stable funding on a competitive basis during
7 the 10-year period beginning on the date of the en-
8 actment of this Act—

9 (A) for the development of requirements,
10 applications, and algorithms to determine and
11 exploit the utility of noisy intermediate-scale
12 quantum (NISQ) computers that are available
13 as of the day before the date of the enactment
14 of this Act; and

15 (B) for access to intermediate-scale quan-
16 tum computers for government, academic, and
17 commercial researchers and developers.

18 (3) ANNUAL REPORT.—Not later than 2 years
19 after the date of the enactment of this Act and not
20 less frequently than once each year thereafter, the
21 Secretary shall submit to the President and Con-
22 gress a report on the progress of the activities re-
23 quired under this section and alterations of previous
24 plans for the future.

1 (4) AUTHORIZATION OF APPROPRIATIONS.—
2 There is authorized to be appropriated to carry out
3 this subsection \$1,500,000,000 for the period of fis-
4 cal years 2021 through 2031.

5 **SEC. 134. NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH**
6 **AND DEVELOPMENT INITIATIVE.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that—

9 (1) there is a need for a National Artificial Re-
10 search and Development Intelligence Initiative, in-
11 cluding a comprehensive strategy for and coordina-
12 tion across agencies on research and development on
13 artificial intelligence;

14 (2) there are currently several interagency com-
15 mittees working on related tasks with respect to ar-
16 tificial intelligence;

17 (3) the reporting structure of such committees
18 could be simplified to address efficiently the goals of
19 the Initiative; and

20 (4) it is useful to accelerate in the United
21 States, research on artificial intelligence that in-
22 creases innovation while also promoting privacy and
23 accountability.

24 (b) DEFINITIONS.—

1 (1) ARTIFICIAL INTELLIGENCE.—The term “ar-
2 tificial intelligence” includes the following:

3 (A) An artificial system that performs
4 tasks under varying and unpredictable cir-
5 cumstances without significant human over-
6 sight, or that can learn from experience and im-
7 prove performance when exposed to data sets.

8 (B) An artificial system developed in com-
9 puter software, physical hardware, or other con-
10 text that solves tasks requiring human-like per-
11 ception, cognition, planning, learning, commu-
12 nication, or physical action.

13 (C) An artificial system designed to think
14 or act like a human, including cognitive archi-
15 tectures and neural networks.

16 (D) A set of techniques, including machine
17 learning, that is designed to approximate a cog-
18 nitive task.

19 (E) An artificial system designed to act ra-
20 tionally, including an intelligent software agent
21 or embodied robot that achieves goals using
22 perception, planning, reasoning, learning, com-
23 municating, decision making, and acting.

1 (2) ARTIFICIAL INTELLIGENCE INDUSTRY.—

2 The term “artificial intelligence industry” means en-
3 tities in industries relevant to artificial intelligence.

4 (3) EMERGING RESEARCH INSTITUTION.—The
5 term “emerging research institution” means an in-
6 stitution of higher education that—

7 (A) receives less than \$20,000,000 in Fed-
8 eral research funding annually; and

9 (B) may grant a doctoral degree.

10 (4) INITIATIVE.—The term “Initiative” means
11 the National Artificial Intelligence Research and De-
12 velopment Initiative established pursuant to sub-
13 section (c).

14 (5) INSTITUTION OF HIGHER EDUCATION.—The
15 term “institution of higher education” has the
16 meaning given that term in section 101 of the High-
17 er Education Act of 1965 (20 U.S.C. 1001).

18 (6) K–12 EDUCATION.—The term “K–12 edu-
19 cation” means elementary school and secondary edu-
20 cation, as such terms are defined in section 8101 of
21 the Elementary and Secondary Education Act of
22 1965 (20 U.S.C. 7801).

23 (7) MACHINE LEARNING.—The term “machine
24 learning” means a subfield of artificial intelligence
25 that is characterized by giving computers the auton-

1 omous ability to progressively optimize performance
2 of a specific task based on data without being explic-
3 itly programmed.

4 (8) MINORITY-SERVING INSTITUTION.—The
5 term “minority-serving institution” means any of
6 the following:

7 (A) A Hispanic-serving institution (as de-
8 fined in section 502(a) of the Higher Education
9 Act of 1965 (20 U.S.C. 1101a(a))).

10 (B) A Tribal College or University (as de-
11 fined in section 316(b) of the Higher Education
12 Act of 1965 (20 U.S.C. 1059e(b))).

13 (C) An Alaska Native-serving institution
14 (as defined in section 317(b) of the Higher
15 Education Act of 1965 (20 U.S.C. 1059d(b))).

16 (D) A Native Hawaiian-serving institution
17 (as defined in section 317(b) of the Higher
18 Education Act of 1965 (20 U.S.C. 1059d(b))).

19 (E) A Predominantly Black Institution (as
20 defined in section 318(b) of the Higher Edu-
21 cation Act of 1965 (20 U.S.C. 1059e(b))).

22 (F) A Native American-serving nontribal
23 institution (as defined in section 319(b) of the
24 Higher Education Act of 1965 (20 U.S.C.
25 1059f(b))).

1 (G) An Asian American and Native Amer-
2 ican Pacific Islander-serving institution (as de-
3 fined in section 320(b) of the Higher Education
4 Act of 1965 (20 U.S.C. 1059g(b))).

5 (c) NATIONAL ARTIFICIAL INTELLIGENCE RE-
6 SEARCH AND DEVELOPMENT INITIATIVE.—The President
7 shall establish and implement an initiative with respect to
8 artificial intelligence to be known as the “National Artifi-
9 cial Intelligence Research and Development Initiative”. In
10 carrying out the Initiative, the President shall, acting
11 through appropriate Federal entities, including the Net-
12 working and Information Technology Research and Devel-
13 opment Program—

14 (1) establish objectives, priorities, and metrics
15 for strategic plans under subsection (e)(4) to accel-
16 erate development of science and technology applica-
17 tions for artificial intelligence in the United States;

18 (2) invest in research, development, demonstra-
19 tion, application to analysis and modeling, and other
20 activities with respect to science and technology in
21 artificial intelligence;

22 (3) support the development of a workforce
23 pipeline for science and technology with respect to
24 artificial intelligence by making strategic invest-
25 ments to—

1 (A) expand the number of researchers,
2 educators, and students with training in science
3 and technology in artificial intelligence;

4 (B) increase the number of skilled and
5 trained workers from underrepresented commu-
6 nities who can contribute to the development of
7 artificial intelligence and artificial intelligence
8 technology, diversify the artificial intelligence
9 workforce, and expand the artificial intelligence
10 workforce pipeline;

11 (C) promote the development and inclusion
12 of multidisciplinary curricula and research op-
13 portunities for science and engineering with re-
14 spect to artificial intelligence, including ad-
15 vanced technological education, during the pri-
16 mary, secondary, undergraduate, graduate,
17 postdoctoral, adult learning, and career retrain-
18 ing stages of education; and

19 (D) equip workers with the knowledge and
20 skill sets required to operate effectively in occu-
21 pations and workplaces that will be increasingly
22 influenced by artificial intelligence;

23 (4) facilitate coordination of efforts and collabo-
24 ration with respect to research and development of
25 artificial intelligence among government agencies,

1 Federal and national laboratories, nonprofit organi-
2 zations, institutions of higher education, and indus-
3 try;

4 (5) leverage existing Federal research invest-
5 ments, and partner with industry and institutions of
6 higher education to leverage knowledge and re-
7 sources, to advance objectives and priorities of the
8 Initiative;

9 (6) strengthen research, development, dem-
10 onstration, and applications in science and tech-
11 nology with respect to artificial intelligence by—

12 (A) addressing gaps in basic research
13 knowledge with respect to artificial intelligence
14 through research;

15 (B) promoting the further development of
16 facilities and centers available for research,
17 testing, and education in science and technology
18 with respect to artificial intelligence;

19 (C) stimulating research on, and pro-
20 moting more rapid development and commer-
21 cialization of, artificial intelligence-based tech-
22 nologies;

23 (D) promoting research into the effects of
24 artificial intelligence and applications of artifi-
25 cial intelligence on society, the workforce and

1 workplace, and individuals, including those from
2 underrepresented communities;

3 (E) promoting data and model sharing
4 among the Federal government, academic re-
5 searchers, the private sector, and other practi-
6 tioners of artificial intelligence;

7 (F) identifying and minimizing inappro-
8 priate bias in data sets, algorithms, and other
9 aspects of artificial intelligence; and

10 (G) supporting efforts to create metrics to
11 assess safety, security, and reliability of applica-
12 tions of science and technology with respect to
13 artificial intelligence; and

14 (7) ensure that research, development, dem-
15 onstration, and applications efforts with respect to
16 artificial intelligence create measurable benefits for
17 all individuals in the United States, including mem-
18 bers of disadvantaged and underrepresented groups.

19 (d) NATIONAL ARTIFICIAL INTELLIGENCE COORDI-
20 NATION OFFICE.—

21 (1) IN GENERAL.—The Director of the Office of
22 Science and Technology Policy shall, in consultation
23 with the Director of the National Science Founda-
24 tion, the Secretary of Energy, and the Secretary of
25 Commerce, the Attorney General, the Federal Trade

1 Commission, and the Director of the Bureau of Con-
2 sumer Financial Protection, establish or designate,
3 and appoint a director of, an office to be known as
4 the “National Artificial Intelligence Coordination Of-
5 fice” (in this subsection referred to as the “Office”).

6 (2) DUTIES.—The Office shall—

7 (A) serve as the point of contact on Fed-
8 eral artificial intelligence activities for govern-
9 ment organizations, academia, industry, profes-
10 sional societies, State artificial intelligence pro-
11 grams, interested citizen groups, and others to
12 exchange technical and programmatic informa-
13 tion;

14 (B) conduct public outreach, including dis-
15 semination of findings and recommendations of
16 the National Artificial Intelligence Advisory
17 Committee established under subsection (f), as
18 appropriate; and

19 (C) promote access to and development of
20 early applications of the technologies, innova-
21 tions, and expertise that benefit the public de-
22 rived from Initiative activities to agency mis-
23 sions and systems across the Federal Govern-
24 ment, and to United States industry, including
25 startup companies.

1 (3) FUNDING.—The funding of the Office shall
2 be derived from amounts available to the Office of
3 Science and Technology Policy, the National Science
4 Foundation, the Department of Energy, the Depart-
5 ment of Commerce, and such other departments or
6 agencies of the Federal Government as the President
7 considers appropriate.

8 (4) REPORT.—Not later than 90 days after the
9 date of the enactment of this Act, the Director of
10 the Office of Science and Technology Policy shall
11 submit to the Committee on Commerce, Science, and
12 Transportation of the Senate and the Committee on
13 Science, Space, and Technology of the House of
14 Representatives a report on funding for the Office.
15 The report shall include—

16 (A) the amount of funding required to ade-
17 quately fund the Office;

18 (B) the adequacy of existing mechanisms
19 to fund the Office; and

20 (C) the actions taken to ensure stable
21 funding for the Office.

22 (e) INTERAGENCY COMMITTEE ON ARTIFICIAL IN-
23 TELLIGENCE.—

24 (1) IN GENERAL.—The Director of the Office of
25 Science and Technology Policy shall establish or des-

1 ignite an interagency committee to be known as the
2 “Interagency Committee on Artificial Intelligence”
3 (in this subsection referred to as the “Interagency
4 Committee”).

5 (2) MEMBERSHIP.—

6 (A) COMPOSITION.—The Interagency Com-
7 mittee shall be composed of representatives
8 from the following, as detailed to the Inter-
9 agency Committee by the head of the agency
10 concerned:

11 (i) The National Institute of Stand-
12 ards and Technology.

13 (ii) The National Science Foundation.

14 (iii) The Department of Energy.

15 (iv) The Department of Justice.

16 (v) The Federal Trade Commission.

17 (vi) The Bureau of Consumer Finan-
18 cial Protection.

19 (vii) The National Aeronautics and
20 Space Administration.

21 (viii) The Department of Defense.

22 (ix) The Office of the Director of Na-
23 tional Intelligence.

24 (x) The Office of Management and
25 Budget.

1 (xi) The Office of Science and Tech-
2 nology Policy.

3 (xii) The National Institutes of
4 Health.

5 (xiii) Any other Federal agency the
6 Director of the Office of Science and Tech-
7 nology Policy considers appropriate.

8 (B) CO-CHAIRS.—The Interagency Com-
9 mittee shall be co-chaired by the following:

10 (i) The Director of the Office of
11 Science and Technology Policy.

12 (ii) The Secretary of Energy.

13 (iii) The Director of the National In-
14 stitute of Standards and Technology.

15 (iv) The Director of the National
16 Science Foundation.

17 (3) DUTIES.—The Interagency Committee
18 shall—

19 (A) coordinate and make recommendations
20 for activities and programs of Federal agencies
21 on research and education with respect to artifi-
22 cial intelligence and artificial intelligence tech-
23 nology;

24 (B) establish objectives and priorities for
25 the Initiative, consistent with the objectives and

1 purposes specified in subsection (c), based on
2 identified knowledge and workforce gaps and
3 other national needs;

4 (C) assess and recommend Federal infra-
5 structure needs to support the Initiative; and

6 (D) evaluate opportunities for international
7 cooperation with strategic allies on research and
8 development with respect to artificial intel-
9 ligence and artificial intelligence technology.

10 (4) STRATEGIC PLANS.—

11 (A) IN GENERAL.—Not later than 1 year
12 after the date of the enactment of this Act, the
13 Interagency Committee shall develop a 5-year
14 strategic plan, and not later than 6 years after
15 the date of the enactment of this Act, the Inter-
16 agency Committee shall develop an additional 5-
17 year strategic plan, with respect to the activities
18 of the Initiative, including activities and mecha-
19 nisms to meet Initiative goals and priorities,
20 and to anticipate outcomes at participating
21 agencies.

22 (B) UPDATES.—The Interagency Com-
23 mittee may from time to time update any stra-
24 tegic plan under subparagraph (A), as the
25 Interagency Committee considers appropriate.

1 (C) CONSIDERATIONS.—In carrying out
2 this paragraph, the Interagency Committee
3 shall take into account reports and rec-
4 ommendations of the National Artificial Intel-
5 ligence Advisory Committee under subsection
6 (f).

7 (f) NATIONAL ARTIFICIAL INTELLIGENCE ADVISORY
8 COMMITTEE.—

9 (1) IN GENERAL.—The Director of the National
10 Science Foundation shall, in coordination with the
11 Attorney General, the Federal Trade Commission,
12 and the Director of the Bureau of Consumer Finan-
13 cial Protection, establish or designate an advisory
14 committee to be known as the “National Artificial
15 Intelligence Advisory Committee” (in this subsection
16 referred to as the “Advisory Committee”).

17 (2) MEMBERSHIP.—

18 (A) IN GENERAL.—Members of the Advi-
19 sory Committees shall be appointed by the Di-
20 rector of the National Science Foundation, in
21 consultation with the Director of the Office of
22 Science and Technology Policy and after public
23 input, from among individuals who are qualified
24 to provide advice and information on research,
25 development, demonstrations, education, infra-

1 structure, technology transfer, commercial ap-
2 plications, and concerns of a national security,
3 social, or economic nature with respect to artifi-
4 cial intelligence and artificial intelligence tech-
5 nology. In making such appointments, the Di-
6 rector of the National Science Foundation shall
7 seek to appoint individuals who, collectively,
8 have expertise on a wide range of defense and
9 non-defense artificial intelligence matters.

10 (B) LIMITATION.—Not more than half of
11 the members of the Advisory Committee may be
12 representatives of the artificial intelligence in-
13 dustry.

14 (3) DUTIES.—The Advisory Committee shall
15 advise the Director of the Office of Science and
16 Technology Policy and the Interagency Committee
17 on Artificial Intelligence under subsection (e) on
18 matters relating to the Initiative. Such advice shall
19 be based on periodic assessments by the Advisory
20 Committee of the following:

21 (A) Trends and developments in artificial
22 intelligence, including current and near-future
23 states of artificial intelligence systems and fore-
24 casting.

1 (B) Progress made in implementing the
2 Initiative.

3 (C) The need to revise the Initiative.

4 (D) Balance among the components of the
5 Initiative, including funding levels for compo-
6 nent areas of the Initiative.

7 (E) Whether the component areas, prior-
8 ities, and technical goals of the Initiative are
9 helping the United States maintain leadership
10 in artificial intelligence and artificial intel-
11 ligence technology that also maintains privacy
12 and accountability.

13 (F) Management, coordination, implemen-
14 tation, and activities of the Initiative.

15 (G) Whether societal, ethical, legal, envi-
16 ronmental, and workforce concerns with respect
17 to artificial intelligence and artificial intel-
18 ligence technology are adequately addressed by
19 the Initiative.

20 (4) REPORTS.—Not later than 4 years after the
21 date of the most recent assessment under paragraph
22 (3), and quadrennially thereafter, the Advisory Com-
23 mittee shall submit to the Director of the National
24 Science Foundation, the Committee on Commerce,
25 Science, and Transportation of the Senate, and the

1 Committee on Science, Space, and Technology of the
2 House of Representatives a report on the following:

3 (A) The most recent assessment of the Ad-
4 visory Committee under paragraph (3).

5 (B) Any current recommendations of the
6 Advisory Committee regarding improvements to
7 the Initiative.

8 (5) TRAVEL EXPENSES OF NON-FEDERAL MEM-
9 BERS.—Any member of the Advisory Committee who
10 is not an officer or employee of the Federal Govern-
11 ment, while attending meetings of the Advisory
12 Committee or while otherwise serving at the request
13 of the head of the Advisory Committee away from
14 their homes or regular places of business, may be al-
15 lowed travel expenses, including per diem in lieu of
16 subsistence, as authorized by section 5703 of title 5,
17 United States Code, for individuals in the govern-
18 ment serving without pay. Nothing in this paragraph
19 shall be construed to prohibit members of the Advi-
20 sory Committee who are officers or employees of the
21 United States from being allowed travel expenses,
22 including per diem in lieu of subsistence, in accord-
23 ance with existing law.

24 (6) TERMINATION.—The Advisory Committee
25 shall terminate on December 31, 2025.

1 (g) STUDY ON ARTIFICIAL INTELLIGENCE WORK-
2 FORCE.—

3 (1) IN GENERAL.—Not later than 60 days after
4 the date of the enactment of this Act, the National
5 Artificial Intelligence Coordination Office under sub-
6 section (d) shall seek to enter into a contract with
7 a federally funded research and development center
8 or nongovernment research organization for a study
9 on the mechanisms that produce or contribute to the
10 workforce in artificial intelligence (including re-
11 searchers and specialists in artificial intelligence and
12 users of artificial intelligence) in order to identify
13 and develop actions to ensure an appropriate in-
14 crease in the size, quality, and diversity of the work-
15 force.

16 (2) COLLABORATION IN STUDY.—The contract
17 referred to in paragraph (1) shall require the feder-
18 ally funded research and development center enter-
19 ing into the contract to do the following:

20 (A) Collaborate with the Secretary of Com-
21 merce, the Commissioner of Labor Statistics,
22 and the Director of the Census in developing a
23 comprehensive and detailed understanding of
24 the workforce needs of and employment oppor-

1 tunities in the artificial intelligence field, by
2 State and by region.

3 (B) Collaborate in carrying out the study
4 with educational institutions, State and local
5 workforce development boards, nonprofit orga-
6 nizations, labor organizations, apprenticeship
7 programs, industry, and other entities in the ar-
8 tificial intelligence field.

9 (C) Collaborate with minority-serving insti-
10 tutions in order to facilitate the sharing of best
11 practices and approaches for increasing and re-
12 taining underrepresented populations in the ar-
13 tificial intelligence field.

14 (D) Facilitate the sharing of best practices
15 and approaches for the development and
16 sustainment of the workforce in artificial intel-
17 ligence that are identified or developed through
18 the study among—

19 (i) entities in the artificial intelligence
20 field, State and local workforce develop-
21 ment boards, nonprofit organizations, labor
22 organizations, and apprenticeship pro-
23 grams that provide training programs for
24 employment in the artificial intelligence
25 field; and

1 (ii) educational institutions that seek
2 to establish such training programs.

3 (3) DEPARTMENT OF LABOR ANNUAL REPORT
4 ON JOB CREATION.—Each year while the contract
5 referred to in paragraph (1) is in force, the Sec-
6 retary of Labor shall, using information derived
7 from the study described in that paragraph and
8 other appropriate information, issue to the public a
9 report on job creation in the artificial intelligence
10 field during the preceding year.

11 (h) NATIONAL INSTITUTE OF STANDARDS AND
12 TECHNOLOGY ACTIVITIES ON ARTIFICIAL INTEL-
13 LIGENCE.—

14 (1) IN GENERAL.—As part of the Initiative, the
15 Director of the National Institute of Standards and
16 Technology shall—

17 (A) support the development of measure-
18 ments and standards necessary to advance com-
19 mercial and governmental development of artifi-
20 cial intelligence applications, including by—

21 (i) developing measurements and
22 standards;

23 (ii) supporting efforts to develop
24 measurements and consensus standards by
25 standards development organizations; and

1 (iii) modernizing the mechanisms used
2 for benchmarking artificial intelligence
3 technologies;

4 (B) establish and support collaborative
5 ventures or consortia with public or private sec-
6 tor entities, including institutions of higher edu-
7 cation, National Laboratories, and the artificial
8 intelligence industry, for the purpose of advanc-
9 ing fundamental and applied research and de-
10 velopment on artificial intelligence; and

11 (C) modernize the mechanisms used for
12 benchmarking artificial intelligence tech-
13 nologies.

14 (2) ARTIFICIAL INTELLIGENCE OUTREACH.—

15 (A) IN GENERAL.—The Director shall con-
16 duct outreach—

17 (i) to receive input from stakeholders
18 on the development of a plan to address
19 future measurements and standards re-
20 lated to artificial intelligence; and

21 (ii) to provide an opportunity for pub-
22 lic comment on any such measurements or
23 standards.

24 (B) MEETINGS.—

1 (i) IN GENERAL.—Not later than 1
2 year after the date of the enactment of this
3 Act, and a periodic basis thereafter as the
4 Director considers appropriate, the Direc-
5 tor shall convene 1 or more meetings of
6 stakeholders, including technical expert
7 representatives from government organiza-
8 tions, the artificial intelligence industry,
9 and institutions of higher education, to dis-
10 cuss topics described in clause (ii).

11 (ii) TOPICS.—Meetings under clause
12 (i) may cover topics that the Director con-
13 siders important to the development of
14 standards and measurements with respect
15 to artificial intelligence, including—

16 (I) cybersecurity;

17 (II) algorithm accountability;

18 (III) algorithm explainability;

19 (IV) algorithm trustworthiness;

20 (V) a common lexicon for artifi-
21 cial intelligence; and

22 (VI) resources and methods for
23 benchmarking artificial intelligence
24 technologies.

1 (iii) PURPOSES.—The purposes of
2 meetings under this subparagraph shall
3 be—

4 (I) to assess contemporary re-
5 search on the topics identified by the
6 Director for purposes of clause (ii);

7 (II) to evaluate research gaps re-
8 lating to such topics;

9 (III) to provide an opportunity
10 for stakeholders to provide rec-
11 ommendations on the research to be
12 addressed by the National Institute of
13 Standards and Technology and the
14 Initiative; and

15 (IV) to coordinate engagement
16 with international standards bodies in
17 order to ensure United States leader-
18 ship in the development of global tech-
19 nical standards, including with respect
20 to artificial intelligence and cybersecu-
21 rity.

22 (3) REPORT TO CONGRESS.—Not later than 2
23 years after the date of the enactment of this Act, the
24 Director shall submit to the Committee on Com-
25 merce, Science, and Transportation of the Senate

1 and the Committee on Science, Space, and Tech-
2 nology of the House of Representatives a report
3 summarizing the results of outreach and meetings
4 conducted under this subsection.

5 (4) AUTHORIZATION OF APPROPRIATIONS.—

6 There are authorized to be appropriated for each of
7 fiscal years 2022 through 2026, \$80,000,000 to
8 carry out this subsection.

9 (i) RESEARCH AND EDUCATION PROGRAM ON ARTI-
10 FICIAL INTELLIGENCE AND ARTIFICIAL INTELLIGENCE
11 ENGINEERING.—

12 (1) IN GENERAL.—As part of the Initiative, the
13 Director of the National Science Foundation shall
14 establish and implement a research and education
15 program on artificial intelligence and artificial intel-
16 ligence engineering.

17 (2) PROGRAM ELEMENTS.—In carrying out the
18 program required by paragraph (1), the Director
19 shall—

20 (A) continue to support interdisciplinary
21 research on, and human resources development
22 in, all aspects of science and engineering with
23 respect to artificial intelligence, including—

24 (i) algorithm accountability;

1 (ii) minimization of inappropriate bias
2 in training data sets or algorithmic feature
3 selection;

4 (iii) qualitative and quantitative fore-
5 casting of future capabilities and applica-
6 tions; and

7 (iv) societal and ethical implications of
8 artificial intelligence;

9 (B) use existing authorities and programs
10 and collaborate with other Federal agencies—

11 (i) to improve teaching and learning
12 in science and engineering with respect to
13 artificial intelligence during the primary,
14 secondary, undergraduate, graduate, post-
15 graduate, adult learning, and career re-
16 training stages of education;

17 (ii) to increase participation in artifi-
18 cial intelligence fields, including by individ-
19 uals identified in sections 33 and 34 of the
20 Science and Engineering Equal Opportuni-
21 ties Act (42 U.S.C. 1885a, 1885b);

22 (iii) to formulate goals for education
23 activities in engineering and research with
24 respect to artificial intelligence to be sup-
25 ported by the National Science Foundation

1 related to topics important to the Initia-
2 tive, including—

3 (I) algorithm accountability;

4 (II) algorithm explainability;

5 (III) algorithm trustworthiness;

6 (IV) algorithmic forecasting;

7 (V) consumer data privacy;

8 (VI) assessment and minimiza-

9 tion of inappropriate bias in training

10 data and output; and

11 (VII) societal and ethical implica-

12 tions of the use of artificial intel-

13 ligence;

14 (iv) to engage with institutions of

15 higher education, research communities,

16 potential users of information produced

17 under this subsection, entities in the pri-

18 vate sector, and non-Federal entities—

19 (I) to leverage the collective body

20 of knowledge from existing research

21 and education activities with respect

22 to artificial intelligence and artificial

23 intelligence engineering; and

24 (II) to support partnerships

25 among institutions of higher education

1 and industry that facilitate collabo-
2 rative research, personnel exchanges,
3 and workforce development with re-
4 spect to artificial intelligence and arti-
5 ficial intelligence engineering;

6 (v) to coordinate research efforts with
7 respect to artificial intelligence and artifi-
8 cial intelligence engineering funded
9 through existing programs across the di-
10 rectorates of the National Science Founda-
11 tion;

12 (vi) to ensure adequate access to re-
13 search and education infrastructure with
14 respect to artificial intelligence and artifi-
15 cial intelligence engineering, including
16 through development of hardware and fa-
17 cilitation of the use of computing re-
18 sources, including cloud-based computing
19 services; and

20 (vii) to increase participation rates in
21 research and education on artificial intel-
22 ligence among underrepresented commu-
23 nities by engaging with minority-serving
24 institutions.

1 (3) GRADUATE TRAINEESHIPS.—In carrying
2 out the program required by paragraph (1), the Di-
3 rector may provide traineeships to graduate students
4 at institutions of higher education who—

5 (A) are United States nationals or aliens
6 lawfully admitted for permanent residence in
7 the United States; and

8 (B) choose to pursue masters or doctoral
9 degrees in artificial intelligence or artificial in-
10 telligence engineering.

11 (j) MULTIDISCIPLINARY CENTERS FOR ARTIFICIAL
12 INTELLIGENCE RESEARCH AND EDUCATION.—

13 (1) IN GENERAL.—The Director of the National
14 Science Foundation, in consultation with the heads
15 of other appropriate Federal agencies, shall award
16 grants to eligible entities to establish up to 10 re-
17 search and education centers (each referred to in
18 this subsection as a “Center”) to conduct research
19 and education activities in support of the Initiative.
20 Each Center established pursuant to such a grant
21 shall be known as a “Multidisciplinary Center for
22 Artificial Intelligence Research and Education”.

23 (2) ELIGIBLE ENTITIES.—For purposes of this
24 subsection, an eligible entity is any entity as follows:

25 (A) An institution of higher education.

1 (B) A relevant nonprofit organization.

2 (C) A consortium of entities that consists
3 of—

4 (i) two or more entities specified in
5 subparagraphs (A) through (C); or

6 (ii) at least one entity specified in
7 such paragraphs and a relevant private
8 sector organization that is not a nonprofit
9 organization.

10 (3) MINIMUM NUMBER OF GRANTS FOR CER-
11 TAIN PURPOSES.—

12 (A) K–12 EDUCATION.—Not less than 1
13 grant under this subsection shall be for a Cen-
14 ter with the primary purpose of conducting re-
15 search on how best to integrate artificial intel-
16 ligence into K–12 education.

17 (B) MINORITY-SERVING INSTITUTION.—
18 Not less than 1 grant under this subsection
19 shall be for a Center located at a minority-serv-
20 ing institution.

21 (4) APPLICATION.—An eligible entity seeking a
22 grant under this subsection shall submit an applica-
23 tion to the Director at such time, in such manner,
24 and containing such information as the Director
25 may require. The application shall include—

1 (A) a plan for the proposed Center—

2 (i) to work with other research insti-
3 tutions, emerging research institutions,
4 and the artificial intelligence industry to
5 leverage expertise in artificial intelligence,
6 education and curricula development, and
7 technology transfer;

8 (ii) to promote active collaboration
9 among researchers in multiple disciplines
10 and across multiple institutions involved in
11 artificial intelligence research including
12 physics, engineering, mathematical
13 sciences, computer and information
14 science, biological and cognitive sciences,
15 material science, education, and social and
16 behavioral sciences (such as industrial-or-
17 ganizational psychology);

18 (iii) to integrate into the activities of
19 such Center consideration of the ethics of
20 development, technology usage, and data
21 collection, storage, and sharing (including
22 training data sets) in connection with arti-
23 ficial intelligence;

24 (iv) to support long-term and short-
25 term workforce development in artificial in-

1 telligence, including broadening participa-
2 tion of underrepresented communities; and

3 (v) to support an innovation eco-
4 system to work with industry to translate
5 research of such Center into applications
6 and products; and

7 (B) a description of the anticipated long-
8 term impact of such Center beyond the termi-
9 nation of support under this subsection.

10 (5) SELECTION AND DURATION.—

11 (A) IN GENERAL.—A Center established
12 using a grant under this subsection may receive
13 funding under this subsection for a period of 5
14 years.

15 (B) EXTENSION.—Such a Center may
16 apply for, and the Director may grant, an ex-
17 tension of a grant under this subsection for an
18 additional 5-year period.

19 (C) TERMINATION.—The Director may ter-
20 minate for cause funding under this subsection
21 for a Center that underperforms.

22 (6) FUNDING.—The amount provided during
23 each of fiscal years 2022 through 2026 for a Center
24 established pursuant to this subsection through a
25 grant under this subsection shall be \$40,000,000.

1 (k) RESEARCH AND DEVELOPMENT PROGRAM ON
2 ARTIFICIAL INTELLIGENCE.—

3 (1) PROGRAM REQUIRED.—As a part of the Ini-
4 tiative, the Secretary of Energy shall carry out a re-
5 search and development program on artificial intel-
6 ligence.

7 (2) COMPONENTS.—In carrying out the pro-
8 gram required by paragraph (1), the Secretary
9 shall—

10 (A) formulate objectives for research on
11 artificial intelligence to be supported by the De-
12 partment of Energy that are consistent with the
13 Initiative;

14 (B) leverage the collective body of knowl-
15 edge from existing research on artificial intel-
16 ligence;

17 (C) coordinate research efforts on artificial
18 intelligence that are funded through existing
19 programs across the Department;

20 (D) engage with other Federal agencies,
21 research communities, and potential users of in-
22 formation produced under this subsection;

23 (E) build, maintain, and, to the extent
24 practicable, make available for use by academic,
25 government, and private sector researchers the

1 computing hardware and software necessary to
2 carry out the program; and

3 (F) establish and maintain on an internet
4 website of the Department available to the pub-
5 lic a resource center that—

6 (i) provides current information and
7 resources on training programs for employ-
8 ment in artificial intelligence; and

9 (ii) otherwise serves as a resource for
10 educational institutions, State and local
11 workforce development boards, nonprofit
12 organizations, and apprenticeship pro-
13 grams seeking to develop and implement
14 training programs for employment in arti-
15 ficial intelligence.

16 (3) RESEARCH CENTERS.—

17 (A) GRANTS.—In carrying out this sub-
18 section, the Secretary may award grants to eli-
19 gible entities to establish and operate up to 10
20 artificial intelligence research centers (each re-
21 ferred to in this paragraph as a “Center”) for
22 the purposes described in subparagraph (C).

23 (B) SELECTION.—

1 (i) ELIGIBLE ENTITIES.—For pur-
2 poses of this paragraph, an eligible entity
3 is any entity as follows:

4 (I) An institution of higher edu-
5 cation.

6 (II) A relevant nonprofit organi-
7 zation.

8 (III) A State or local govern-
9 ment.

10 (IV) A National Laboratory or a
11 federally funded research and develop-
12 ment center.

13 (V) A consortium of entities that
14 consists of—

15 (aa) two or more entities
16 specified in subclauses (I)
17 through (IV); or

18 (bb) at least one entity spec-
19 ified in such subclauses and a
20 relevant private sector organiza-
21 tion that is not a nonprofit orga-
22 nization.

23 (ii) COMPETITIVE AWARD.—Except as
24 provided in clause (iii), grants under this

1 paragraph shall be awarded through a
2 competitive, merit-reviewed process.

3 (iii) NATIONAL SECURITY LABORA-
4 TORY.—At least 1 grant under this para-
5 graph shall be awarded to a national secu-
6 rity laboratory of the National Nuclear Se-
7 curity Administration.

8 (C) PURPOSES.—The purposes of the Cen-
9 ters established under this paragraph are—

10 (i) to serve the needs of the Depart-
11 ment and such academic, educational, and
12 private sector entities as the Secretary con-
13 siders appropriate;

14 (ii) to advance research and education
15 in artificial intelligence and facilitate im-
16 provement in the competitiveness of the
17 United States;

18 (iii) to provide access to computing re-
19 sources to promote scientific progress and
20 enable users from institutions of higher
21 education, other educational institutions,
22 the National Laboratories, and the artifi-
23 cial intelligence industry—

1 (I) to make scientific discoveries
2 relevant to research in artificial intel-
3 ligence;

4 (II) to conduct research to accel-
5 erate scientific breakthroughs in
6 science and technology with respect to
7 artificial intelligence;

8 (III) to support research con-
9 ducted under this paragraph; and

10 (IV) to increase the distribution
11 of research infrastructure and broad-
12 en the spectrum of students exposed
13 to research in artificial intelligence at
14 institutions of higher education (in-
15 cluding emerging research institu-
16 tions); and

17 (iv) to ensure that artificial intel-
18 ligence techniques and their applications
19 serve the social and national interest, espe-
20 cially with regards to maintaining privacy
21 and accountability.

22 (D) COORDINATION.—The Secretary shall
23 ensure the coordination of, and avoid unneces-
24 sary duplication of, the activities of each Center
25 under this paragraph with the activities of—

1 (i) other research entities of the De-
2 partment, including the Nanoscale Science
3 Research Centers, the Energy Frontier Re-
4 search Centers, and the Energy Innovation
5 Hubs; and

6 (ii) the artificial intelligence industry.

7 (E) DURATION.—

8 (i) IN GENERAL.—Any Center selected
9 and established pursuant to this paragraph
10 is authorized to carry out activities for a
11 period of 5 years.

12 (ii) EXTENSION.—Such a Center may
13 apply for, and the Director may grant, an
14 extension of a grant under this paragraph
15 for an additional 5-year period.

16 (iii) TERMINATION.—Consistent with
17 existing authorities of the Department, the
18 Secretary may terminate for cause a Cen-
19 ter that underperforms during the per-
20 formance period.

21 (F) AUTHORIZATION OF APPROPRIA-
22 TIONS.—There are authorized to be appro-
23 priated for each of fiscal years 2022 through
24 2026 for the Department of Energy, such sums
25 as may be necessary such that \$40,000,000 is

1 available for each Center established pursuant
2 to this paragraph during such fiscal year.

3 **SEC. 135. REBUILD MANUFACTURING REGIONS AS NEW**
4 **CRITICAL TECHNOLOGY HUBS.**

5 (a) MANUFACTURING REGIONS REVIVAL PRO-
6 GRAM.—

7 (1) IN GENERAL.—The Secretary of Commerce,
8 acting through the Assistant Secretary of Commerce
9 for Economic Development, shall establish a pro-
10 gram to be known as the “Manufacturing Regions
11 Revival Program” (in this subsection referred to as
12 the “Program”) to strengthen the capacity of the
13 United States for manufacturing critical tech-
14 nologies and critical supplies through comprehensive
15 investment in the buildout of regional industrial
16 commons.

17 (2) PARTNERSHIP TO SUPPORT MANUFAC-
18 TURING CRITICAL TECHNOLOGIES.—The Program
19 shall include a cross-Federal Government partner-
20 ship with regions to expand manufacturing of crit-
21 ical technologies using long-term planning, capacity
22 building, and investments in infrastructure, includ-
23 ing site development, collaborative research, develop-
24 ment, demonstration, and commercialization work-

1 force training and technical education, capital ac-
2 cess, supply chain development, and export services.

3 (3) DESIGNATION AND SUPPORT OF REGIONAL
4 CONSORTIUMS.—

5 (A) IN GENERAL.—In carrying out the
6 Program, the Secretary shall designate at least
7 50 regional consortiums through a competitive
8 process and provide support to such consor-
9 tiums to enable activities described in para-
10 graph (2) focused on critical technologies as
11 part of implementing inclusive, integrated, and
12 sustainable regional economic development
13 plans.

14 (B) PERIOD.—Each designation under
15 subparagraph (A) shall be for 5 years with a
16 process for consideration of renewal of up to 5
17 more years.

18 (C) REQUIREMENTS.—Each consortium
19 designated under subparagraph (A) shall—

20 (i) coordinate with the Hollings Man-
21 ufacturing Extension Partnership; and

22 (ii) prioritize economic development
23 activities that—

24 (I) support the scaling of domes-
25 tic production of federally funded and

1 non-federally funded research and de-
2 velopment of critical technologies, in-
3 cluding support for startups, small
4 and mid-sized businesses, and busi-
5 nesses owned by socially and economi-
6 cally disadvantaged, formerly incarcerated
7 individuals, women, veterans, and
8 other underserved populations;

9 (II) support improvement in the
10 security and resiliency of supply
11 chains related to critical technologies
12 and supplies critical to the crisis pre-
13 paredness of the United States, such
14 as medical supplies, personal protec-
15 tive equipment, disaster response ne-
16 cessities, electrical generation tech-
17 nology, materials essential to infra-
18 structure repair and renovation, and
19 other supplies, through activities in-
20 cluding the reshoring of manufac-
21 turing operations and the adoption of
22 technologies to improve domestic man-
23 ufacturing competitiveness;

24 (III) enhance opportunities for
25 entrepreneurship and jobs with fam-

1 ily-sustaining wages and benefits, in-
2 cluding a focus on such opportunities
3 for socially and economically dis-
4 advantaged individuals, formerly in-
5 carcerated individuals, women, vet-
6 erans, and distressed communities;
7 and

8 (IV) support investment in dis-
9 located and incumbent workers lead-
10 ing to jobs with family sustaining
11 wages and benefits and high-road
12 labor practices, including coordination
13 with labor organizations on strategies
14 and initiatives to help workers adapt
15 to and benefit from technological
16 change and to ensure job quality as
17 part of any outcomes from the activi-
18 ties.

19 (4) ELIGIBLE CONSORTIA.—To be eligible for
20 designation as a regional consortium under para-
21 graph (3)(A), a consortium—

22 (A) shall include—

23 (i) 1 or more institutions of higher
24 education;

1 (ii) a local or Tribal government or
2 other political subdivision of a State;

3 (iii) a representative appointed by the
4 Governor of the State or States that is
5 representative of the consortium's geo-
6 graphic coverage;

7 (iv) an economic development organi-
8 zation or similar entity that is focused pri-
9 marily on improving science, technology,
10 innovation, and manufacturing; and

11 (v) a labor organization; and

12 (B) may include—

13 (i) a nonprofit economic development
14 entity with relevant expertise, including a
15 district organization (as defined in section
16 300.3 of title 13, Code of Federal Regula-
17 tions, or successor regulation);

18 (ii) a venture development organiza-
19 tion;

20 (iii) a financial institution and inves-
21 tor funds;

22 (iv) a primary or secondary edu-
23 cational institution, including a career or
24 technical education school;

1 (v) a workforce training organization,
2 including a State workforce development
3 board as established under section 101 of
4 the Workforce Investment and Opportunity
5 Act (29 U.S.C. 3111) and a community-
6 based organization that focuses on support
7 for underserved and underrepresented pop-
8 ulations;

9 (vi) an industry association;

10 (vii) a firm in a critical technology or
11 critical supply area;

12 (viii) a national laboratory or a Fed-
13 eral laboratory;

14 (ix) a Center (as defined in section
15 25(a) of the National Institute of Stand-
16 ards and Technology Act (15 U.S.C.
17 278k(a)); and

18 (x) a Manufacturing USA institute
19 (as described in section 34(d) of the Na-
20 tional Institute of Standards and Tech-
21 nology Act (15 U.S.C. 278s(d))).

22 (5) COORDINATION WITH MANUFACTURING USA
23 INSTITUTES.—The Secretary shall coordinate the ac-
24 tivities of consortia designated under paragraph (3)
25 and the activities of the Manufacturing USA Pro-

1 gram and the Manufacturing USA institutes, if ap-
2 plicable.

3 (6) MATCHING REQUIREMENT.—

4 (A) IN GENERAL.—A consortium receiving
5 support under paragraph (3) shall provide non-
6 Federal matching funds equal to not less than
7 25 percent of the amount of the support re-
8 ceived under such paragraph.

9 (B) IN-KIND SUPPORT.—Matching funds
10 may include in-kind support.

11 (7) GEOGRAPHIC DISTRIBUTION.—

12 (A) IN GENERAL.—In conducting the com-
13 petitive process under paragraph (3), the Sec-
14 retary shall ensure geographic distribution in
15 the designation of regional consortiums—

16 (i) aiming to designate regional con-
17 sortia in as many regions of the United
18 States as possible;

19 (ii) focusing on regions that have
20 clear potential and relevant assets for de-
21 veloping a critical technology but have not
22 yet become leading technology centers; and

23 (iii) developing priority scoring cri-
24 teria for making awards that give extra
25 points to consortiums that propose mean-

1 ingful collaboration with distressed or
2 deindustrialized areas within the identified
3 region, including rural areas within the
4 identified region.

5 (B) SPANNING STATES.—A regional con-
6 sortium designated under paragraph (3) may
7 include multiple States.

8 (8) INTERAGENCY COLLABORATION.—In car-
9 rying out the Program, the Secretary—

10 (A) shall collaborate with Federal depart-
11 ments and agencies whose missions contribute
12 to the goals of consortia designated under para-
13 graph (3);

14 (B) may accept funds from other Federal
15 agencies to support grants and activities under
16 this subsection; and

17 (C) may coordinate with other Federal de-
18 partments or agencies to conduct outreach and
19 provide technical assistance to consortia des-
20 ignated under paragraph (3) to consider appli-
21 cation for other relevant financial assistance
22 available across the Federal Government.

23 (9) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to carry out

1 this subsection \$550,000,000 for the period of fiscal
2 years 2021 through 2025.

3 (b) AUTHORIZATION OF APPROPRIATIONS FOR DE-
4 FENSE MANUFACTURING COMMUNITIES PROGRAM.—

5 (1) IN GENERAL.—In order to strengthen the
6 national security innovation base in critical tech-
7 nologies, there are authorized to be appropriated to
8 carry out the Defense Manufacturing Community
9 Support Program under section 846 of the John S.
10 McCain National Defense Authorization Act for Fis-
11 cal Year 2019 (Public Law 115–232; 10 U.S.C.
12 2501 note) amounts as follows:

13 (A) \$26,750,000 for fiscal year 2021.

14 (B) \$28,623,000 for fiscal year 2022.

15 (C) \$30,627,000 for fiscal year 2023.

16 (D) \$32,771,000 for fiscal year 2024.

17 (E) \$35,065,000 for fiscal year 2025.

18 (2) SUPPLEMENT, NOT SUPPLANT.—The
19 amounts authorized to be appropriated under para-
20 graphs (1) shall supplement and not supplant
21 amounts already appropriated for the purposes de-
22 scribed in such paragraph.

23 **SEC. 136. STRENGTHENING DOMESTIC SUPPLY CHAINS.**

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

1 (1) The COVID–19 public health crisis has ex-
2 posed key dependencies and reliance on foreign sup-
3 pliers for critical goods and inputs in the medical
4 supply chain.

5 (2) The United States faces gaps in domestic
6 supply chain resilience in critical technologies, such
7 as microelectronics, that are a threat to national and
8 economic security.

9 (3) The Hollings Manufacturing Extension
10 Partnership plays an important role in helping do-
11 mestic small- and medium-sized manufacturers be
12 more globally competitive and strengthen domestic
13 supply chains.

14 (4) Despite this role, the United States under-
15 invests in the Hollings Manufacturing Extension
16 Partnership relative to historic Federal funding lev-
17 els for the program and compared to investments in
18 similar manufacturing extension centers by competi-
19 tors of the United States.

20 (5) To respond to reliance on foreign suppliers
21 that make the United States vulnerable in emer-
22 gencies and that threatens national security, a major
23 Federal commitment to the Hollings Manufacturing
24 Extension Partnership and related manufacturing
25 intermediary services is required.

1 (b) REQUIREMENTS RELATING TO HOLLINGS MANU-
2 FACTURING EXTENSION PARTNERSHIP.—The Secretary
3 of Commerce, acting through the Director of the National
4 Institute of Standards and Technology and the Hollings
5 Manufacturing Extension Partnership, shall—

6 (1) expand services to align the entire Hollings
7 Manufacturing Extension Partnership that provides
8 industry-wide support that assists United States
9 manufacturers with reshoring manufacturing to
10 strengthen the resiliency of domestic supply chains,
11 including in critical technology areas and
12 foundational manufacturing capabilities that are key
13 to domestic manufacturing competitiveness and resili-
14 ency, including forming, casting, machining, joining,
15 surface treatment, and tooling;

16 (2) in coordination with the Industrial Tech-
17 nology Assistance program of the Department of
18 Energy, assist manufacturers with energy efficiency
19 or carbon reduction improvements;

20 (3) assist manufacturers with improvements to
21 cybersecurity and technology adoption, including the
22 use of artificial intelligence, robotics, 3D printing,
23 cloud computing, and other digital technologies to
24 improve competitiveness;

1 (4) support programming at the Centers under
2 section 25 of the National Institute of Standards
3 and Technology Act (15 U.S.C. 278k) to provide co-
4 ordinating services on workforce training, including
5 connecting manufacturers with career and technical
6 education entities, institutions of higher education
7 (including community colleges), labor organizations,
8 and job training providers to develop training to
9 upskill incumbent workers and to provide training
10 and job placement services to new workers;

11 (5) expand advanced manufacturing technology
12 services to small- and medium-sized manufacturers
13 pursuant to section 25A of the National Institute of
14 Standards and Technology Act (15 U.S.C. 278k–1),
15 including services for the adoption of smart manu-
16 facturing technologies and practices and technologies
17 developed by Manufacturing USA institutes (as de-
18 scribed in section 34(d) of the National Institute of
19 Standards and Technology Act (15 U.S.C.
20 278s(d))); and

21 (6) build capabilities across the Hollings Manu-
22 facturing Extension Partnership for reshoring sup-
23 ply chains in critical technologies and supplies and
24 key manufacturing processes, including expanded ca-
25 pacity for researching and deploying information on

1 supply chain risk, hidden costs of reliance on off-
2 shore suppliers, redesigning products and processes
3 to encourage reshoring, and other relevant topics.

4 (c) WAIVER OF HOLLINGS MANUFACTURING EXTEN-
5 SION PARTNERSHIP COST-SHARE REQUIREMENTS FOR
6 STATES.—During fiscal year 2021 and 2022, subsections
7 (e)(2) and (f)(3) of section 25 of the National Institute
8 of Standards and Technology Act (15 U.S.C. 278k) shall
9 not apply to a Center (as defined in subsection (a) of such
10 section) that is operated by a State and no Federal cost-
11 share requirements shall apply to any funds appropriated
12 pursuant to the authorizations of appropriations in para-
13 graphs (2) and (3) of subsection (e).

14 (d) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) IN GENERAL.—There is authorized to be
16 appropriated to carry out subsection (b)
17 \$600,000,000 for fiscal year 2021 and for each fis-
18 cal year thereafter.

19 (2) DEPLOYMENT OF ADVANCED MANUFAC-
20 TURING TECHNOLOGIES.—Of the amounts appro-
21 priated pursuant to the authorization in paragraph
22 (1), \$50,000,000 shall be available in each fiscal
23 year to carry out subsection (b)(4).

24 (3) SUPPLY CHAIN RESEARCH CAPABILITIES.—
25 Of the amounts appropriated pursuant to the au-

1 thorization in paragraph (1), \$10,000,000 shall be
2 available each fiscal year to carry out subsection
3 (b)(6).

4 **SEC. 137. DEVELOPMENT OF DATA AND POLICY REC-**
5 **COMMENDATIONS FOR IMPROVED DOMESTIC**
6 **SUPPLY CHAIN RESILIENCY.**

7 (a) **STUDY REQUIRED.**—Not later than 30 days after
8 the date of the enactment of this Act, the Secretary of
9 Commerce shall seek to enter into an agreement with the
10 National Academies of Sciences, Engineering, and Medi-
11 cine (referred to in this section as the “National Acad-
12 emies”) under which the National Academies will conduct
13 a study on—

14 (1) tools and processes for the Federal Govern-
15 ment to collect comprehensive data on supply chains
16 across sectors for use in strengthening the resiliency
17 of domestic supply chains, including recommenda-
18 tions for maintaining confidentiality of responses
19 from companies, protections of proprietary informa-
20 tion, and ways of collecting such data that would not
21 be burdensome for respondents to ensure wide in-
22 dustry participation;

23 (2) ways in which such data should be updated
24 on a regular basis and accessible for research and
25 evaluation purposes for the Federal Government;

1 (3) the development of policies and procedures
2 for the Federal Government to use data on supply
3 chains for activities to strengthen the resiliency of
4 domestic supply chains, including the use of data—

5 (A) to identify and respond to shortages in
6 materials or services caused by natural disas-
7 ters and other emergencies;

8 (B) to provide early warning of
9 vulnerabilities in supply chains;

10 (C) to facilitate the growth of new indus-
11 tries by identifying firms whose capabilities
12 could contribute to the supply chains of these
13 new industries;

14 (D) to research effective ways of selecting
15 and managing suppliers, including methods of
16 evaluating a supplier's total cost of ownership
17 or total value contribution;

18 (E) to coordinate domestic supply chains
19 for the purposes of achieving Buy America and
20 Buy American Federal requirements and do-
21 mestic manufacturing requirements for feder-
22 ally funded intellectual property included in the
23 chapter 18 of title 35, United States Code
24 (commonly known as the “Bayh-Dole Act”),

1 and Stevenson-Wydler Act of 1980 (15 U.S.C.
2 3701 et seq.); and

3 (F) to reshore companies critical to domes-
4 tic supply chain resiliency in critical materials
5 and technologies;

6 (4) recommendations on types of data useful to
7 Federal Government policies and procedures for
8 strengthening the resiliency of domestic supply
9 chains; and

10 (5) models for establishing and maintaining
11 networks critical to resilient domestic supply chains
12 to ensure the collection and use of data that may be
13 made up of stakeholders that may include—

14 (A) private firms;

15 (B) institutions of higher education;

16 (C) labor and community organizations;

17 (D) trade associations;

18 (E) lenders and investors; and

19 (F) Federal, State, and local agencies.

20 (b) COORDINATION.—In carrying out the study re-
21 quired by subsection (a), the National Academies shall co-
22 ordinate with the heads of relevant Federal agencies, in-
23 cluding the Secretary of Commerce, the Secretary of De-
24 fense, the Secretary of Energy, the Administrator of the
25 Small Business Administration, the Secretary of Agri-

1 culture, the Secretary of Transportation, the Secretary of
2 the Treasury, the Secretary of Health and Human Serv-
3 ices, and such others as the National Academies considers
4 necessary to carry out the study.

5 (c) INITIAL REPORT.—Not later than 90 days after
6 the date of the enactment of this Act, the Secretary of
7 Commerce shall submit to the President and the appro-
8 priate congressional committees an initial report that in-
9 cludes—

10 (1) the findings of the National Academies with
11 respect to the study conducted under subsection (a);
12 and

13 (2) such recommendations as the National
14 Academies may have for legislative or administrative
15 action to improve the collection and use of data to
16 strengthen the resiliency of domestic supply chains
17 across industry sectors.

18 (d) FINAL REPORT.—Not later than 180 days after
19 the date of the enactment of this Act, the Secretary of
20 Commerce shall submit to the President and the appro-
21 priate congressional committees a comprehensive report
22 on the findings of the National Academies with respect
23 to the study required by subsection (a).

24 (e) FORM OF REPORTS.—The reports submitted to
25 the appropriate congressional committees under sub-

1 sections (b) and (c) shall be submitted in unclassified
2 form, but may include a classified annex.

3 **SEC. 138. CAPITAL INVESTMENT FOR DOMESTIC PRODUC-**
4 **TION.**

5 (a) DEFINITIONS.—In this section:

6 (1) COMPANY.—The term “company” has the
7 meaning given such term in section 847 of the Na-
8 tional Defense Authorization Act for Fiscal Year
9 2020 (Public Law 116–92).

10 (2) DOMESTIC.—The term “domestic” means a
11 company incorporated or formed in the United
12 States—

13 (A) that is not under foreign ownership,
14 control, or influence (FOCI);

15 (B) whose beneficial owners are United
16 States persons;

17 (C) whose management are United States
18 citizens;

19 (D) whose principal place of business is in
20 the United States; and

21 (E) who is not—

22 (i) a foreign incorporated entity that
23 is an inverted domestic corporation or any
24 subsidiary of such entity; or

1 (ii) any joint venture if more than 10
2 percent of the joint venture (by vote or
3 value) is held by a foreign incorporated en-
4 tity that is an inverted domestic corpora-
5 tion or any subsidiary of such entity.

6 (b) AUTHORIZATIONS OF APPROPRIATIONS FOR DE-
7 PARTMENT OF DEFENSE PROGRAMS TO SUPPORT DE-
8 VELOPMENT AND PRODUCTION OF CRITICAL TECH-
9 NOLOGIES.—To support the commercialization of federally
10 funded research and development and the scaling of do-
11 mestic production of critical technologies and supplies,
12 there are authorized to be appropriated amounts as fol-
13 lows:

14 (1) NATIONAL SECURITY INNOVATION CAPITAL
15 PROGRAM.—For the National Security Innovation
16 Capital program under section 230 of the John S.
17 McCain National Defense Authorization Act for Fis-
18 cal Year 2019 (Public Law 115–232; 10 U.S.C.
19 2358 note), including investment to scale domestic
20 production of research and technology development
21 of dual-use critical technologies, the following
22 amounts:

23 (A) For fiscal year 2021, \$15,000,000.

24 (B) For fiscal year 2022, \$16,050,000.

25 (C) For fiscal year 2023, \$17,174,000.

1 (D) For fiscal year 2024, \$18,376,000.

2 (E) For fiscal year 2025, \$19,662,000.

3 (2) RAPID INNOVATION PROGRAM.—To carry
4 out the Rapid Innovation Program (RIP) under sec-
5 tion 1073 of the Ike Skelton National Defense Au-
6 thorization Act for Fiscal Year 2011 (Public Law
7 111–383; 10 U.S.C. 2359a note), the following
8 amounts:

9 (A) For fiscal year 2021, \$250,000,000.

10 (B) For fiscal year 2022, \$267,500,000.

11 (C) For fiscal year 2023, \$286,250,000.

12 (D) For fiscal year 2024, \$306,261,000.

13 (E) For fiscal year 2025, \$327,699,000.

14 (3) TITLE III OF THE DEFENSE PRODUCTION
15 ACT.—To carry out title III of the Defense Produc-
16 tion Act (50 U.S.C. 4531 et seq.), the following
17 amounts:

18 (A) For fiscal year 2021, \$100,000,000.

19 (B) For fiscal year 2022, \$100,000,000.

20 (C) For fiscal year 2023, \$200,000,000.

21 (D) For fiscal year 2024, \$300,000,000.

22 (E) For fiscal year 2025, \$300,000,000.

23 (4) INDUSTRIAL BASE ANALYSIS AND
24 SUSTAINMENT.—To carry out the Industrial Base
25 Analysis and Sustainment program under section

1 2508 of title 10, United States Code, the following
2 amounts:

3 (A) For fiscal year 2021, \$111,335,000.

4 (B) For fiscal year 2022, \$119,128,000.

5 (C) For fiscal year 2023, \$127,467,000.

6 (D) For fiscal year 2024, \$136,390,000.

7 (E) For fiscal year 2025, \$145,937,000.

8 (5) MANUFACTURING TECHNOLOGY PRO-
9 GRAM.—To carry out the Manufacturing Technology
10 Program under subchapter IV of chapter 148 of title
11 10, United States Code, the following amounts:

12 (A) For fiscal year 2021, \$140,080,000.

13 (B) For fiscal year 2022, \$149,886,000.

14 (C) For fiscal year 2023, \$160,378,000.

15 (D) For fiscal year 2024, \$171,604,000.

16 (E) For fiscal year 2025, \$183,616,000.

17 (c) SUPPLEMENT, NOT SUPPLANT.—The amounts
18 authorized to be appropriated under paragraphs (1)
19 through (5) of subsection (b) shall supplement and not
20 supplant amounts already appropriated for the purposes
21 described in such paragraphs.

22 (d) FOCUS ON STARTUP, SMALL, AND MID-SIZED
23 COMPANIES.—The Secretary of Defense shall establish
24 policies to focus funding authorized under this section to
25 meet the needs of startup, small, and mid-sized companies

1 in commercializing Federal research and development and
 2 scaling domestic manufacturing.

3 **SEC. 139. IMPROVED PROCESS FOR PREFERENCE FOR DO-**
 4 **MESTIC MANUFACTURING OF TECH-**
 5 **NOLOGIES DEVELOPED AT GOVERNMENT EX-**
 6 **PENSE.**

7 (a) TITLE 35, UNITED STATES CODE.—Section 204
 8 of title 35, United States Code, is amended—

9 (1) in the first sentence, by striking “Notwith-
 10 standing any other provision of this chapter,” and
 11 inserting the following:

12 “(a) IN GENERAL.—Notwithstanding any other pro-
 13 vision of this chapter, and subject to subsection (b),”;

14 (2) by striking the second sentence; and

15 (3) by adding at the end the following:

16 “(b) WAIVERS.—

17 “(1) IN GENERAL.—In individual cases, and
 18 consistent with the policies and procedures developed
 19 under paragraph (2), the requirement for an agree-
 20 ment described in subsection (a) may be waived
 21 upon a showing by the applicable small business
 22 firm, nonprofit organization, or assignee that rea-
 23 sonable but unsuccessful efforts have been made to
 24 grant licenses on similar terms to potential licensees
 25 that would be likely to manufacture substantially in

1 the United States or that under the circumstances
2 domestic manufacture is not commercially feasible.

3 “(2) IMPLEMENTATION.—The Secretary of
4 Commerce shall develop policies and procedures that,
5 to the greatest extent practicable, promote uni-
6 formity with respect to the issuance of a waiver
7 under paragraph (1), which shall include the fol-
8 lowing:

9 “(A) Policies and procedures to promote
10 transparency and clarity with respect to the
11 issuance of those waivers, including the means
12 by which a small business firm, nonprofit orga-
13 nization, or assignee described in that para-
14 graph may make the showing required under
15 that paragraph.

16 “(B) The development of a Government-
17 wide application process through which waivers
18 are issued under that paragraph, which shall
19 require—

20 “(i) the person seeking the waiver to
21 submit to the Federal agency under whose
22 funding agreement the applicable subject
23 invention was made a request for the waiv-
24 er;

1 “(ii) the Federal agency to which a
2 request is submitted under clause (i) to
3 forward that request to the Secretary; and

4 “(iii) the Secretary, during the 120-
5 day period beginning on the date on which
6 the Secretary receives the request under
7 clause (ii), to—

8 “(I) consult with the Federal
9 agency forwarding the request, and
10 any other Federal agency the Sec-
11 retary determines appropriate, regard-
12 ing whether the waiver should be
13 issued; and

14 “(II) determine whether to issue
15 the waiver, taking into consideration
16 the consultation required under sub-
17 clause (I).

18 “(C) Policies and procedures to—

19 “(i) collect information from the per-
20 son seeking the waiver on the capabilities
21 required of the applicable licensee to man-
22 ufacture in the United States; and

23 “(ii) before issuing the waiver, utilize
24 the information collected under clause (i)
25 to, in coordination with the Hollings Man-

1 ufacturing Extension Partnership estab-
2 lished under section 25(b) of the National
3 Institute of Standards and Technology Act
4 (15 U.S.C. 278k(b)) and other relevant
5 Federal programs, identify domestic manu-
6 facturers that are capable and willing to
7 manufacture in the United States the ap-
8 plicable product that embodies the subject
9 invention (or that is produced through the
10 use of the subject invention).

11 “(c) REPORTS.—Not later than 1 year after the date
12 of enactment of this subsection, and annually thereafter,
13 the Secretary of Commerce shall submit to Congress a re-
14 port regarding the issuance of waivers under subsection
15 (b), which shall include—

16 “(1) the total number of those waivers issued
17 during the period covered by the report, which shall
18 include, for each such waiver, an identification of—

19 “(A) the nation in which the applicable
20 product that embodies the subject invention (or
21 that is produced through the use of the subject
22 invention) will be substantially manufactured;
23 and

1 “(B) the Federal agency under whose
2 funding agreement the applicable subject inven-
3 tion was made;

4 “(2) the total number of requests submitted
5 under subsection (b)(2)(B)(i) during the period cov-
6 ered by the report; and

7 “(3) during the period covered by the report, a
8 breakdown of the number of requests that each Fed-
9 eral agency received under subsection (b)(2)(B)(i).”.

10 (b) STEVENSON-WYDLER TECHNOLOGY INNOVATION
11 ACT OF 1980.—

12 (1) IN GENERAL.—Section 12(c)(4) of the Ste-
13 venson-Wydler Technology Innovation Act of 1980
14 (15 U.S.C. 3710a(c)(4)) is amended—

15 (A) by redesignating subparagraphs (A)
16 and (B) as clauses (i) and (ii), respectively;

17 (B) in the matter preceding clause (i), as
18 so redesignated, by inserting “(A)” after “(4)”;

19 and

20 (C) by adding at the end the following:

21 “(B) The Secretary shall develop policies and proce-
22 dures that, to the greatest extent practicable, promote uni-
23 formity across the Federal Government with respect to the
24 implementation of subparagraph (A).”.

1 (2) TECHNICAL AND CONFORMING AMEND-
2 MENT.—Section 12(b)(1)(C)(iii) of the Stevenson-
3 Wydler Technology Innovation Act of 1980 (15
4 U.S.C. 3710a(b)(1)(C)(iii)) is amended by striking
5 “subsection (c)(4)(B)” and inserting “subsection
6 (c)(4)(A)(ii)”.

7 **SEC. 140. COMPARATIVE ANALYSIS OF CHINESE AND**
8 **UNITED STATES INVESTMENTS IN RESEARCH**
9 **AND MANUFACTURING IN AREAS CRITICAL**
10 **TO THE NATIONAL DEFENSE STRATEGY.**

11 (a) IN GENERAL.—The Secretary of Defense shall
12 conduct a comparative assessment of the budgets and in-
13 vestment programs in each critical technology area sup-
14 porting the National Defense Strategy of the United
15 States and the People’s Republic of China and provide to
16 the congressional defense committees, not later than 180
17 days after the date of the enactment of this Act, a report
18 on the assessment, in both classified and unclassified form
19 as necessary.

20 (b) ELEMENTS.—The assessment and report re-
21 quired under subsection (a) shall include the following ele-
22 ments:

23 (1) A comparison of investment levels in re-
24 search and relevant testing and research infrastruc-
25 ture, manufacturing, prototyping, and procurement

1 by government and any relevant private sector orga-
2 nization.

3 (2) A comparative assessment of capabilities of
4 national security systems likely to be in use within
5 the next 10 years.

6 **SEC. 141. TECHNICAL DATA RIGHTS FOR TECHNOLOGIES**
7 **DEVELOPED AT GOVERNMENT EXPENSE**
8 **THAT HAVE BEEN TRANSFERRED OVERSEAS**
9 **FOR MANUFACTURING AND PRODUCTION.**

10 Section 2320(a)(2)(E) of title 10, United States
11 Code, is amended—

12 (1) by redesignating clause (iv) as clause (v);
13 and

14 (2) by inserting after clause (iii) the following
15 new clause:

16 “(iv) Enabling the Government to ensure
17 that to the greatest extent practicable all tech-
18 nologies and systems under procurement by the
19 Department of Defense that were developed
20 with mixed funding be manufactured within the
21 national technology and industrial base (as that
22 term is defined in section 2500 of this title) or
23 with other allied nations and not be provided to
24 companies (as defined in section 847 of the Na-
25 tional Defense Authorization Act for Fiscal

1 Year 2020 (Public Law 116–92)) under foreign
2 ownership, control, or influence (as defined in
3 such section 847), of a malign foreign actor,
4 unless specifically authorized by the Secretary
5 of Defense or another provision of law.”.

6 **SEC. 142. REQUIREMENT TO BUY CERTAIN ARTICLES FROM**
7 **UNITED STATES AND FRIENDLY NATION**
8 **SOURCES.**

9 (a) DEFINITIONS.—In this section:

10 (1) BENEFICIAL OWNER; BENEFICIAL OWNER-
11 SHIP.—The terms “beneficial owner” and “beneficial
12 ownership” shall be determined in a manner that is
13 not less stringent than the manner set forth in sec-
14 tion 240.13d–3 of title 17, Code of Federal Regula-
15 tions (as in effect on the date of the enactment of
16 this Act).

17 (2) COMPANY.—The term “company” means
18 any corporation, company, limited liability company,
19 limited partnership, business trust, business associa-
20 tion, or other similar entity.

21 (3) COVERED CONTRACTOR.—The term “cov-
22 ered contractor” means—

23 (A) a company that is not incorporated or
24 formed in the United States;

1 (B) a company whose management are not
2 United States citizens;

3 (C) a company whose principal place of
4 business is not in the United States;

5 (D) any foreign incorporated company that
6 is an inverted domestic corporation or any sub-
7 sidiary of such company; or

8 (E) any joint venture if more than 10 per-
9 cent of the joint venture (by vote or value) is
10 held by a foreign incorporated company that is
11 an inverted domestic corporation or any sub-
12 sidiary of such company.

13 (4) FOREIGN OWNERSHIP, CONTROL, OR INFLU-
14 ENCE; FOCL.—The terms “foreign ownership, con-
15 trol, or influence” and “FOCI” have the meanings
16 given those terms in the National Industrial Security
17 Program Operating Manual (DOD 5220.22–M), or
18 a successor document.

19 (5) NATIONAL TECHNOLOGY AND INDUSTRIAL
20 BASE.—The term “national technology and indus-
21 trial base” has the meaning given the term in sec-
22 tion 2500 of title 10, United States Code.

23 (b) DOMESTIC SOURCING REQUIREMENT.—The Sec-
24 retary of Defense shall establish procurement policies to
25 ensure that, except as provided under subsections (c)

1 through (f), or as otherwise provided under law, funds ap-
2 propriated or otherwise available to the Department of De-
3 fense may not be used for the procurement of any product,
4 good, or service from a covered contractor, including con-
5 tracts, subcontracts, and other transactions for the pro-
6 curement of commercial products, notwithstanding section
7 1906 of title 41, United States Code.

8 (c) WAIVERS TO USE SOURCES IN THE NATIONAL
9 TECHNOLOGY AND INDUSTRIAL BASE.—The Secretary of
10 Defense shall establish a waiver process to ensure that
11 products, goods, or services that cannot be procured under
12 the requirements of subsection (b) in satisfactory quality
13 and sufficient quantity as and when needed at United
14 States fair market prices, may be procured as needed for
15 the specific procurement from companies—

16 (1) that are not under foreign ownership, con-
17 trol, or influence (FOCI) of a malign foreign actor;

18 (2) whose beneficial owners are known to the
19 Secretary; and

20 (3) that are in the national technology and in-
21 dustrial base.

22 (d) WAIVERS TO USE SOURCES IN OTHER ALLIED
23 OR FRIENDLY NATIONS.—The Secretary of Defense shall
24 establish a waiver process to ensure that products, goods,
25 or services that cannot be procured under the require-

1 ments of subsection (b) or subsection (c) in satisfactory
2 quality and sufficient quantity as and when needed at
3 United States fair market prices, may be procured from
4 companies in other allied or friendly nations, as designated
5 for the specific procurement, so long as the Secretary en-
6 sures that such company is not under FOCI of a malign
7 foreign actor or such company is not beneficially owned
8 by a malign foreign actor.

9 (e) WAIVER TO USE ALTERNATIVE SOURCES.—The
10 Secretary of Defense shall establish a waiver process to
11 ensure that products, goods, or services that cannot be
12 procured under the requirements of subsection (b), (c), or
13 (d) in satisfactory quality and sufficient quantity as and
14 when needed at United States fair market prices, may be
15 procured from a company, as designated for the specific
16 procurement.

17 (f) EXCEPTIONS FOR CERTAIN PROCUREMENTS.—
18 The requirement under subsection (b) does not apply to
19 procurements—

20 (1) outside the United States in support of
21 combat operations;

22 (2) of any item in support of contingency oper-
23 ations or other emergencies;

24 (3) for which the use of procedures other than
25 competitive procedures has been approved on the

1 basis of section 2304(c)(2) of title 10, United States
2 Code, relating to unusual and compelling urgency of
3 need;

4 (4) for amounts not greater than the simplified
5 acquisition threshold referred to in section 2304(g)
6 of such title; or

7 (5) whose sourcing is limited by other provi-
8 sions of law, international agreement, or treaty obli-
9 gations.

10 (g) REQUIREMENT FOR ACTIVITIES TO ESTABLISH
11 DOMESTIC SOURCES.—If the Secretary of Defense issues
12 a waiver under subsections (c), (d), or (e), the Secretary
13 shall, not later than 90 days after issuing the waiver, pro-
14 vide a notification to the congressional defense committees
15 of such waiver, along with a justification for the use of
16 the waiver and a plan to establish domestic sources for
17 the specific product, good, or service that was the subject
18 of the waiver, if determined appropriate.

19 (h) REPORTING ON USE OF WAIVER AUTHORITY.—
20 The Secretary of Defense shall report to Congress and
21 post on a public website each fiscal quarter usage of the
22 waivers authorized under subsections (c), (d), and (e).

1 **SEC. 143. PROMOTING DOMESTIC PRODUCTION OF TECH-**
2 **NOLOGIES DEVELOPED UNDER DEFENSE RE-**
3 **SEARCH AND DEVELOPMENT ACTIVITIES.**

4 (a) DEFINITIONS.—In this section:

5 (1) BENEFICIAL OWNER; BENEFICIAL OWNER-
6 SHIP.—The terms “beneficial owner” and “beneficial
7 ownership” shall be determined in a manner that is
8 not less stringent than the manner set forth in sec-
9 tion 240.13d–3 of title 17, Code of Federal Regula-
10 tions (as in effect on the date of the enactment of
11 this Act).

12 (2) COMPANY.—The term “company” means
13 any corporation, company, limited liability company,
14 limited partnership, business trust, business associa-
15 tion, or other similar entity.

16 (3) DOMESTIC.—The term “domestic”, with re-
17 spect to development or production, means develop-
18 ment or production by, or with respect to source
19 means the source is, a company incorporated or
20 formed in the United States—

21 (A) that is not under foreign ownership,
22 control, or influence;

23 (B) whose beneficial owners are United
24 States persons;

25 (C) whose management are United States
26 citizens;

1 (D) whose principal place of business is in
2 the United States; and

3 (E) who is not—

4 (i) a foreign incorporated entity that
5 is an inverted domestic corporation or any
6 subsidiary of such entity; or

7 (ii) any joint venture if more than 10
8 percent of the joint venture (by vote or
9 value) is held by a foreign incorporated en-
10 tity that is an inverted domestic corpora-
11 tion or any subsidiary of such entity.

12 (4) FOREIGN OWNERSHIP, CONTROL, OR INFLU-
13 ENCE; FOCI.—The terms “foreign ownership, con-
14 trol, or influence” and “FOCI” have the meanings
15 given those terms in the National Industrial Security
16 Program Operating Manual (DOD 5220.22–M), or
17 a successor document.

18 (b) IN GENERAL.—The Secretary of Defense shall es-
19 tablish policies to promote the domestic production and
20 for secure supply chains of technologies developed under
21 section 2358 of title 10, United States Code.

22 (c) ELEMENTS.—The policies developed under sub-
23 section (b) shall include the following:

24 (1) Measures to partner domestic developers of
25 technologies under defense research and development

1 activities with domestic manufacturers and sources
2 of financing, as well as to assure secure supply chain
3 management for any non-domestic manufacturers.

4 (2) Measures to prioritize procurement of tech-
5 nologies developed under defense research and devel-
6 opment activities from domestic sources.

7 (3) Requirements that all contracts, trans-
8 actions, and agreements entered into under section
9 2358(b) of title 10, United States Code, shall in-
10 clude conditions where developers of technologies
11 under defense research and development activity who
12 manufacture such technology outside the United
13 States may be required to refund to the United
14 States an appropriate amount of funding, which
15 shall include the present value of the future value
16 lost by the United States as a result of such tech-
17 nology being manufactured outside the United
18 States, under reasonable conditions and procedures
19 determined by the Secretary in the interest of pro-
20 tecting taxpayers.

21 (4) Requirements that technical data developed
22 under defense research and development activities
23 may be transferred by the Department of Defense
24 for the purpose of domestic manufacturing for pro-
25 curement activities of the Department of Defense.

1 **SEC. 144. COMPARATIVE ANALYSIS OF EFFORTS BY THE**
2 **PEOPLE'S REPUBLIC OF CHINA AND THE**
3 **UNITED STATES TO RECRUIT AND RETAIN**
4 **RESEARCHERS.**

5 (a) AGREEMENT.—

6 (1) IN GENERAL.—The Secretary of Defense
7 shall seek to enter into an agreement with the Na-
8 tional Academies of Sciences, Engineering, and Med-
9 icine to perform the services covered by this section.

10 (2) TIMING.—The Secretary shall seek to enter
11 into the agreement described in paragraph (1) not
12 later than 60 days after the date of the enactment
13 of this Act.

14 (b) REVIEW.—

15 (1) IN GENERAL.—Under an agreement be-
16 tween the Secretary and the National Academies of
17 Sciences, Engineering, and Medicine under this sec-
18 tion, the National Academies of Sciences, Engineer-
19 ing, and Medicine shall carry out a comparative
20 analysis of efforts by the People's Republic of China
21 and the United States to recruit and retain domestic
22 and foreign researchers and develop recommenda-
23 tions for the Department of Defense.

24 (2) ELEMENTS.—The comparative analysis car-
25 ried out under paragraph (1) and the recommenda-

1 tions developed under such paragraph shall include
2 the following:

3 (A) A list of the so called “talent pro-
4 grams” used by the Government of China and
5 a list of the incentive programs used by the
6 United States Government to recruit and retain
7 relevant researchers.

8 (B) The types of researchers, scientists,
9 other technical experts, and fields targeted by
10 each talent program listed under subparagraph
11 (A).

12 (C) The number of researchers in aca-
13 demia, the Department of Defense Science and
14 Technology Reinvention Laboratories, and na-
15 tional security science and engineering pro-
16 grams of the National Nuclear Security Admin-
17 istration targeted by the talent programs listed
18 under subparagraph (A).

19 (D) The number of personnel currently
20 participating in the talent programs listed
21 under subparagraph (A) and the number of re-
22 searchers currently participating in the incen-
23 tive programs listed under such subparagraph.

24 (E) The incentives offered by each of the
25 talent programs listed under subparagraph (A)

1 and a description of the incentives offered
2 through incentive programs under such sub-
3 paragraph to recruit and retain researchers, sci-
4 entists, and other technical experts.

5 (F) A characterization of the national se-
6 curity, economic, and scientific benefits the
7 People's Republic of China gains through the
8 talent programs listed under subparagraph (A)
9 and a description of similar gains accrued to
10 the United States through incentive programs
11 listed under such subparagraph.

12 (G) A list of findings and recommenda-
13 tions relating to policies that can be imple-
14 mented by the United States Government, espe-
15 cially the Department of Defense, to improve
16 the relative effectiveness of United States ac-
17 tivities to recruit and retain researchers, sci-
18 entists, and other technical experts relative to
19 the Government of China.

20 (c) REPORT.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of the execution of an agreement under
23 subsection (a), the National Academies of Sciences,
24 Engineering, and Medicine shall submit to the con-
25 gressional defense committees (as that term is de-

1 fined in section 101(a)(16) of title 10, United States
2 Code) a report on the findings with respect to the
3 review carried out under this section and the rec-
4 ommendations developed under this section.

5 (2) FORM.—The report submitted under para-
6 graph (1) shall be submitted in a publicly releasable
7 and unclassified format, but may include a classified
8 annex.

9 **SEC. 145. DEPARTMENT OF DEFENSE COOPERATIVE TECH-**
10 **NICAL TALENT PROTECTION PROGRAM.**

11 (a) IN GENERAL.—The Secretary of Defense, in con-
12 sultation with the Secretary of State, may carry out a pro-
13 gram with respect to foreign countries, to be known as
14 the “Department of Defense Cooperative Technical Talent
15 Protection Program” (referred to in this section as the
16 “Program”), to carry out the following activities:

17 (1) Facilitate the attraction and retention of in-
18 dividuals with technical talent in critical national se-
19 curity technologies in the United States and allied
20 countries, while preventing such individuals from in-
21 appropriately partnering with or working for—

22 (A) the Government of China and organi-
23 zations associated with the Government of
24 China; and

1 (B) other governments of countries of con-
2 cern and associated organizations.

3 (2) Prevent the proliferation of advanced na-
4 tional security and commercial technologies, knowl-
5 edge, and expertise to the People's Republic of
6 China and other countries of concern.

7 (3) Prevent the proliferation of materials,
8 equipment, and technology that could be used for
9 the design, development, production, or use of tech-
10 nologies critical to the national or economic security
11 of the People's Republic of China and other coun-
12 tries of concern.

13 (4) Subject to subsection (e), carry out mili-
14 tary-to-military and defense contacts with allied and
15 friendly countries to advance the mission of the Pro-
16 gram.

17 (5) Establish procedures and measures to en-
18 sure that any sensitive information or technology or
19 knowledge acquired by a participant of the Program,
20 as a result of participating in the Program, is not
21 used against the United States Government or
22 shared with malign foreign actors.

23 (b) SCOPE OF AUTHORITY.—The authority under
24 this section includes the authority to provide employment,
25 fellowships and other educational opportunities, equip-

1 ment, goods, services, and funding for, or related to, a
2 project or activity carried out under the Program.

3 (c) TYPE OF PROGRAM.—The Program may involve
4 assistance in planning and resolving technological prob-
5 lems or issues, the resolution of which is associated with
6 promoting economic growth or supporting national secu-
7 rity for the United States or allied countries.

8 (d) REIMBURSEMENT OF OTHER AGENCIES.—The
9 Secretary of Defense may reimburse the head of any other
10 Federal department or agency for the costs of the Federal
11 department or agency for participation in the Program.

12 (e) MILITARY-TO-MILITARY AND DEFENSE CON-
13 TACTS.—The Secretary of Defense shall ensure that the
14 military-to-military and defense contacts carried out under
15 subsection (a)(4)—

16 (1) are focused and expanded to support spe-
17 cific relationship-building opportunities that may
18 lead to the development of the Program in a new ge-
19 ographic area and the achievement other benefits of
20 the Program;

21 (2) are directly administered under the Pro-
22 gram; and

23 (3) include cooperation and coordination with
24 appropriate Federal departments and agencies, pri-

1 vate sector partners, allied countries, and inter-
2 national organizations.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Research, Develop-
5 ment, Test and Evaluation, Defense-Wide account to
6 carry out this section \$400,000,000 for the period of fiscal
7 years 2021 through 2025.

8 **SEC. 146. EMPLOYMENT OF EXPERTS BY DEPARTMENT OF**
9 **DEFENSE LABORATORIES AND THE DEFENSE**
10 **ADVANCED RESEARCH PROJECTS AGENCY.**

11 (a) IN GENERAL.—An individual may be employed
12 as a full-time or term employee at a Science and Tech-
13 nology Reinvention Laboratory if the individual—

14 (1) is a citizen or national of the United States
15 (as defined in section 101(a) of the Immigration and
16 Nationality Act (8 U.S.C. 1101(a)));

17 (2) is an alien lawfully admitted for permanent
18 residence (as the terms are defined in such section);

19 (3) is an alien who the Secretary of Defense de-
20 termines to be an expert in a technical field and de-
21 termines would positively contribute to the mission
22 of a Science and Technology Reinvention Laboratory
23 or the Defense Advanced Research Projects Agency;
24 or

1 (4) meets such criteria as the Director of the
2 Defense Advanced Research Projects Agency or Sec-
3 retary of a Military Department may establish.

4 (b) DEVELOPMENT OF HIRING POLICIES AND EXPE-
5 DITED PROCEDURES.—The Secretary of Defense shall de-
6 velop policies and expedited procedures for the employ-
7 ment of individuals described in subsection (a) that—

8 (1) for the period during which security clear-
9 ances for such employees are pending, establish job
10 functions that do not require security clearances;

11 (2) establish procedures for exchanging per-
12 sonnel with private sector research organizations (in-
13 cluding universities, university-affiliated research
14 centers, and federally funded research and develop-
15 ment centers) to enable such employees to support
16 defense missions during such period by carrying out
17 research and technical activities that do not require
18 security clearances;

19 (3) provide limited access authorization for
20 such employees, as necessary, to perform classified
21 work;

22 (4) assist such employees to obtain lawful per-
23 manent resident status or United States citizenship,
24 as applicable; and

1 (5) ensure that sensitive information or tech-
2 nology or knowledge acquired by such employees as
3 a result of such employment is not used against the
4 United States Government or shared with malign
5 foreign actors.

6 **SEC. 147. ANALYSIS OF DEFENSE INDUSTRIAL BASE AND**
7 **STEM FELLOWSHIPS, SCHOLARSHIPS, IN-**
8 **TERNSHIPS, TRAINEESHIPS, AND APPREN-**
9 **TICESHIPS.**

10 (a) ANALYSIS OF FINANCIAL STATUS OF DEFENSE
11 INDUSTRIAL BASE.—

12 (1) IN GENERAL.—The Secretary of Defense
13 shall conduct an analysis of—

14 (A) the financial status of the defense in-
15 dustrial base and develop predictive modeling
16 capabilities to enable the Secretary to under-
17 stand what sectors and suppliers in the defense
18 industrial base are under stress and need finan-
19 cial support, including as a result of the
20 COVID–19 pandemic; and

21 (B) the readiness of the domestic work-
22 force to ensure a resilient defense industrial
23 base, including coordination with labor organi-
24 zations and education and training providers to

1 assess gaps in training and education avail-
2 ability to achieve such readiness.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 There is authorized to be appropriated to the Sec-
5 retary such sums as may be necessary to carry out
6 this subsection.

7 (b) STEM FELLOWSHIPS, SCHOLARSHIPS, INTERN-
8 SHIPS, TRAINEESHIPS, AND APPRENTICESHIPS.—

9 (1) IN GENERAL.—The Secretary may establish
10 such fellowships, scholarships for service, intern-
11 ships, traineeships, and apprenticeships in the fields
12 of science, technology, engineering, and mathematics
13 as the Secretary considers appropriate to support
14 United States competition with the People’s Repub-
15 lic of China.

16 (2) DIVERSITY AND INCLUSION.—For any pro-
17 grams established in paragraph (1), the Secretary
18 shall develop priorities for use of such programs to
19 improve diversity and inclusion within the workforce
20 in support of the defense industrial base, including
21 expanding career pathways for socially and economi-
22 cally disadvantaged individuals, formerly incarcerated
23 ated individuals, women, veterans, and other under-
24 represented populations.

1 (3) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Sec-
3 retary such sums as may be necessary to carry out
4 this subsection.

5 **SEC. 148. NEW TECHNOLOGY DEVELOPMENT IN SUPPORT**
6 **OF THE NATIONAL DEFENSE STRATEGY.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—For the
8 Central Test and Evaluation Investment Program
9 (CTEIP) for test and evaluation infrastructure to support
10 new technology development for the National Defense
11 Strategy, there are authorized to be appropriated amounts
12 as follows:

13 (1) For fiscal year 2021, \$418,040,000.

14 (2) For fiscal year 2022, \$447,303,000.

15 (3) For fiscal year 2023, \$478,614,000.

16 (4) For fiscal year 2024, \$512,117,000.

17 (5) For fiscal year 2025, \$547,965,000.

18 (b) SUPPLEMENT, NOT SUPPLANT.—The amounts
19 authorized to be appropriated under subsection shall sup-
20 plement and not supplant amounts already appropriated
21 for the purposes described in such subsection.

22 **SEC. 149. USE OF THE DEFENSE PRODUCTION ACT TO IN-**
23 **VEST IN ALUMINUM PRODUCTION CAPACITY**
24 **IN THE UNITED STATES.**

25 (a) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) The Committee on Armed Services of
5 the Senate and the House of Representatives;
6 and

7 (B) The Committee on Financial Services
8 of the House of Representatives and the Com-
9 mittee on Banking, Housing, and Urban Affairs
10 of the Senate.

11 (2) NATIONAL DEFENSE.—The term “national
12 defense” shall have the same meaning as such term
13 under section 702 of the Defense Production Act of
14 1950 (50 U.S.C. 4552).

15 (b) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that, consistent with any determinations made pur-
17 suant to section 101 of the Defense Production Act of
18 1950 (50 U.S.C. 4511), the refining of aluminum and the
19 development of processing and manufacturing capabilities
20 for aluminum, including a geographically diverse set of
21 such capabilities, may have important implications for the
22 defense industrial base and the national defense.

23 (c) REPORT.—Not later than September 30, 2021,
24 the Secretary of Defense shall submit to the appropriate
25 congressional committees a report on—

1 (1) how authorities under the Defense Produc-
2 tion Act of 1950 (U.S.C. 4501 et seq.) could be used
3 to provide incentives to increase activities relating to
4 refining aluminum and the development of proc-
5 essing and manufacturing capabilities for aluminum;
6 and

7 (2) whether a new initiative would further the
8 development of such processing and manufacturing
9 capabilities for aluminum.

10 **SEC. 150. DOMESTIC REQUIREMENTS FOR ALUMINUM.**

11 (a) DESIGNATION OF ALUMINUM AS SPECIALTY
12 METAL.—Section 2533b(1) of title 10, United States
13 Code, is amended by adding at the end of the following
14 new paragraph:

15 “(5) Aluminum and aluminum alloys.”.

16 (b) FEDERAL HIGHWAY ADMINISTRATION.—Section
17 313(a) of title 23, United States Code, is amended by
18 striking “unless steel, iron, and manufactured products”
19 and inserting “unless steel, iron, aluminum, and manufac-
20 tured products”.

21 (c) FEDERAL TRANSIT ADMINISTRATION.—Section
22 5323(j) of title 49, United States Code, is amended—

23 (1) in paragraph (1), by striking “only if the
24 steel, iron, and manufactured goods” and inserting

1 “only if the steel, iron, aluminum, and manufactured
2 goods”;

3 (2) in paragraph (2)(B), by striking “steel,
4 iron, and goods” and inserting “steel, iron, alu-
5 minum, and manufactured goods”;

6 (3) in paragraph (5), by striking “or iron” and
7 inserting “, iron, or aluminum”;

8 (4) in paragraph (6)(A)(i), by inserting “, alu-
9 minum” after “iron”;

10 (5) in paragraph (10), by inserting “, alu-
11 minum” after “iron”; and

12 (6) in paragraph (12)—

13 (A) in the paragraph heading by striking
14 “AND IRON” and inserting “, IRON, AND
15 ALUMINUM”; and

16 (B) by striking “and iron” and inserting “,
17 iron, and aluminum”.

18 (d) FEDERAL RAILROAD ADMINISTRATION.—Section
19 22905(a) of title 49, United States Code, is amended—

20 (1) in paragraph (1), by striking “only if the
21 steel, iron, and manufactured goods” and inserting
22 “only if the steel, iron, aluminum, and manufactured
23 products”;

24 (2) in paragraph (2)(B), by inserting “, alu-
25 minum” after “iron”; and

1 (3) in paragraph (9), by inserting “, alu-
2 minum” after “iron.”

3 (e) FEDERAL AVIATION ADMINISTRATION.—Section
4 50101(a) of title 49, United States Code, is amended by
5 striking “steel and manufactured goods” and inserting
6 “steel, aluminum, and manufactured goods”.

7 (f) AMTRAK.—Section 24305(f)(2) of title 49, United
8 States Code, is amended by inserting “, including alu-
9 minum,” after “supplies” each place it appears.

10 **SEC. 151. QUALITY WAGE PROTECTIONS FOR FEDERAL IN-**
11 **VESTMENTS.**

12 (a) DAVIS-BACON ACT.—

13 (1) IN GENERAL.—Notwithstanding any other
14 provision of law, for fiscal year 2021 and each fiscal
15 year thereafter, all laborers and mechanics employed
16 by contractors or subcontractors on projects assisted
17 in whole or in part under section 103, 114, 125,
18 126, 131, 132, 133, 134, 135, 136, 138, 147, 148,
19 149, 150, 169, 170, 171, or 172, or part II of this
20 subtitle, without regard to the form or type of Fed-
21 eral assistance provided under such section or part,
22 shall be paid wages at rates not less than those pre-
23 vailing on projects of a similar character in the lo-
24 cality as determined by the Secretary of Labor in ac-
25 cordance with subchapter IV of chapter 31 of title

1 40, United States Code (commonly known as the
2 “Davis-Bacon Act”).

3 (2) AUTHORITY.—With respect to the labor
4 standards specified in paragraph (1), the Secretary
5 of Labor shall have the authority and functions set
6 forth in Reorganization Plan Numbered 14 of 1950
7 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
8 title 40, United States Code.

9 (b) SERVICE EMPLOYEES.—

10 (1) IN GENERAL.—Notwithstanding any other
11 provision of law, for fiscal year 2021 and each fiscal
12 year thereafter, all service employees, including serv-
13 ice employees that are routine operations workers or
14 routine maintenance workers, who are not covered
15 under subsection (a) and are employed by contrac-
16 tors or subcontractors on projects assisted in whole
17 or in part under section 103, 114, 125, 126, 131,
18 132, 133, 134, 135, 136, 138, 147, 148, 149, 150,
19 169, 170, 171, or 172, or part II of this subtitle,
20 without regard to the form or type of Federal assist-
21 ance provided under such section or part, shall be
22 paid a wage and fringe benefits that are not less
23 than the minimum wage and fringe benefits estab-
24 lished in accordance with chapter 67 of title 41,

1 United States Code (commonly known as the “Serv-
2 ice Contract Act”).

3 (2) DEFINITION OF SERVICE EMPLOYEE.—In
4 this subsection, the term “service employee”—

5 (A) means an individual engaged in the
6 performance of a project assisted in whole or in
7 part under section 103, 114, 125, 126, 131,
8 132, 133, 134, 135, 136, 137, 146, 147, 148,
9 149, 169, 170, 171, or 172, or part II of this
10 subtitle, without regard to the form or type of
11 Federal assistance provided under such section
12 or part, the principal purpose of which is to
13 furnish services in the United States;

14 (B) includes an individual without regard
15 to any contractual relationship alleged to exist
16 between the individual and a contractor or sub-
17 contractor; but

18 (C) does not include an individual em-
19 ployed in a bona fide executive, administrative,
20 or professional capacity, as those terms are de-
21 fined in part 541 of title 29, Code of Federal
22 Regulations.

23 (3) AUTHORITY.—With respect to paragraphs
24 (1) and (2), the Secretary of Labor shall have the

1 authority and functions set forth in chapter 67 of
2 title 41, United States Code.

3 (c) **MINIMUM WAGE AND OVERTIME.**—Notwith-
4 standing any other provision of law, for fiscal year 2021
5 and each fiscal year thereafter, all employees who are not
6 covered under subsection (a) and are employed, including
7 such employees employed by contractors or subcontractors,
8 on projects assisted in whole or in part under section
9 103, 114, 125, 126, 131, 132, 133, 134, 135, 136, 138,
10 147, 148, 149, 150, 169, 170, 171, or 172, or part II
11 of this subtitle, without regard to the form or type of Fed-
12 eral assistance provided under such section or part, shall
13 be paid a wage of not less than \$15 per hour and receive
14 overtime pay of one-and-one-half times their regular rate
15 of pay for all hours worked in excess of 40 hours per work-
16 week if they are paid at a rate of less than \$51,000 on
17 an annual basis.

18 **SEC. 152. COVID-19 CRITICAL MEDICAL SUPPLY CHAIN**

19 **TRANSPARENCY.**

20 (a) **OVERSIGHT OF CURRENT ACTIVITY AND**
21 **NEEDS.**—

22 (1) **RESPONSE TO IMMEDIATE NEEDS.**—Not
23 later than 60 days after the date of the enactment
24 of this Act, the Administrator of the Federal Emer-
25 gency Management Agency, in coordination with the

1 Director of the Defense Logistics Agency, the Sec-
2 retary of Health and Human Services, the Secretary
3 of Veterans Affairs, and heads of other Federal
4 agencies (as appropriate), shall submit to the appro-
5 priate congressional committees a report assessing
6 the immediate needs described in paragraph (2) to
7 combat the COVID–19 pandemic and the plan for
8 meeting those immediate needs.

9 (2) ASSESSMENT.—The report required by
10 paragraph (1) shall include—

11 (A) an assessment of the amount of critical
12 supplies necessary to address the needs of the
13 population of the United States infected by the
14 virus SARS–CoV–2 that causes COVID–19 and
15 to prevent further spread of COVID–19
16 throughout the United States;

17 (B) based on best available scientific and
18 epidemiological evidence and meaningful con-
19 sultations with relevant stakeholders and sci-
20 entific experts, an assessment of the need for
21 personal protective equipment, durable medical
22 equipment, and other critical supplies required
23 by—

24 (i) health professionals, health work-
25 ers, and staff in health care settings;

1 (ii) workers in industries and sectors
2 described in the “Advisory Memorandum
3 on Identification of Essential Critical In-
4 frastructure Workers during the COVID-
5 19 Response” issued by the Director of
6 Cybersecurity and Infrastructure Security
7 Agency of the Department of Homeland
8 Security on April 17, 2020 (and any ex-
9 pansion of industries and sectors included
10 in updates to such advisory memorandum);
11 and

12 (iii) other workers determined to be
13 essential based on such consultation and
14 review of evidence;

15 (C) an assessment of the quantities of crit-
16 ical supplies in working order and the quan-
17 tities of such supplies in need of repair and re-
18 furbishment in the Strategic National Stockpile
19 (established under section 319F-2 of the Public
20 Health Service Act (42 U.S.C. 247d-6b(a)(1)))
21 as of the date of the report, and the projected
22 gap between the quantities of critical supplies
23 identified as needed in the assessments under
24 subparagraphs (A) and (B) and the quantities

1 of such supplies in the Strategic National
2 Stockpile;

3 (D) an identification of the industry sec-
4 tors and manufacturers most ready to fulfill
5 purchase orders for such supplies (including
6 manufacturers that may be incentivized)
7 through the exercise of authority under section
8 303(e) of the Defense Production Act of 1950
9 (50 U.S.C. 4533(e)) to modify, expand, or im-
10 prove production processes to manufacture such
11 supplies to respond immediately to a need iden-
12 tified in subparagraph (A) or (B);

13 (E) an identification of Federal Govern-
14 ment-owned and non-Federal Government-
15 owned (including privately owned) stockpiles of
16 critical supplies not included in the Strategic
17 National Stockpile, and an assessment of the
18 quantities of such supplies that are in working
19 order and the quantities of such supplies that
20 could be repaired or refurbished;

21 (F) an identification of previously distrib-
22 uted critical supplies that can be redistributed
23 based on current need;

24 (G) a description of any exercise of the au-
25 thorities under the Defense Production Act of

1 1950 (50 U.S.C. 4501 et seq.) that relate to
2 the procurement of critical supplies; and

3 (H) an identification of critical areas of
4 need, by county and by areas identified by the
5 Indian Health Service, in the United States and
6 the metrics and criteria for identification as a
7 critical area.

8 (3) PLAN.—The report required by paragraph
9 (1) shall include a plan for meeting the immediate
10 needs to combat the COVID–19 pandemic, including
11 each need and gap identified through the assessment
12 under paragraph (2). Such plan shall include—

13 (A) a list of each contract the Federal
14 Government has entered into to meet such
15 needs, including the purpose of each contract,
16 the type and amount of equipment, supplies, or
17 services to be provided under the contract, the
18 entity fulfilling such contract, and the dollar
19 amount of each contract;

20 (B) a list of each contract that the Federal
21 Government intends to enter into within 14
22 days after submission of such report, including
23 the information described in paragraph (2) for
24 each such contract; and

1 (C) whether any of the contracts described
2 in subparagraph (A) or (B) have or will have a
3 priority rating under the Defense Production
4 Act of 1950 (50 U.S.C. 4501 et seq.), including
5 purchase orders pursuant to Department of De-
6 fense Directive 4400.1, part 101, subpart A of
7 title 45, Code of Federal Regulations, or any
8 other applicable authority.

9 (4) ADDITIONAL REQUIREMENTS.—The report
10 required by paragraph (1), and each update required
11 by paragraph (5), shall include—

12 (A) a list of any requests for critical sup-
13 plies from State or local governments and In-
14 dian Tribes, and an accompanying list of the
15 employers and unions and other stakeholders
16 consulted in developing these requests;

17 (B) a detailed description and explanation
18 of data sources and any modeling or formulas
19 used to determine allocation of critical supplies,
20 and any discrepancies between such supplies re-
21 quested as described in subparagraph (A) and
22 such supplies provided in all allocations;

23 (C) the date, amount and destination of
24 such supplies requested under subparagraph
25 (A) delivered;

1 (D) an explanation of why any portion of
2 any contract, whether to replenish the Strategic
3 National Stockpile or otherwise, will not be
4 filled;

5 (E) a list of products procured pursuant to
6 a contract described in paragraph (3)(A), the
7 percentage of such products that are used to re-
8 plenish the Strategic National Stockpile, that
9 are targeted to COVID–19 hotspots, and that
10 are used for the commercial market;

11 (F) metrics, formulas, and criteria used to
12 determine COVID–19 hotspots or areas of crit-
13 ical need for a State, county, or an area identi-
14 fied by the Indian Health Service;

15 (G) production and procurement bench-
16 marks, where practicable;

17 (H) a description of the range of prices for
18 critical supplies that are subject to shortages,
19 purchased by, transported by, or otherwise
20 known to, the Federal Government, identifying
21 all such prices that exceed the prevailing mar-
22 ket prices of such supplies prior to March 1,
23 2020, and any actions taken by the Federal
24 Government under section 102 of the Defense
25 Production Act of 1950 (50 U.S.C. 4512) or

1 other provisions of law to prevent hoarding of
2 such supplies and charging of such increased
3 prices between March 1, 2020, and the date of
4 the submission of the first report required by
5 paragraph (1), and, for all subsequent reports,
6 within each reporting period; and

7 (I) results of the consultation with the rel-
8 evant stakeholders required by paragraph
9 (2)(B).

10 (5) UPDATES.—The Administrator of the Fed-
11 eral Emergency Management Agency, in coordina-
12 tion with Director of the Defense Logistics Agency,
13 the Secretary of Health and Human Services, the
14 Secretary of Veterans Affairs, and heads of other
15 Federal agencies (as appropriate), shall update such
16 report every quarter.

17 (6) PUBLIC AVAILABILITY.—The Administrator
18 of the Federal Emergency Management Agency shall
19 make the report required by this subsection, includ-
20 ing each update required by paragraph (5) available
21 to the public, including on a publicly accessible
22 website of the Federal Government.

23 (7) SUNSET.—The requirements of this sub-
24 section shall terminate on the later of—

25 (A) December 31, 2021; or

1 (B) the end of the COVID–19 emergency
2 period.

3 (b) REPORTING ON EXERCISE OF AUTHORITIES
4 UNDER THE DEFENSE PRODUCTION ACT OF 1950.—

5 (1) REPORT REQUIRED.—

6 (A) IN GENERAL.—Not later than 60 days
7 after the date of the enactment of this Act, and
8 every 90 days thereafter, the Administrator of
9 the Federal Emergency Management Agency, in
10 consultation with the Secretary of Defense, the
11 Secretary of Health and Human Services, and
12 the Defense Production Act Committee, shall
13 submit to the appropriate congressional com-
14 mittees a report on the exercise of authorities
15 under the Defense Production Act of 1950 (50
16 U.S.C. 4501 et seq.) during the period specified
17 in subparagraph (C).

18 (B) ELEMENTS.—Each report required by
19 subparagraph (A) shall include, with respect to
20 each exercise of authority under the Defense
21 Production Act of 1950 included in the re-
22 port—

23 (i) an explanation of the purpose of
24 the applicable contract, purchase order, or
25 other exercise of authority (including an

1 allocation of materials, services, and facili-
2 ties under section 101(a)(2) of the Defense
3 Production Act of 1950 (50 U.S.C.
4 4511(a)(2));

5 (ii) the cost of the exercise of author-
6 ity; and

7 (iii) if applicable—

8 (I) the amount of goods that
9 were purchased or allocated;

10 (II) an identification of the entity
11 awarded a contract or purchase order
12 or that was the subject of the exercise
13 of authority; and

14 (III) an identification of any en-
15 tity that had shipments delayed by the
16 exercise of authority.

17 (C) PERIOD SPECIFIED.—The period speci-
18 fied in this paragraph is—

19 (i) in the case of the first report re-
20 quired by subparagraph (A), the period be-
21 ginning on the date of the enactment of
22 this Act and ending on the date on which
23 the report is required to be submitted; and

24 (ii) in the case of each subsequent re-
25 port required by subparagraph (A), the 90-

1 day period preceding the date on which the
2 report is required to be submitted.

3 (D) PUBLIC AVAILABILITY.—The Adminis-
4 trator of the Federal Emergency Management
5 Agency shall make each report required by sub-
6 paragraph (A) available to the public, including
7 by posting the report on a publicly accessible
8 internet website of the Federal Government.

9 (2) QUARTERLY REPORTING ON EXPENDI-
10 TURES.—Not less frequently than every 90 days, the
11 President shall submit to Congress, and make avail-
12 able to the public (including through posting on a
13 publicly accessible internet website of the Federal
14 Government), a report detailing all expenditures
15 made pursuant to the Defense Production Act of
16 1950 (50 U.S.C. 4501 et seq.) during the 90 days
17 preceding the date of the report.

18 (3) SUNSET.—The requirements of this sub-
19 section shall terminate on the later of—

20 (A) December 31, 2021; or

21 (B) the end of the COVID–19 emergency
22 period.

23 (c) GAO REPORT.—

24 (1) IN GENERAL.—Not later than 270 days
25 after the date of the enactment of this Act, and an-

1 nually thereafter, the Comptroller General of the
2 United States shall submit to the appropriate con-
3 gressional committees a report on ensuring that the
4 Federal Government has access to the medical sup-
5 plies and equipment necessary to respond to future
6 pandemics and public health emergencies, including
7 recommendations with respect to how to ensure that
8 the United States supply chain for diagnostic tests
9 (including serological tests) and testing supplies,
10 personal protective equipment, vaccines (including
11 ancillary supplies), therapies, and other medical sup-
12 plies is better equipped to respond to emergencies,
13 including through the use of funds in the Defense
14 Production Act Fund under section 304 of the De-
15 fense Production Act of 1950 (50 U.S.C. 4534) to
16 address shortages in that supply chain.

17 (2) REVIEW OF ASSESSMENT AND PLAN.—

18 (A) IN GENERAL.—Not later than 30 days
19 after each of the submission of the reports de-
20 scribed in subsections (a) and (b), the Comp-
21 troller General of the United States shall sub-
22 mit to the appropriate congressional committees
23 an assessment of such reports, including identi-
24 fying any gaps in the content of the reports and

1 providing any recommendations to address any
2 identified gaps in such reports.

3 (B) MONTHLY REVIEW.—Not later than a
4 month after the submission of the assessment
5 under subparagraph (A), and monthly there-
6 after, the Comptroller General shall issue a re-
7 port to the appropriate congressional commit-
8 tees with respect to any updates to the reports
9 described in subsections (a) and (b) that were
10 issued during the previous 1-month period, con-
11 taining an assessment of such updates, includ-
12 ing identifying any gaps in the content of such
13 updates and providing any recommendations to
14 address any identified gaps in such updates.

15 (d) DEFINITIONS.—In this section:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means the Committees on Appropriations,
19 Armed Services, Energy and Commerce, Financial
20 Services, Homeland Security, Transportation and
21 Infrastructure, and Veterans’ Affairs of the House
22 of Representatives and the Committees on Appro-
23 priations, Armed Services, Banking, Housing, and
24 Urban Affairs, Health, Education, Labor, and Pen-

1 sions, Homeland Security and Governmental Affairs,
2 and Veterans' Affairs of the Senate.

3 (2) COVID-19 EMERGENCY PERIOD.—The
4 term “COVID-19 emergency period” means the pe-
5 riod beginning on the date of enactment of this Act
6 and ending after the end of the incident period for
7 the emergency declared on March 13, 2020, by the
8 President under Section 501 of the Robert T. Staf-
9 ford Disaster Relief and Emergency Assistance Act
10 (42 U.S.C. 4121 et seq.) relating to the Coronavirus
11 Disease 2019 (COVID-19) pandemic.

12 (3) CRITICAL SUPPLIES.—The term “critical
13 supplies” means drugs, vaccines and other biological
14 products, and medical devices used for the diagnosis,
15 cure, mitigation, prevention, or treatment of
16 COVID-19, including personal protective equipment,
17 therapeutics, ventilators, medicines required in con-
18 junction with the use of ventilators, and diagnostic
19 tests.

20 (4) RELEVANT STAKEHOLDER.—The term “rel-
21 evant stakeholder” means—

22 (A) a representative private sector entity;

23 (B) a representative of the nonprofit sec-

24 tor; or

1 (C) a representative of a labor organization
2 representing workers, including a union that
3 represents health workers, manufacturers, pub-
4 lic sector employees, or service sector workers.

5 (5) STATE.—The term “State” means each of
6 the several States, the District of Columbia, the
7 Commonwealth of Puerto Rico, and any territory or
8 possession of the United States.

9 **PART II—SEMICONDUCTOR MANUFACTURING**
10 **INCENTIVES**

11 **SEC. 153. SEMICONDUCTOR INCENTIVE GRANTS.**

12 (a) DEFINITIONS.—In this section:

13 (1) APPROPRIATE COMMITTEES OF CON-
14 GRESS.—The term “appropriate committees of Con-
15 gress” means—

16 (A) the Select Committee on Intelligence,
17 the Committee on Commerce, Science, and
18 Transportation, the Committee on Foreign Re-
19 lations, the Committee on Armed Services, the
20 Committee on Appropriations, the Committee
21 on Energy and Natural Resources, the Com-
22 mittee on Banking, Housing, and Urban Af-
23 fairs, and the Committee on Homeland Security
24 and Governmental Affairs of the Senate; and

1 (B) the Permanent Select Committee on
2 Intelligence, the Committee on Energy and
3 Commerce, the Committee on Foreign Affairs,
4 the Committee on Armed Services, the Com-
5 mittee on Science, Space, and Technology, the
6 Committee on Appropriations, the Committee
7 on Financial Services, and the Committee on
8 Homeland Security of the House of Representa-
9 tives.

10 (2) COVERED ENTITY.—The term “covered en-
11 tity” means a private entity, a consortium of private
12 entities, or a consortium of public and private enti-
13 ties with a demonstrated ability to construct, ex-
14 pand, or modernize a facility relating to the fabrica-
15 tion, assembly, testing, advanced packaging, or ad-
16 vanced research and development of semiconductors.

17 (3) COVERED INCENTIVE.—The term “covered
18 incentive”—

19 (A) means an incentive offered by a gov-
20 ernmental entity to a covered entity for the pur-
21 poses of constructing within the jurisdiction of
22 the governmental entity, or expanding or mod-
23 ernizing an existing facility within that jurisdic-
24 tion, a facility described in paragraph (2); and

1 (B) includes any tax incentive (such as an
2 incentive or reduction with respect to employ-
3 ment or payroll taxes or a tax abatement with
4 respect to personal or real property), a work-
5 force-related incentive (including a grant agree-
6 ment relating to workforce training or voca-
7 tional education), any concession with respect
8 to real property, funding for research and devel-
9 opment with respect to semiconductors, and any
10 other incentive determined appropriate by the
11 Secretary, in consultation with the Secretary of
12 State.

13 (4) FOREIGN ADVERSARY.—The term “foreign
14 adversary” means any foreign government or foreign
15 nongovernment person that is engaged in a long-
16 term pattern, or is involved in a serious instance, of
17 conduct that is significantly adverse to—

18 (A) the national security of the United
19 States or an ally of the United States; or

20 (B) the security and safety of United
21 States persons.

22 (5) GOVERNMENTAL ENTITY.—The term “gov-
23 ernmental entity” means a State or local govern-
24 ment.

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of Commerce.

3 (7) SEMICONDUCTOR.—The term “semicon-
4 ductor” has the meaning given the term by the Sec-
5 retary.

6 (b) GRANT PROGRAM.—

7 (1) IN GENERAL.—The Secretary shall establish
8 in the Department of Commerce a program that, in
9 accordance with the requirements of this section,
10 awards grants to covered entities.

11 (2) PROCEDURE.—

12 (A) APPLICATION.—A covered entity seek-
13 ing a grant under paragraph (1) shall submit to
14 the Secretary an application therefor that de-
15 scribes the project for which the covered entity
16 is seeking the grant.

17 (B) ELIGIBILITY.—In order for a covered
18 entity to qualify for a grant under paragraph
19 (1), the covered entity shall demonstrate to the
20 Secretary, in the application submitted by the
21 covered entity under subparagraph (A), that—

22 (i) the covered entity has a docu-
23 mented interest in constructing, expanding,
24 or modernizing a facility described in sub-
25 section (a)(2);

1 (ii) with respect to the project de-
2 scribed in clause (i), the covered entity
3 has—

4 (I) been offered a covered incen-
5 tive;

6 (II) made commitments to work-
7 er and community investment, includ-
8 ing through—

9 (aa) training and education
10 benefits paid by the covered enti-
11 ty; and

12 (bb) programs to expand
13 employment opportunity for eco-
14 nomically disadvantaged individ-
15 uals; and

16 (III) secured commitments from
17 regional educational and training enti-
18 ties and institutions of higher edu-
19 cation to provide workforce training,
20 including programming for training
21 and job placement of economically dis-
22 advantaged individuals; and

23 (iii) the covered entity demonstrates
24 that it is responsive to the national secu-
25 rity needs or requirements established by

1 the intelligence community (as defined in
2 section 3 of the National Security Act of
3 1947 (50 U.S.C. 3003)), an element of the
4 intelligence community, or the Department
5 of Defense.

6 (C) CONSIDERATIONS FOR REVIEW.—With
7 respect to the review by the Secretary of an ap-
8 plication submitted by a covered entity under
9 subparagraph (A)—

10 (i) the Secretary may not approve the
11 application unless the Secretary—

12 (I) confirms that the covered en-
13 tity has satisfied the eligibility criteria
14 under subparagraph (B); and

15 (II) determines that the project
16 to which the application relates is in
17 the interest of the United States; and

18 (ii) the Secretary may consider wheth-
19 er—

20 (I) the covered entity has pre-
21 viously received a grant made under
22 this subsection; and

23 (II) the governmental entity of-
24 fering the applicable covered incentive

1 has benefitted from a grant previously
2 made under this subsection.

3 (3) AMOUNT.—The amount of a grant awarded
4 by the Secretary to a covered entity under para-
5 graph (1) shall be in an amount that is not more
6 than \$3,000,000,000.

7 (4) USE OF FUNDS.—A covered entity that re-
8 ceives a grant under paragraph (1) may only use the
9 amount of the grant—

10 (A) to finance the construction, expansion,
11 or modernization of a state-of-the-art semicon-
12 ductor facility described in subsection (a)(2), as
13 documented in the application submitted by the
14 covered entity under paragraph (2)(A), or for
15 similar uses in state of practice and legacy fa-
16 cilities, as determined necessary by the Sec-
17 retary for purposes relating to the national se-
18 curity and economic competitiveness of the
19 United States;

20 (B) to support workforce development for
21 the facility described in subparagraph (A); or

22 (C) to support site development for the fa-
23 cility described in subparagraph (A).

1 (5) CLAWBACK.—The Secretary shall recover
2 the full amount of a grant provided to a covered en-
3 tity under this subsection if—

4 (A) as of the date that is 5 years after the
5 date on which the Secretary awards the grant,
6 the project to which the grant relates has not
7 been completed, except that the Secretary may
8 issue a waiver with respect to the requirement
9 under this subparagraph if the Secretary deter-
10 mines that issuing such a waiver is appropriate
11 and in the interests of the United States; or

12 (B) during the applicable term with re-
13 spect to the grant, the covered entity engages
14 in any joint research or technology licensing ef-
15 fort—

16 (i) with the Government of China, the
17 Government of the Russian Federation, the
18 Government of Iran, the Government of
19 North Korea, or another foreign adversary;
20 and

21 (ii) that relates to a technology or
22 product that raises national security con-
23 cerns, as determined by the Secretary.

24 (c) CONSULTATION AND COORDINATION RE-
25 QUIRED.—In carrying out the program established under

1 subsection (b)(1), the Secretary shall consult and coordi-
2 nate with the Secretary of State, the Secretary of Defense,
3 and the Director of National Intelligence.

4 (d) REVIEWS BY COMPTROLLER GENERAL OF THE
5 UNITED STATES.—The Comptroller General of the United
6 States shall—

7 (1) not later than 2 years after the date of the
8 enactment of this Act, and biennially thereafter until
9 the date that is 10 years after that date of the en-
10 actment of this Act, conduct a review of the program
11 established under subsection (b)(1), which shall in-
12 clude, at a minimum—

13 (A) a determination of the number of in-
14 stances in which grants were provided under
15 that subsection during the period covered by
16 the review in violation of a requirement of this
17 section;

18 (B) an evaluation of how—

19 (i) the program is being carried out,
20 including how recipients of grants are
21 being selected under the program; and

22 (ii) other Federal programs are lever-
23 aged for manufacturing, research, and
24 training to complement the grants awarded
25 under the program; and

1 (C) a description of the outcomes of
2 projects supported by grants made under the
3 program, including a description of—

4 (i) facilities described in subsection
5 (a)(2) that were constructed, expanded, or
6 modernized as a result of grants made
7 under the program;

8 (ii) research and development carried
9 out with grants made under the program;
10 and

11 (iii) workforce training programs car-
12 ried out with grants made under the pro-
13 gram, including efforts to hire individuals
14 from disadvantaged populations; and

15 (2) submit to the appropriate committees of
16 Congress the results of each review conducted under
17 paragraph (1).

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to the Secretary to carry
20 out this section \$15,000,000,000 for fiscal year 2021,
21 which shall remain available until September 30, 2031.

22 **SEC. 154. DEPARTMENT OF DEFENSE INVESTMENT IN THE**
23 **MICROELECTRONICS INDUSTRY.**

24 (a) DEPARTMENT OF DEFENSE EFFORTS.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall, in consultation with the Secretary of Com-
3 merce, the Secretary of Homeland Security, and the
4 Director of National Intelligence, work with the pri-
5 vate sector through a public-private partnership, in-
6 cluding by incentivizing the formation of a consor-
7 tium of semiconductor companies in the United
8 States, to ensure the development and production of
9 advanced, measurably secure microelectronics for use
10 by the Department of Defense, the intelligence com-
11 munity, critical infrastructure sectors, and other na-
12 tional security applications. Such work may include
13 providing incentives for the creation, expansion, or
14 modernization of one or more commercially competi-
15 tive and sustainable microelectronics manufacturing
16 or advanced research and development facilities.

17 (2) RISK MITIGATION REQUIREMENTS.—A par-
18 ticipant in a consortium formed with incentives
19 under paragraph (1) shall—

20 (A) have the potential to perform design,
21 fabrication, assembly, package, or test functions
22 for microelectronics deemed critical to national
23 security as defined by the National Security
24 Adviser and the Secretary of Defense;

1 (B) include management processes to iden-
2 tify and mitigate supply chain security risks;
3 and

4 (C) be able to produce microelectronics
5 consistent with applicable measurably secure
6 supply chain and operational security standards
7 established under section 224(b) of the Na-
8 tional Defense Authorization Act for Fiscal
9 Year 2020 (Public Law 116–92).

10 (3) NATIONAL SECURITY CONSIDERATIONS.—

11 The Secretary of Defense and the Director of Na-
12 tional Intelligence shall select participants for the
13 consortium formed with incentives under paragraph
14 (1). In selecting such participants, the Secretary and
15 the Director may jointly consider whether the
16 United States companies—

17 (A) have participated in previous programs
18 and projects of the Department of Defense, De-
19 partment of Energy, or the intelligence commu-
20 nity, including—

21 (i) the Trusted Integrated Circuit pro-
22 gram of the Intelligence Advanced Re-
23 search Projects Activity;

1 (ii) trusted and assured microelec-
2 tronics projects, as administered by the
3 Department of Defense;

4 (iii) the Electronics Resurgence Initia-
5 tive (ERI) program of the Defense Ad-
6 vanced Research Projects Agency; or

7 (iv) relevant semiconductor research
8 programs of Advanced Research Projects
9 Agency–Energy;

10 (B) have demonstrated an ongoing com-
11 mitment to performing contracts for the De-
12 partment of Defense and the intelligence com-
13 munity;

14 (C) are approved by the Defense Counter-
15 intelligence and Security Agency or the Office
16 of the Director of National Intelligence as pre-
17 senting an acceptable security risk, taking into
18 account supply chain assurance vulnerabilities,
19 counterintelligence risks, and any risks pre-
20 sented by companies whose owners are located
21 outside the United States; and

22 (D) are evaluated periodically for foreign
23 ownership, control, or influence by foreign ad-
24 versaries.

1 (4) NONTRADITIONAL DEFENSE CONTRACTORS
2 AND COMMERCIAL ENTITIES.—Arrangements en-
3 tered into to carry out paragraph (1) shall be in
4 such form as the Secretary of Defense determines
5 appropriate to encourage industry participation of
6 nontraditional defense contractors or commercial en-
7 tities and may include a contract, a grant, a cooper-
8 ative agreement, a commercial agreement, the use of
9 other transaction authority under section 2371 of
10 title 10, United States Code, or another such ar-
11 rangement.

12 (5) DISCHARGE.—The Secretary of Defense
13 shall carry out paragraph (1) jointly through the Of-
14 fice of the Under Secretary of Defense for Research
15 and Engineering and the Office of the Under Sec-
16 retary of Defense for Acquisition and Sustainment,
17 or such other component of the Department of De-
18 fense as the Secretary considers appropriate.

19 (6) OTHER INITIATIVES.—The Secretary of De-
20 fense shall dedicate initiatives within the Depart-
21 ment of Defense to advance radio frequency, mixed
22 signal, radiation tolerant, and radiation hardened
23 microelectronics that support national security and
24 dual-use applications.

25 (7) REPORTS.—

1 (A) REPORT BY SECRETARY OF DE-
2 FENSE.—Not later than 90 days after the date
3 of the enactment of this Act, the Secretary of
4 Defense shall submit to Congress a report on
5 the plans of the Secretary to carry out para-
6 graph (1).

7 (B) BIENNIAL REPORTS BY COMPTROLLER
8 GENERAL OF THE UNITED STATES.—Not later
9 than 1 year after the date on which the Sec-
10 retary submits the report required by subpara-
11 graph (A) and not less frequently than once
12 every 2 years thereafter for a period of 10
13 years, the Comptroller General of the United
14 States shall submit to Congress a report on the
15 activities carried out under this subsection.

16 (b) DEFENSE PRODUCTION ACT OF 1950 EF-
17 FORTS.—

18 (1) IN GENERAL.—Not later than 120 days
19 after the date of the enactment of this Act, the
20 President shall submit to Congress a report on a
21 plan for use by the Department of Defense of au-
22 thorities available in title III of the Defense Produc-
23 tion Act of 1950 (50 U.S.C. 4531 et seq.) to estab-
24 lish and enhance a domestic production capability
25 for microelectronics technologies and related tech-

1 nologies, subject to the availability of appropriations
2 for that purpose.

3 (2) CONSULTATION.—The President shall de-
4 velop the plan required by paragraph (1) in coordi-
5 nation with the Secretary of Defense, and in con-
6 sultation with the Secretary of State, the Secretary
7 of Commerce, and appropriate stakeholders in the
8 private sector.

9 (c) DEPARTMENT OF DEFENSE REQUIREMENTS FOR
10 SOURCING FROM DOMESTIC MICROELECTRONICS DESIGN
11 AND FOUNDRY SERVICES.—

12 (1) REQUIREMENTS REQUIRED.—Not later
13 than 1 year after the date of the enactment of this
14 Act, the Secretary of Defense, in coordination with
15 the Secretary of Energy, the Secretary of Homeland
16 Security, and the Director of National Intelligence,
17 shall establish requirements, standards, and a
18 timeline for enforcement of such requirements, to
19 the extent possible, for domestic sourcing for micro-
20 electronics design and foundry services, and for com-
21 mercial microelectronics products, by programs, con-
22 tractors, subcontractors, and other recipients of
23 funding from the Department of Defense, Depart-
24 ment of Energy, Department of Homeland Security,
25 and the Director of National Intelligence.

1 (2) PROCESSES FOR WAIVERS.—The require-
2 ments established under paragraph (1) shall include
3 processes to permit waivers for specific contracts or
4 transactions for domestic sourcing requirements
5 based on cost, availability, severity of technical and
6 mission requirements, emergency requirements and
7 operational needs, other legal or international treaty
8 obligations, or other factors.

9 (3) UPDATES.—Not less frequently than once
10 each year, the Secretary shall—

11 (A) update the requirements and timelines
12 established under paragraph (1) and the proc-
13 esses under paragraph (2); and

14 (B) submit to Congress a report on the up-
15 dates made under subparagraph (A).

16 **SEC. 155. DEPARTMENT OF COMMERCE STUDY ON STATUS**
17 **OF MICROELECTRONICS TECHNOLOGIES IN**
18 **THE UNITED STATES INDUSTRIAL BASE.**

19 (a) IN GENERAL.—Commencing not later than 120
20 days after the date of the enactment of this Act, the Sec-
21 retary of Commerce and the Secretary of Homeland Secu-
22 rity, in consultation with the Secretary of Defense and the
23 heads of other appropriate Federal departments and agen-
24 cies, shall undertake a review, which shall include a sur-
25 vey, using authorities in section 705 of the Defense Pro-

1 duction Act (50 U.S.C. 4555), to assess the capabilities
2 of the United States industrial base to support the na-
3 tional defense in light of the global nature of the supply
4 chain and significant interdependencies between the
5 United States industrial base and the industrial base of
6 foreign countries with respect to the manufacture, design,
7 and end use of microelectronics.

8 (b) RESPONSE TO SURVEY.—The Secretary shall en-
9 sure compliance with the survey from among all relevant
10 potential respondents, including the following:

11 (1) Corporations, partnerships, associations, or
12 any other organized groups domiciled and with sub-
13 stantial operations in the United States.

14 (2) Corporations, partnerships, associations, or
15 any other organized groups domiciled in the United
16 States with operations outside the United States.

17 (3) Foreign domiciled corporations, partner-
18 ships, associations, or any other organized groups
19 with substantial operations or business presence in,
20 or substantial revenues derived from, the United
21 States.

22 (4) Foreign domiciled corporations, partner-
23 ships, associations, or any other organized groups in
24 defense treaty or assistance countries where the pro-

1 duction of the entity concerned involves critical tech-
2 nologies.

3 (c) INFORMATION REQUESTED.—The information
4 sought from a responding entity pursuant to the survey
5 required by subsection (a) shall include, at minimum, in-
6 formation on the following with respect to the manufac-
7 ture, design, or end use of microelectronics by such entity:

8 (1) An identification of the geographic scope of
9 operations.

10 (2) Information on relevant cost structures.

11 (3) An identification of types of microelec-
12 tronics development, manufacture, assembly, test,
13 and packaging equipment in operation at such enti-
14 ty.

15 (4) An identification of all relevant intellectual
16 property, raw materials, and semi-finished goods and
17 components sourced domestically and abroad by
18 such entity.

19 (5) Specifications of the microelectronics manu-
20 factured or designed by such entity, descriptions of
21 the end-uses of such microelectronics, and a descrip-
22 tion of any technical support provided to end-users
23 of such microelectronics by such entity.

24 (6) Information on domestic and export market
25 sales by such entity.

1 (7) Information on the financial performance,
2 including income and expenditures, of such entity.

3 (8) A list of all foreign and domestic subsidies,
4 and any other financial incentives, received by such
5 entity in each market in which such entity operates.

6 (9) A list of information requests from the Gov-
7 ernment of China to such entity, and a description
8 of the nature of each request and the type of infor-
9 mation provided.

10 (10) Information on any joint ventures, tech-
11 nology licensing agreements, and cooperative re-
12 search or production arrangements of such entity.

13 (11) A description of efforts by such entity to
14 evaluate and control supply chain risks it faces.

15 (12) A list and description of any sales, licens-
16 ing agreements, or partnerships between such entity
17 and the People's Liberation Army or People's Armed
18 Police, including any business relationships with en-
19 tities through which such sales, licensing agree-
20 ments, or partnerships may occur.

21 (d) REPORT.—

22 (1) IN GENERAL.—The Secretary of Commerce
23 shall, in consultation with the Secretary of Defense,
24 the Secretary of Homeland Security, and the heads
25 of other appropriate Federal departments and agen-

1 cies, submit to Congress a report on the results of
2 the review required by subsection (a). The report
3 shall include the following:

4 (A) An assessment of the results of the
5 survey.

6 (B) A list of critical technology areas im-
7 pacted by potential disruptions in production of
8 microelectronics, and a detailed description and
9 assessment of the impact of such potential dis-
10 ruptions on such areas.

11 (C) A description and assessment of gaps
12 and vulnerabilities in the microelectronics sup-
13 ply chain and the national industrial supply
14 base.

15 (2) FORM.—The report required by paragraph
16 (1) may be submitted in classified form.

17 **SEC. 156. MULTILATERAL MICROELECTRONICS SECURITY**
18 **FUND.**

19 (a) MULTILATERAL MICROELECTRONICS SECURITY
20 FUND.—

21 (1) ESTABLISHMENT OF FUND.—There is es-
22 tablished in the Treasury of the United States a
23 trust fund, to be known as the “Multilateral Micro-
24 electronics Security Fund” (in this section referred
25 to as the “Fund”), consisting of amounts deposited

1 into the Fund under paragraph (2) and any
2 amounts that may be credited to the Fund under
3 paragraph (3).

4 (2) AUTHORIZATION OF APPROPRIATIONS.—

5 There are authorized to be appropriated
6 \$750,000,000 to be deposited in the Fund.

7 (3) INVESTMENT OF AMOUNTS.—

8 (A) INVESTMENT OF AMOUNTS.—The Sec-
9 retary of the Treasury shall invest such portion
10 of the Fund as is not required to meet current
11 withdrawals in interest-bearing obligations of
12 the United States or in obligations guaranteed
13 as to both principal and interest by the United
14 States.

15 (B) INTEREST AND PROCEEDS.—The in-
16 terest on, and the proceeds from the sale or re-
17 demption of, any obligations held in the Fund
18 shall be credited to and form a part of the
19 Fund.

20 (4) USE OF FUND.—

21 (A) IN GENERAL.—Subject to subpara-
22 graph (B), amounts in the Fund shall be avail-
23 able, as provided in advance in an appropria-
24 tions Act, to the Secretary of State—

1 (i) to provide funding through the
2 common funding mechanism described in
3 subsection (b)(1) to support the develop-
4 ment and adoption of measurably secure
5 microelectronics and measurably secure
6 microelectronics supply chains; and

7 (ii) to otherwise carry out this section.

8 (B) AVAILABILITY CONTINGENT ON INTER-
9 NATIONAL AGREEMENT.—Amounts in the Fund
10 shall be available to the Secretary of State on
11 and after the date on which the Secretary en-
12 ters into an agreement with the governments of
13 countries that are partners of the United States
14 to participate in the common funding mecha-
15 nism under paragraph (1) of subsection (b) and
16 the commitments described in paragraph (2) of
17 that subsection.

18 (5) AVAILABILITY OF AMOUNTS.—

19 (A) IN GENERAL.—Amounts in the Fund
20 shall remain available through the end of the
21 tenth fiscal year beginning after the date of the
22 enactment of this Act.

23 (B) REMAINDER TO TREASURY.—Any
24 amounts remaining in the Fund after the end
25 of the fiscal year described in subparagraph (A)

1 shall be deposited in the general fund of the
2 Treasury.

3 (b) COMMON FUNDING MECHANISM FOR DEVELOP-
4 MENT AND ADOPTION OF MEASURABLY SECURE MICRO-
5 ELECTRONICS AND MEASURABLY SECURE MICROELEC-
6 TRONICS SUPPLY CHAINS.—

7 (1) IN GENERAL.—The Secretary of State, in
8 consultation with the Secretary of Commerce, the
9 Secretary of Defense, the Secretary of Homeland Se-
10 curity, the Secretary of the Treasury, and the Direc-
11 tor of National Intelligence, shall seek to establish a
12 common funding mechanism, in coordination with
13 the governments of countries that are partners of
14 the United States, that uses amounts from the
15 Fund, and amounts committed by such governments,
16 to support the development and adoption of secure
17 microelectronics and secure microelectronics supply
18 chains, including for use in research and develop-
19 ment collaborations among countries participating in
20 the common funding mechanism.

21 (2) MUTUAL COMMITMENTS.—The Secretary of
22 State, in consultation with the United States Trade
23 Representative, the Secretary of the Treasury, and
24 the Secretary of Commerce, shall seek to negotiate
25 a set of mutual commitments with the governments

1 of countries that are partners of the United States
2 upon which to condition any expenditure of funds
3 pursuant to the common funding mechanism de-
4 scribed in paragraph (1). Such commitments shall,
5 at a minimum—

6 (A) establish transparency requirements
7 for any subsidies or other financial benefits (in-
8 cluding revenue foregone) provided to microelec-
9 tronics firms located in or outside such coun-
10 tries;

11 (B) establish consistent policies with re-
12 spect to countries that—

13 (i) are not participating in the com-
14 mon funding mechanism; and

15 (ii) do not meet transparency require-
16 ments established under subparagraph (A);

17 (C) promote harmonized treatment of
18 microelectronics and verification processes for
19 items being exported to a country considered a
20 national security risk by a country participating
21 in the common funding mechanism;

22 (D) establish consistent policies and com-
23 mon external policies to address nonmarket
24 economies as the behavior of such countries
25 pertains to microelectronics;

1 (E) align policies on supply chain integrity
2 and microelectronics security, including with re-
3 spect to protection and enforcement of intellec-
4 tual property rights; and

5 (F) promote harmonized foreign direct in-
6 vestment screening measures with respect to
7 microelectronics to align with national and mul-
8 tilateral security priorities.

9 (c) ANNUAL REPORT TO CONGRESS.—Not later than
10 1 year after the date of the enactment of this Act, and
11 annually thereafter for each fiscal year during which
12 amounts in the Fund are available under subsection
13 (a)(5), the Secretary of State shall submit to Congress a
14 report on the status of the implementation of this section
15 that includes a description of—

16 (1) any commitments made by the governments
17 of countries that are partners of the United States
18 to providing funding for the common funding mecha-
19 nism described in subsection (b)(1) and the specific
20 amount so committed;

21 (2) the criteria established for expenditure of
22 funds through the common funding mechanism;

23 (3) how, and to whom, amounts have been ex-
24 pended from the Fund;

25 (4) amounts remaining in the Fund;

1 (5) the progress of the Secretary of State to-
2 ward entering into an agreement with the govern-
3 ments of countries that are partners of the United
4 States to participate in the common funding mecha-
5 nism and the commitments described in subsection
6 (b)(2); and

7 (6) any additional authorities needed to en-
8 hance the effectiveness of the Fund in achieving the
9 security goals of the United States.

10 **SEC. 157. ADVANCED SEMICONDUCTOR RESEARCH AND DE-**
11 **SIGN.**

12 (a) APPROPRIATE COMMITTEES OF CONGRESS.—In
13 this section, the term “appropriate committees of Con-
14 gress” means—

15 (1) the Select Committee on Intelligence, the
16 Committee on Commerce, Science, and Transpor-
17 tation, the Committee on Foreign Relations, the
18 Committee on Armed Services, the Committee on
19 Energy and Natural Resources, the Committee on
20 Appropriations, the Committee on Banking, Hous-
21 ing, and Urban Affairs, the Committee on Health,
22 Education, Labor, and Pensions, and the Committee
23 on Homeland Security and Governmental Affairs of
24 the Senate; and

1 (2) the Permanent Select Committee on Intel-
2 ligence, the Committee on Energy and Commerce,
3 the Committee on Foreign Affairs, the Committee
4 on Armed Services, the Committee on Science,
5 Space, and Technology, the Committee on Financial
6 Services, the Committee on Education and Labor,
7 and the Committee on Homeland Security of the
8 House of Representatives.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that the leadership of the United States in semicon-
11 ductor technology and innovation is critical to the eco-
12 nomic growth and national security of the United States.

13 (c) SUBCOMMITTEE ON SEMICONDUCTOR LEADER-
14 SHIP.—

15 (1) ESTABLISHMENT REQUIRED.—The Presi-
16 dent shall establish in the National Science and
17 Technology Council a subcommittee on matters re-
18 lating to leadership of the United States in semicon-
19 ductor technology and innovation.

20 (2) DUTIES.—The duties of the subcommittee
21 established under paragraph (1) are as follows:

22 (A) NATIONAL STRATEGY ON SEMICON-
23 DUCTOR RESEARCH.—

24 (i) DEVELOPMENT.—In coordination
25 with the Secretary of Defense, the Sec-

1 retary of Energy, the Secretary of State,
2 the Secretary of Commerce, the Secretary
3 of Homeland Security, the Secretary of
4 Labor, the Director of the National
5 Science Foundation, and the Director of
6 the National Institute of Standards and
7 Technology and in consultation with the
8 semiconductor industry and academia, de-
9 velop a national strategy on semiconductor
10 research, development, design, manufac-
11 turing, and supply chain security, includ-
12 ing guidance for the funding of research,
13 and strengthening of the domestic micro-
14 electronics workforce.

15 (ii) REPORTING AND UPDATES.—Not
16 less frequently than once every 5 years, to
17 update the strategy developed under clause
18 (i) and to submit the revised strategy to
19 the appropriate committees of Congress.

20 (iii) IMPLEMENTATION.—In coordina-
21 tion with the Secretary of Defense, the
22 Secretary of Energy, the Secretary of
23 State, the Secretary of Commerce, the Sec-
24 retary of Homeland Security, the Director
25 of the National Science Foundation, and

1 the Director of the National Institute of
2 Standards and Technology, on an annual
3 basis coordinate and recommend each
4 agency's semiconductor related research
5 and development programs and budgets to
6 ensure consistency with the National Semi-
7 conductor Strategy.

8 (B) FOSTERING COORDINATION OF RE-
9 SEARCH AND DEVELOPMENT.—To foster the co-
10 ordination of semiconductor research and devel-
11 opment.

12 (3) SUNSET.—The subcommittee established
13 under paragraph (1) shall terminate on the date
14 that is 10 years after the date of enactment of this
15 Act.

16 (d) INDUSTRIAL ADVISORY COMMITTEE.—The Presi-
17 dent shall establish a standing subcommittee of the Presi-
18 dent's Council of Advisors on Science and Technology to
19 advise the United States Government on matters relating
20 to microelectronics policy.

21 (e) NATIONAL SEMICONDUCTOR TECHNOLOGY CEN-
22 TER.—

23 (1) ESTABLISHMENT.—The Secretary of Com-
24 merce shall establish a national semiconductor tech-
25 nology center to conduct research and prototyping of

1 advanced semiconductor technology to strengthen
2 the economic competitiveness and security of the do-
3 mestic supply chain, which will be operated as a
4 public private-sector consortium with participation
5 from the private sector, the Department of Defense,
6 the Department of Energy, the Department of
7 Homeland Security, the National Science Founda-
8 tion, and the National Institute of Standards and
9 Technology.

10 (2) FUNCTIONS.—The functions of the center
11 established under paragraph (1) shall be as follows:

12 (A) To conduct advanced semiconductor
13 manufacturing, design, and packaging research
14 and prototyping that strengthens the entire do-
15 mestic ecosystem and is aligned with the Na-
16 tional Strategy on Semiconductor Research.

17 (B) To establish, as part of the center es-
18 tablished under paragraph (1) and in collabora-
19 tion with Director of the National Institute of
20 Standards and Technology, a National Ad-
21 vanced Packaging Manufacturing Program that
22 operates in coordination with the center, to
23 strengthen semiconductor advanced design, test,
24 assembly, and packaging capability in the do-
25 mestic ecosystem, and which shall coordinate

1 with the Manufacturing USA institute estab-
2 lished under paragraph (4).

3 (C) To establish an investment fund, in
4 partnership with the private sector, that will
5 support startups and collaborations between
6 startups, academia, and established companies
7 with the goal of commercializing innovations
8 that contribute to the domestic semiconductor
9 industry.

10 (D) To establish a Semiconductor Manu-
11 facturing Program through the Director of the
12 National Institute of Standards and Technology
13 to enable advances and breakthroughs in meas-
14 urement science, standards, material character-
15 ization, instrumentation, testing, and manufac-
16 turing capabilities that will accelerate the un-
17 derlying research and development for metrol-
18 ogy of next generation semiconductors and en-
19 sure the competitiveness and leadership of the
20 United States within this sector.

21 (E) To work with the Secretary of Labor,
22 the Director of the National Science Founda-
23 tion, the Secretary of Energy, the private sec-
24 tor, educational institutions, and workforce
25 training entities to develop workforce training

1 programs and apprenticeships in advanced
2 microelectronic research, design, fabrication,
3 and packaging capabilities.

4 (3) COMPONENTS.—The fund established under
5 paragraph (2)(C) shall cover the following:

6 (A) Advanced metrology and characteriza-
7 tion for manufacturing of microchips using 3-
8 nanometer transistor processes or more ad-
9 vanced processes.

10 (B) Metrology for security and supply
11 chain verification.

12 (4) CREATION OF A MANUFACTURING USA IN-
13 STITUTE.—The fund established under paragraph
14 (2)(C) may also cover the creation of a Manufac-
15 turing USA institute described in section 34(d) of
16 the National Institute of Standards and Technology
17 Act (15 U.S.C. 278s(d)) that is focused on semicon-
18 ductor manufacturing. Such institute may emphasize
19 the following:

20 (A) Research to support the virtualization
21 and automation of maintenance of semicon-
22 ductor machinery.

23 (B) Development of new advanced test, as-
24 sembly and packaging capabilities.

1 (C) Developing and deploying educational
2 and skills training curricula needed to support
3 the industry sector and ensure the United
4 States can build and maintain a trusted and
5 predictable talent pipeline.

6 (f) AUTHORIZATIONS OF APPROPRIATIONS.—

7 (1) NATIONAL SEMICONDUCTOR TECHNOLOGY
8 CENTER.—There is authorized to be appropriated to
9 carry out subsection (e) \$9,050,000,000 for fiscal
10 year 2021, with such amount to remain available for
11 such purpose through fiscal year 2030—

12 (A) of which, \$3,000,000,000 shall be
13 available to carry out subsection (e)(2)(A);

14 (B) of which, \$5,000,000,000 shall be
15 available to carry out subsection (e)(2)(B);

16 (C) of which, \$500,000,000 shall be avail-
17 able to carry out subsection (e)(2)(C);

18 (D) of which, \$500,000,000 shall be avail-
19 able to carry out subsection (e)(2)(D)—

20 (i) of which, \$20,000,000 shall be
21 available for each of fiscal years 2021
22 through 2025 to carry out subsection
23 (e)(3)(A);

24 (ii) of which, \$20,000,000 shall be
25 available for each of fiscal years 2021

1 through 2025 to carry out subsection
2 (e)(3)(B); and

3 (iii) of which, \$50,000,000 shall be
4 available for each of fiscal years 2021
5 through 2025 to carry out subsection
6 (e)(4); and

7 (E) of which, \$50,000,000 shall be avail-
8 able to carry out subsection (e)(2)(E).

9 (2) SEMICONDUCTOR RESEARCH AT NATIONAL
10 SCIENCE FOUNDATION.—There is authorized to be
11 appropriated to carry out programs at the National
12 Science Foundation on semiconductor research in
13 alignment with the National Strategy on Semicon-
14 ductor Research \$1,500,000,000 for fiscal year
15 2021, with such amount to remain available for such
16 purpose through fiscal year 2025.

17 (3) SEMICONDUCTOR RESEARCH AT DEPART-
18 MENT OF ENERGY.—There is authorized to be ap-
19 propriated to carry out programs at the Department
20 of Energy, including the National Laboratories, on
21 semiconductor research, in alignment with the Na-
22 tional Strategy on Semiconductor Research
23 \$2,000,000,000 for fiscal year 2021, with such
24 amount to remain available for such purpose
25 through fiscal year 2025.

1 (4) MICROELECTRONICS RESEARCH AT THE NA-
2 TIONAL INSTITUTE OF STANDARDS AND TECH-
3 NOLOGY.—There is authorized to be appropriated to
4 carry out microelectronics research at the National
5 Institute of Standards and Technology
6 \$250,000,000 for fiscal year 2021, with such
7 amount to remain available for such purpose
8 through fiscal year 2025.

9 (5) MICROELECTRONICS SEMICONDUCTOR RE-
10 SEARCH AT THE DEFENSE ADVANCED RESEARCH
11 PROJECTS AGENCY.—There is authorized to be ap-
12 propriated to carry out microelectronics research,
13 such as the Electronics Resurgence Initiative and
14 the Microelectronics Research Commons, at the De-
15 fense Advanced Research Projects Agency,
16 \$2,000,000,000 for fiscal year 2021 to develop ad-
17 vanced disruptive microelectronics technology, in-
18 cluding research and development to enable produc-
19 tion at a volume required to sustain a robust domes-
20 tic microelectronics industry and mitigate parts ob-
21 solescence, with such amount to remain available for
22 such purpose through fiscal year 2025.

23 (6) SUPPLEMENT NOT SUPPLANT.—The
24 amounts authorized to be appropriated under para-
25 graphs (1) through (4) shall supplement and not

1 supplant amounts already appropriated to carry out
2 the purposes described in such paragraphs.

3 (g) **DOMESTIC PRODUCTION REQUIREMENTS.**—The
4 head of any executive agency receiving funding under this
5 section shall develop policies to require domestic produc-
6 tion, to the extent possible, for any intellectual property
7 resulting from microelectronics research and development
8 conducted as a result of these funds and domestic control
9 requirements to protect any such intellectual property
10 from foreign adversaries.

11 **SEC. 158. PROHIBITION ON ACCESS TO ASSISTANCE BY**
12 **FOREIGN ADVERSARIES.**

13 None of the funds appropriated pursuant to an au-
14 thorization in this part may be provided to an entity—

15 (1) under the foreign ownership, control, or in-
16 fluence of the Government of China or the Chinese
17 Communist Party, or other foreign adversary (as de-
18 fined in section 153(a)(4)); or

19 (2) determined to have beneficial ownership
20 from foreign individuals subject to the jurisdiction,
21 direction, or influence of foreign adversaries (as so
22 defined).

1 **Subtitle E—Education and**
2 **Countering Influence Campaigns**

3 **SEC. 161. FINDINGS ON CHINESE INFORMATION WARFARE**
4 **AND MALIGN INFLUENCE OPERATIONS.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) In the report to Congress required under
8 section 1261(b) of the John S. McCain National De-
9 fense Authorization Act for Fiscal Year 2019 (Pub-
10 lic Law 115–232), the President laid out a broad
11 range of malign activities conducted by the Govern-
12 ment of China and its agents and entities, includ-
13 ing—

14 (A) propaganda and disinformation, in
15 which “Beijing communicates its narrative
16 through state-run television, print, radio, and
17 online organizations whose presence is prolifer-
18 ating in the United States and around the
19 world”;

20 (B) malign political influence operations,
21 in which “front organizations and agents which
22 target businesses, universities, think tanks,
23 scholars, journalists, and local state and Fed-
24 eral officials in the United States and around

1 the world, attempting to influence discourse”;
2 and

3 (C) malign financial influence operations,
4 characterized as “misappropriation of tech-
5 nology and intellectual property, failure to ap-
6 propriately disclose relationships with foreign
7 government sponsored entities, breaches of con-
8 tract and confidentiality, and manipulation of
9 processes for fair and merit-based allocation of
10 Federal research and development funding”.

11 (2) Chinese information warfare and malign in-
12 fluence operations are ongoing. In January 2019,
13 the Director of National Intelligence, Dan Coats,
14 stated, “China will continue to use legal, political,
15 and economic levers—such as the lure of Chinese
16 markets—to shape the information environment. It
17 is also capable of using cyber attacks against sys-
18 tems in the United States to censor or suppress
19 viewpoints it deems politically sensitive.”.

20 (3) In February 2020, the Director of the Fed-
21 eral Bureau of Investigation, Christopher Wray, tes-
22 tified to the Committee on the Judiciary of the
23 House of Representatives that the People’s Republic
24 of China has “very active maligned foreign influence
25 efforts in this country,” with the goal of “trying to

1 shift our policy and our public opinion to be more
2 pro-China on a variety of issues”.

3 (4) The People’s Republic of China’s informa-
4 tion warfare and malign influence operations con-
5 tinue to adopt new tactics and evolve in sophistica-
6 tion. In May 2020, the Special Envoy and Coordi-
7 nator of the Global Engagement Center (GEC), Lea
8 Gabrielle, stated that there was a convergence of
9 Russian and Chinese narratives surrounding
10 COVID–19 and that the GEC had “uncovered a new
11 network of inauthentic Twitter accounts” that it as-
12 sessed was “created with the intent to amplify Chi-
13 nese propaganda and disinformation.” In June
14 2020, Google reported that Chinese hackers at-
15 tempted to access email accounts of the campaign
16 staff of a presidential candidate.

17 (5) Chinese information warfare and malign in-
18 fluence operations are a threat to the national secu-
19 rity, democracy and the economic systems of the
20 United States, its allies and partners. In October
21 2018, Vice President Mike Pence warned that “Bei-
22 jing is employing a whole-of-government approach,
23 using political, economic, and military tools, as well
24 as propaganda, to advance its influence and benefit
25 its interests in the United States.”.

1 (6) In February 2018, the Director of the Fed-
2 eral Bureau of Investigation, Christopher Wray, tes-
3 tified to the Select Committee on Intelligence of the
4 Senate that the People’s Republic of China is taking
5 advantage of and exploiting the open research and
6 development environments of U.S. institutions of
7 higher education to utilize “professors, scientists and
8 students” as “nontraditional collectors” of informa-
9 tion.

10 (b) PRESIDENTIAL DUTIES.—The President shall—

11 (1) carry out all appropriate measures to pro-
12 tect our democratic institutions and processes from
13 malign influence from the People’s Republic of
14 China and other foreign adversaries; and

15 (2) consistent with the policy specified in para-
16 graph (1), direct the heads of the appropriate Fed-
17 eral departments and agencies to implement Acts of
18 Congress to counter and deter Chinese and other
19 foreign information warfare and malign influence op-
20 erations without delay, including—

21 (A) section 1043 of the John S. McCain
22 National Defense Authorization Act for Fiscal
23 Year 2019 (Public Law 115–232), which au-
24 thorizes a coordinator position within the Na-

1 tional Security Council for countering malign
2 foreign influence operations and campaigns;

3 (B) section 228 of the National Defense
4 Authorization Act for Fiscal Year 2020 (Public
5 Law 116–92), which authorizes additional re-
6 search of foreign malign influence operations on
7 social media platforms;

8 (C) section 847 of such Act, which requires
9 the Secretary of Defense to modify contracting
10 regulations regarding vetting for foreign owner-
11 ship, control and influence in order to mitigate
12 risks from malign foreign influence;

13 (D) section 1239 of such Act, which re-
14 quires an update of the comprehensive strategy
15 to counter the threat of malign influence to in-
16 clude the People’s Republic of China;

17 (E) section 5323 of such Act, which au-
18 thorizes the Director of National Intelligence to
19 facilitate the establishment of Social Media
20 Data and Threat Analysis Center to detect and
21 study information warfare and malign influence
22 operations across social media platforms; and

23 (F) section 119C of the National Security
24 Act of 1947 (50 U.S.C. 3059), which authorizes
25 the establishment of a Foreign Malign Influence

1 Response Center inside the Office of the Direc-
2 tor of National Intelligence.

3 **SEC. 162. SENSE OF CONGRESS ON SUPPORT FOR HIGHER**
4 **EDUCATION.**

5 It is the sense of Congress that in order to effectively
6 compete with the People's Republic of China on the devel-
7 opment and effective use of science and technology, the
8 United States must invest and support United States in-
9 stitutions of higher education operating programs in, and
10 students at such institutions of higher education studying,
11 the fields of science, technology, engineering, and mathe-
12 matics, as well as Chinese linguistic and cultural pro-
13 ficiency.

14 **SEC. 163. ESTABLISH LIMITATIONS REGARDING CONFU-**
15 **CIUS INSTITUTES.**

16 (a) DEFINITION.—In this section, the term “Confu-
17 cius Institute” means a cultural institute directly or indi-
18 rectly funded, in whole or in part, by the Government of
19 China.

20 (b) RESTRICTIONS OF CONFUCIUS INSTITUTES.—An
21 institution of higher education or other postsecondary edu-
22 cational institution (referred to in this section as an “insti-
23 tution”) shall not be eligible to receive Federal funds from
24 the Department of Education (except funds under title IV
25 of the Higher Education Act of 1965 (20 U.S.C. 1070

1 et seq.) or other Department of Education funds that are
2 provided directly to students) unless the institution en-
3 sures that any contract or agreement between the institu-
4 tion and a Confucius Institute includes clear provisions
5 that—

6 (1) protect academic freedom at the institution;

7 (2) prohibit the application of any foreign law
8 on any campus of the institution; and

9 (3) grant full managerial authority of the Con-
10 fucius Institute to the institution, including full con-
11 trol over what is being taught, the activities carried
12 out, the research grants that are made, and who is
13 employed at the Confucius Institute.

14 **SEC. 164. DISCLOSURES OF FOREIGN GIFTS TO UNITED**
15 **STATES INSTITUTIONS OF HIGHER EDU-**
16 **CATION.**

17 (a) AMENDMENTS.—Section 117 of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1011f) is amended to read
19 as follows:

20 **“SEC. 117. DISCLOSURE OF FOREIGN GIFTS.**

21 **“(a) DISCLOSURE REPORT.—**An institution shall file
22 a disclosure report with the Secretary not later than the
23 March 31 occurring immediately after—

24 **“(1) the calendar year in which a foreign source**
25 **gains ownership of, or control over, the institution;**

1 “(2) the calendar year in which the institution
2 receives a gift from, or enters into a contract with,
3 a foreign source, the value of which is \$200,000 or
4 more, considered alone or in combination with all
5 other gifts from, or contracts with, that foreign
6 source within the calendar year; or

7 “(3) the institution receives a gift from, or en-
8 ters into a contract with, a foreign source, the value
9 of which totals \$450,000 or more, considered alone
10 or in combination with all other gifts from, or con-
11 tracts with, that foreign source over the previous 3
12 years.

13 “(b) CONTENTS OF REPORT.—Each report to the
14 Secretary required under subsection (a) shall contain the
15 following:

16 “(1)(A) For gifts received from or contracts en-
17 tered into with a foreign source other than a foreign
18 government, the aggregate dollar amount of such
19 gifts and contracts attributable to a particular coun-
20 try and the legal or formal name of the foreign
21 source. The country to which a gift is attributable
22 is the country of citizenship, or if unknown, the
23 principal residence for a foreign source who is a nat-
24 ural person, and the country of incorporation, or if

1 unknown, the principal place of business, for a for-
2 eign source which is a legal entity.

3 “(B) Notwithstanding subparagraph (A),
4 in the case of an anonymous gift received from
5 a foreign source who is a natural person, the in-
6 stitution shall be required to report only the
7 country of citizenship and not the formal name
8 and principal residence of the foreign source.

9 “(2) For gifts received from or contracts en-
10 tered into with a foreign government, the aggregate
11 amount of such gifts and contracts received from
12 each foreign government.

13 “(3) In the case of an institution which is
14 owned or controlled by a foreign source, the identity
15 of the foreign source, the date on which the foreign
16 source assumed ownership or control, and any
17 changes in program or structure resulting from the
18 change in ownership or control.

19 “(4) An assurance that the institution will
20 maintain true copies of gift and contract agreements
21 subject to the disclosure requirements under this
22 section for at least the duration of the agreement.

23 “(5) An assurance that the institution will
24 produce true copies of gift and contract agreements
25 subject to the disclosure requirements under this

1 section upon request of the Secretary during a com-
2 pliance audit or other institutional investigation.

3 “(c) ADDITIONAL DISCLOSURES FOR RESTRICTED
4 AND CONDITIONAL GIFTS.—Notwithstanding the provi-
5 sions of subsection (b), whenever any institution receives
6 a restricted or conditional gift or contract from a foreign
7 source, the institution shall disclose the following:

8 “(1) For such gifts received from or contracts
9 entered into with a foreign source other than a for-
10 eign government, the amount, the date, and a de-
11 scription of such conditions or restrictions. The re-
12 port shall also disclose the country of citizenship, or
13 if unknown, the principal residence for a foreign
14 source which is a natural person, and the country of
15 incorporation, or if unknown, the principal place of
16 business for a foreign source which is a legal entity.

17 “(2) For gifts received from or contracts en-
18 tered into with a foreign government, the amount,
19 the date, a description of such conditions or restric-
20 tions, and the name of the foreign government.

21 “(d) RELATION TO OTHER REPORTING REQUIRE-
22 MENTS.—

23 “(1) STATE REQUIREMENTS.—If an institution
24 described under subsection (a) is within a State
25 which has enacted requirements for public disclosure

1 of gifts from or contracts with a foreign source that
2 includes all information required under this section,
3 a copy of the disclosure report filed with the State
4 may be filed with the Secretary in lieu of a report
5 required under subsection (a). The State in which
6 the institution is located shall provide to the Sec-
7 retary such assurances as the Secretary may require
8 to establish that the institution has met the require-
9 ments for public disclosure under State law if the
10 State report is filed.

11 “(2) USE OF OTHER FEDERAL REPORTS.—If an
12 institution receives a gift from, or enters into a con-
13 tract with, a foreign source, where any other depart-
14 ment, agency, or bureau of the executive branch re-
15 quires a report containing all the information re-
16 quired under this section, a copy of the report may
17 be filed with the Secretary in lieu of a report re-
18 quired under subsection (a).

19 “(e) PUBLIC DISCLOSURE.—

20 “(1) IN GENERAL.—Not later than 30 days
21 after receiving a disclosure report under this section,
22 the Secretary shall make such report electronically
23 available to the public for downloading on a search-
24 able database under which institutions can be indi-
25 vidually identified and compared.

1 “(2) MODIFICATIONS.—The Secretary shall in-
2 corporate a process permitting institutions to revise
3 and update previously filed disclosure reports under
4 this section to ensure accuracy, compliance, and abil-
5 ity to cure.

6 “(f) FINES.—The Secretary may impose a civil fine
7 on an institution that knowingly fails to file a disclosure
8 report in accordance with this section.

9 “(g) TREATMENT OF CERTAIN PAYMENTS AND
10 GIFTS.—The following shall not be considered a gift from
11 a foreign source under this section:

12 “(1) Any payment of tuition and fees to an in-
13 stitution by, or scholarship from, a foreign source
14 who is a natural person made on behalf of a student
15 for institutional charges related to such student’s
16 cost of attendance that is not made under contract
17 with such foreign source.

18 “(2) Any unrestricted gift made by a foreign
19 source who is a natural person and an alumnus of
20 the institution.

21 “(h) CONSULTATION.—The Secretary shall consult
22 with the Director of the Office of Science and Technology
23 Policy, the Director of the National Institutes of Health,
24 the Director of the National Science Foundation, the Sec-
25 retary of Energy, the Secretary of Defense, the Adminis-

1 trator of the National Aeronautics and Space Administra-
2 tion, the Administrator of the National Oceanic and At-
3 mospheric Administration, the Director of the National
4 Institute of Standards and Technology, and the heads of
5 other relevant Federal agencies or entities, regarding the
6 reporting of gifts from and contracts with foreign sources
7 in order to align, to the extent practicable, the methods
8 of reporting prescribed by this section.

9 “(i) DEFINITIONS.—In this section—

10 “(1) the term ‘contract’ means any agreement
11 for the acquisition by purchase, lease, or barter of
12 property or services by the foreign source, for the di-
13 rect benefit or use of either of the parties;

14 “(2) the term ‘foreign source’ means—

15 “(A) a foreign government, including an
16 agency of a foreign government;

17 “(B) a legal entity, governmental or other-
18 wise, created solely under the laws of a foreign
19 state or states;

20 “(C) an individual who is not a citizen or
21 a national of the United States or a trust terri-
22 tory or protectorate thereof; and

23 “(D) an agent, including a subsidiary or
24 affiliate of a foreign legal entity, acting on be-
25 half of a foreign source;

1 “(3) the term ‘gift’ means any gift of money,
2 property, or human resources;

3 “(4) the term ‘institution’ means any institu-
4 tion, public or private, or, if a multicampus institu-
5 tion, any single campus of such institution, in any
6 State, that—

7 “(A) is legally authorized within such
8 State to provide a program of education beyond
9 secondary school;

10 “(B) provides a program for which the in-
11 stitution awards a bachelor’s degree (or pro-
12 vides not less than a 2-year program which is
13 acceptable for full credit toward such a degree)
14 or more advanced degrees; and

15 “(C) is accredited by a recognized accred-
16 iting agency or association and to which institu-
17 tion Federal financial assistance is extended
18 (directly or indirectly through another entity or
19 person), or which institution receives support
20 from the extension of Federal financial assist-
21 ance to any of the institution’s subunits; and

22 “(5) the term ‘restricted or conditional gift or
23 contract’ means any endowment, gift, grant, con-
24 tract, award, present, or property of any kind which
25 includes provisions regarding—

1 “(A) the employment, assignment, or ter-
2 mination of faculty;

3 “(B) the establishment of departments,
4 centers, institutes, instructional programs, re-
5 search or lecture programs, or new faculty posi-
6 tions;

7 “(C) the selection or admission of stu-
8 dents; or

9 “(D) the award of grants, loans, scholar-
10 ships, fellowships, or other forms of financial
11 aid restricted to students of a specified country,
12 religion, sex, ethnic origin, or political opin-
13 ion.”.

14 (b) REGULATIONS.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this Act, the Secretary
17 shall issue regulations, developed through the nego-
18 tiated rulemaking process under section 492 of the
19 Higher Education Act of 1965 (20 U.S.C. 1098a),
20 to carry out section 117 of such Act, as amended by
21 this section.

22 (2) ISSUES.—Regulations issued pursuant to
23 paragraph (1), shall, at a minimum, address the fol-
24 lowing issues:

1 (A) Instructions on reporting structured
2 gifts and contracts.

3 (B) The inclusion in institutional reports
4 of gifts received from, and contracts entered
5 into with, foreign sources by entities and orga-
6 nizations, such as research foundations, that
7 operate substantially for the benefit or under
8 the auspices of the institution.

9 (c) EFFECTIVE DATE.—

10 (1) IN GENERAL.—The amendments made by
11 this section shall take effect on the earlier of—

12 (A) the day on which the regulations
13 issued under subsection (b) are issued; or

14 (B) the day that is 1 year and 90 days
15 after the date of enactment of this Act.

16 (2) TRANSITION.—The provisions of section
17 117 of the Higher Education Act of 1965 (20
18 U.S.C. 1011f), as in effect on the day before the
19 date of enactment of this Act, shall continue to
20 apply until the amendments made by this section
21 take effect under paragraph (1).

1 **SEC. 165. ENCOURAGE THE DEVELOPMENT OF A NON-GOV-**
2 **ERNMENTAL CODE OF CONDUCT FOR COUN-**
3 **TERING MALIGN INFLUENCE AT COLLEGES**
4 **AND UNIVERSITIES.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) institutions of higher education of the
8 United States should develop best practices and co-
9 operate with efforts to report on and record the in-
10 fluence of the Government of China at academic in-
11 stitutions, including appropriate actions against gov-
12 ernment entities of the People’s Republic of China
13 responsible for harassment;

14 (2) institutions of higher education should—

15 (A) assess the operation of Confucius In-
16 stitutes as defined in section 163(a) to ensure
17 their agreements with the Office of Chinese
18 Language Council International (commonly
19 known as “Hanban”) allow transparency and
20 compliance with norms of academic freedom;
21 and

22 (B) consider joint actions against the Gov-
23 ernment of China in response to unwarranted
24 visa denials and prolonged delays for research
25 in the People’s Republic of China targeting

1 their scholars, or other obstacles to academic
2 research;

3 (3) all organizations on the campuses of institu-
4 tions of higher education of the United States that
5 receive substantial funding or support from Chinese
6 diplomatic missions or other entities linked to the
7 Chinese Communist Party or the Government of
8 China, should—

9 (A) report such information or register, as
10 appropriate, as foreign agents;

11 (B) disclose annually all sources and
12 amounts of funding received, directly or indi-
13 rectly, from the Communist Party of China, the
14 Government of China, or enterprises owned by
15 the People’s Republic of China, as required by
16 law; and

17 (C) help mentor and support students and
18 scholars from the People’s Republic of China to
19 ensure that the students and scholars can enjoy
20 full academic freedom; and

21 (4) institutions of higher education of the
22 United States undertaking exchange programs or
23 operating satellite campuses in the People’s Republic
24 of China should do so with open and transparent
25 agreements and policies to ensure the protection of

1 academic freedom, including control over hiring and
2 firing, freedom of scholarly research, and protection
3 for the curriculum.

4 (b) GAO REPORT.—Not later than 180 days after
5 the date of enactment of this Act, the Comptroller General
6 of the United States shall issue a report that assesses
7 whether the Department of State and the Department of
8 Homeland Security have the adequate resources, and are
9 adequately able, to vet students and scholars in a timely
10 and expeditious fashion to prevent those individuals with
11 specific ties to the People’s Liberation Army from entering
12 the United States.

13 **SEC. 166. AUTHORIZATION OF APPROPRIATIONS FOR**
14 **SCIENCE, TECHNOLOGY, ENGINEERING, AND**
15 **MATHEMATICS EDUCATION AND TRAINING.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—To
17 strengthen the competitiveness of the domestic workforce
18 in critical technology industries by expanding assistance
19 for education and training in science, technology, engi-
20 neering, and mathematics, including for underserved and
21 underrepresented populations to achieve a more diverse
22 and inclusive workforce in these industries, there are au-
23 thorized to be appropriated to the Director of the National
24 Science Foundation the following:

1 (1) For the Scholarships in Science, Tech-
2 nology, Engineering, and Mathematics program
3 under section 414(d) of the American Competitive-
4 ness and Workforce Improvement Act of 1998 (42
5 U.S.C. 1869e), notwithstanding section 414(d)(4)
6 and in addition to funds provided by section
7 414(d)(4)—

8 (A) for fiscal year 2021, \$157,290,000;

9 (B) for fiscal year 2022, \$168,300,000;

10 (C) for fiscal year 2023, \$180,081,000;

11 (D) for fiscal year 2024, \$192,687,000;

12 and

13 (E) for fiscal year 2025, \$206,175,000.

14 (2) For the National Science Foundation grad-
15 uate research fellowship program—

16 (A) for fiscal year 2021, \$304,469,000;

17 (B) for fiscal year 2022, \$325,782,000;

18 (C) for fiscal year 2023, \$348,587,000;

19 (D) for fiscal year 2024, \$372,988,000;

20 and

21 (E) for fiscal year 2025, \$399,097,000.

22 (3) For the National Science Foundation re-
23 search traineeship program—

24 (A) for fiscal year 2021, \$57,876,000;

25 (B) for fiscal year 2022, \$61,927,000;

1 (C) for fiscal year 2023, \$66,262,000;

2 (D) for fiscal year 2024, \$70,900,000; and

3 (E) for fiscal year 2025, \$75,863,000.

4 (4) For the National Science Foundation re-
5 search experience for undergraduates—

6 (A) for fiscal year 2021, \$88,864,000;

7 (B) for fiscal year 2022, \$95,084,000;

8 (C) for fiscal year 2023, \$101,740,000;

9 (D) for fiscal year 2024, \$108,862,000;

10 and

11 (E) for fiscal year 2025, \$116,482,000.

12 (5) For the National Science Foundation Inclu-
13 sion across the Nation of Communities of Learners
14 of Underrepresented Discoverers in Engineering and
15 Science—

16 (A) for fiscal year 2021, \$21,614,000;

17 (B) for fiscal year 2022, \$23,127,000;

18 (C) for fiscal year 2023, \$24,746,000;

19 (D) for fiscal year 2024, \$26,478,000; and

20 (E) for fiscal year 2025, \$28,331,000.

21 (6) For the National Science Foundation AD-
22 VANCE: organizational change for gender equity in
23 STEM academic professions—

24 (A) for fiscal year 2021, \$19,260,000;

25 (B) for fiscal year 2022, \$20,608,000;

1 (C) for fiscal year 2023, \$22,051,000;

2 (D) for fiscal year 2024, \$23,595,000; and

3 (E) for fiscal year 2025, \$25,247,000.

4 (7) For the National Science Foundation cyber
5 scholarships for service—

6 (A) for fiscal year 2021, \$59,203,000;

7 (B) for fiscal year 2022, \$63,347,000;

8 (C) for fiscal year 2023, \$67,781,000;

9 (D) for fiscal year 2024, \$72,526,000; and

10 (E) for fiscal year 2025, \$77,603,000.

11 (8) For the National Science Foundation His-
12 torically Black Colleges and Universities under-
13 graduate program—

14 (A) for fiscal year 2021, \$37,450,000;

15 (B) for fiscal year 2022, \$40,072,000;

16 (C) for fiscal year 2023, \$42,877,000;

17 (D) for fiscal year 2024, \$45,878,000; and

18 (E) for fiscal year 2025, \$49,089,000.

19 (9) For the National Science Foundation Tribal
20 Colleges and Universities program—

21 (A) for fiscal year 2021, \$16,050,000;

22 (B) for fiscal year 2022, \$17,174,000;

23 (C) for fiscal year 2023, \$18,376,000;

24 (D) for fiscal year 2024, \$19,662,000; and

25 (E) for fiscal year 2025, \$21,038,000.

1 (10) For the National Science Foundation His-
2 panic serving institutions program—

3 (A) for fiscal year 2021, \$48,150,000;

4 (B) for fiscal year 2022, \$51,521,000;

5 (C) for fiscal year 2023, \$55,127,000;

6 (D) for fiscal year 2024, \$58,986,000; and

7 (E) for fiscal year 2025, \$63,115,000.

8 (b) SUPPLEMENT, NOT SUPPLANT.—Amounts ap-
9 propriated under subsection (a) shall supplement, and not
10 supplant, amounts otherwise appropriated to award grants
11 to carry out mid-scale projects (as defined in section
12 109(b)(4) of the American Innovation and Competitive-
13 ness Act (Public Law 114–329; 130 Stat. 2988).

14 **SEC. 167. AUTHORIZATION OF APPROPRIATIONS FOR THE**
15 **FULBRIGHT-HAYS PROGRAM.**

16 There are authorized to be appropriated, for the 6-
17 year period beginning on September 30, 2020,
18 \$105,500,000, which shall be expended to promote edu-
19 cation, training, research, and foreign language skills
20 through the Fulbright-Hays Program, in accordance with
21 section 102(b) of the Mutual Educational and Cultural
22 Exchange Act of 1961 (22 U.S.C. 2452(b)).

1 **SEC. 168. AUTHORIZATION OF APPROPRIATIONS FOR**
2 **INTERNATIONAL AND FOREIGN LANGUAGE**
3 **EDUCATION PROGRAMS.**

4 In order to promote international and foreign lan-
5 guage education and global understanding at institutions
6 of higher education in the United States, there are author-
7 ized to be appropriated, for the 6-year period beginning
8 on September 30, 2020, \$632,000,000 to carry out the
9 international and foreign language education programs
10 under title VI of the Higher Education Act of 1965 (20
11 U.S.C. 1121 et seq.).

12 **SEC. 169. SUPPORT FOR SCIENCE AND ENGINEERING RE-**
13 **SEARCH INFRASTRUCTURE.**

14 (a) DEFINITIONS.—In this section:

15 (1) INSTITUTION OF HIGHER EDUCATION.—The
16 term “institution of higher education” has the
17 meaning given such term in section 101 of the High-
18 er Education Act of 1965 (20 U.S.C. 1001).

19 (2) MID-SCALE PROJECTS.—The term “mid-
20 scale projects” has the meaning given such term in
21 section 109(b)(4) of the American Innovation and
22 Competitiveness Act (Public Law 114–329; 130
23 Stat. 2988).

24 (3) MINORITY-SERVING INSTITUTION.—The
25 term “minority-serving institution” means an eligi-
26 ble institution described in section 371(a) of the

1 Higher Education Act of 1965 (20 U.S.C.
2 1067q(a)).

3 (b) NATIONAL INSTITUTE OF STANDARDS AND
4 TECHNOLOGY GRANTS FOR FACILITIES AT INSTITUTIONS
5 OF HIGHER EDUCATION.—

6 (1) IN GENERAL.—The Director of the National
7 Institute of Standards and Technology shall award
8 grants on a competitive basis to institutions of high-
9 er education to construct, renovate, or expand re-
10 search and development facilities and infrastructure
11 to support research and development in critical tech-
12 nology areas.

13 (2) GEOGRAPHIC DISTRIBUTION.—In carrying
14 out paragraph (1), the Director shall ensure equi-
15 table geographic distribution of funds.

16 (3) AWARDS TO MINORITY-SERVING INSTITU-
17 TIONS.—The Director shall ensure that of the
18 amounts awarded under paragraph (1), not less than
19 10 percent of such amounts are awarded to minor-
20 ity-serving institutions.

21 (4) AUTHORIZATION OF APPROPRIATIONS.—
22 There is authorized to be appropriated to carry out
23 paragraph (1) \$300,000,000 for the period of fiscal
24 years 2021 through 2025.

1 (c) NATIONAL SCIENCE FOUNDATION GRANTS FOR
2 MID-SCALE PROJECTS.—

3 (1) IN GENERAL.—The Director of the National
4 Science Foundation shall award grants on a com-
5 petitive basis to eligible entities to carry out mid-
6 scale projects.

7 (2) ELIGIBLE ENTITIES.—For purposes of this
8 subsection, an eligible entity is an institution of
9 higher education, a nonprofit organization, or a con-
10 sortium of institutions of higher education or non-
11 profit organizations, that the Director of the Na-
12 tional Science Foundation considers eligible to re-
13 ceive a grant under paragraph (1).

14 (3) AUTHORIZATION OF APPROPRIATIONS.—

15 (A) IN GENERAL.—There is authorized to
16 be appropriated to carry out paragraph (1)
17 \$300,000,000 for the period of fiscal years
18 2021 through 2025.

19 (B) SUPPLEMENT, NOT SUPPLANT.—
20 Amounts appropriated under subparagraph (A)
21 shall supplement, and not supplant, amounts
22 otherwise appropriated to award grants to carry
23 out mid-scale projects.

1 (d) AUTHORIZATION OF APPROPRIATIONS FOR DE-
2 FENSE UNIVERSITY RESEARCH INSTRUMENTATION PRO-
3 GRAM.—

4 (1) IN GENERAL.—For the Secretary of De-
5 fense to award grants under the Defense University
6 Research Instrumentation Program in accordance
7 with section 2358 of title 10, United States Code,
8 and section 6304 of title 31, United States Code,
9 there is authorized to be appropriated—

10 (A) for fiscal year 2021, \$45,017,000;

11 (B) for fiscal year 2022, \$48,169,000;

12 (C) for fiscal year 2023, \$51,541,000;

13 (D) for fiscal year 2024, \$55,149,000; and

14 (E) for fiscal year 2025, \$59,009,000.

15 (2) AVAILABILITY FOR AWARDS UNDER DE-
16 FENSE ESTABLISHED PROGRAM TO STIMULATE COM-
17 PETITIVE RESEARCH.—Of the amounts appropriated
18 pursuant to paragraph (1) for the Defense Univer-
19 sity Research Instrumentation Program in a fiscal
20 year, not less than 15 percent shall be available in
21 that fiscal year to support awards through the De-
22 fense Established Program to Stimulate Competitive
23 Research (DEPSCoR).

24 (3) AWARDS TO MINORITY-SERVING INSTITU-
25 TIONS.—Of the amounts appropriated pursuant to

1 paragraph (1) for the Defense University Research
2 Instrumentation Program in a fiscal year, not less
3 than 10 percent of such amounts shall be used for
4 awards to minority-serving institutions.

5 (e) SUPPLEMENT, NOT SUPPLANT.—The amounts
6 authorized to be appropriated by subsections (b) through
7 (d) for the purposes set forth in such subsections shall
8 supplement, not supplant, amounts otherwise authorized
9 to be appropriated for such purposes.

10 **SEC. 170. BUILDING THE INNOVATION AND MANUFAC-**
11 **TURING WORKFORCE OF THE UNITED**
12 **STATES.**

13 (a) DEPARTMENT OF DEFENSE MANUFACTURING
14 ENGINEERING EDUCATION PROGRAM.—

15 (1) IN GENERAL.—The Secretary of Defense
16 may, on a competitive basis, award grants to at least
17 20 eligible entities through the Manufacturing Engi-
18 neering Education Program established under sec-
19 tion 2196(a)(1) of title 10, United States Code, for
20 the enhancement of existing programs under sub-
21 paragraph (A) of such section or establishment of
22 new programs under subparagraph (B) of such sec-
23 tion to support industry-relevant, manufacturing-fo-
24 cused engineering training, with a focus on critical
25 technology areas.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to carry out
3 paragraph (1)—

4 (A) for fiscal year 2021, \$16,050,000;

5 (B) for fiscal year 2022, \$17,174,000;

6 (C) for fiscal year 2023, \$18,376,000;

7 (D) for fiscal year 2024, \$19,662,000; and

8 (E) for fiscal year 2025, \$21,038,000.

9 (3) SUPPLEMENT, NOT SUPPLANT.—Amounts
10 appropriated under paragraph (2) shall supplement
11 and not supplant any amounts otherwise appro-
12 priated to carry out the Manufacturing Engineering
13 Education Program.

14 (b) AUTHORIZATION OF APPROPRIATIONS FOR NA-
15 TIONAL SCIENCE FOUNDATION ADVANCED TECHNO-
16 LOGICAL EDUCATION PROGRAM.—

17 (1) IN GENERAL.—To award grants under sec-
18 tion 3(a) of the Scientific and Advanced-Technology
19 Act of 1992 (42 U.S.C. 1862i(a)) for training pro-
20 grams and education programs in manufacturing re-
21 lated to the critical technology areas, there is au-
22 thorized to be appropriated—

23 (A) for fiscal year 2020, \$80,250,000;

24 (B) for fiscal year 2021, \$85,868,000;

25 (C) for fiscal year 2022, \$91,879,000;

1 (D) for fiscal year 2023, \$98,311,000; and

2 (E) for fiscal year 2024, \$105,193,000.

3 (2) SUPPLEMENT, NOT SUPPLANT.—Amounts
4 appropriated under paragraph (1) shall supplement
5 and not supplant any amounts otherwise appro-
6 priated to award grants under section 3(a) of the
7 Scientific and Advanced-Technology Act of 1992 (42
8 U.S.C. 1862i(a)).

9 **SEC. 171. APPRENTICESHIP OPPORTUNITIES.**

10 (a) DEFINITION OF ELIGIBLE ENTITY.—The term
11 “eligible entity” means a consortium of entities that shall
12 include 1 or more representatives from each of the fol-
13 lowing:

14 (1) A local educational agency (as defined in
15 section 8101 of the Elementary and Secondary Edu-
16 cation Act of 1965 (20 U.S.C. 7801)), an area ca-
17 reer and technical education school (as defined in
18 section 3 of the Carl D. Perkins Career and Tech-
19 nical Education Act of 2006 (20 U.S.C. 2302)), an
20 educational service agency (as defined in section
21 8101 of the Elementary and Secondary Education
22 Act of 1965 (20 U.S.C. 7801)), or a postsecondary
23 educational institution.

24 (2) An industry or business, consisting of an
25 employer, a group of employers, a trade association,

1 a professional association, an apprenticeship pro-
2 gram, or an entity that sponsors an apprenticeship
3 program.

4 (3) A State workforce development board estab-
5 lished under section 101 of the Workforce Innova-
6 tion and Opportunity Act (29 U.S.C. 3111) or a
7 local workforce development board established under
8 section 107 of such Act (29 U.S.C. 3122), subject
9 to section 107(c)(4)(B)(i) of such Act (29 U.S.C.
10 3122(c)(4)(B)(i)).

11 (4) To the maximum extent practicable, as de-
12 termined by the consortium, one or more of the fol-
13 lowing:

14 (A) A labor organization associated with
15 the industry sector or occupation related to the
16 apprenticeship program involved.

17 (B) A qualified intermediary.

18 (C) A community-based organization with
19 experience serving populations that have been
20 historically underrepresented in apprenticeship
21 programs.

22 (b) IN GENERAL.—From amounts appropriated
23 under subsection (e), the Secretary of Labor shall award
24 grants, contracts, or cooperative agreements to eligible en-
25 tities on a competitive basis to create or expand appren-

1 ticeship programs to prepare the workforce for in-demand
2 jobs, including in sectors that enhance the competitiveness
3 of the United States.

4 (c) USE OF FUNDS.—In making awards under sub-
5 section (b), the Secretary of Labor shall ensure that—

6 (1) not less than 50 percent of the funds appro-
7 priated under subsection (e) shall be awarded to
8 States in accordance with the award information de-
9 scribed in the Department of Labor Employment
10 and Training Administration Training and Employ-
11 ment Guidance Letter No. 17–18 issued on May 3,
12 2019; and

13 (2) the funds remaining under subsection (e)
14 after the application of paragraph (1) shall be used
15 for creating or expanding opportunities in appren-
16 ticeship programs, including opportunities in pre-ap-
17 prenticeship programs and youth apprenticeship pro-
18 grams, and related activities, including—

19 (A) using recruitment and retention strate-
20 gies for program participants with a priority for
21 recruiting and retaining, for apprenticeship pro-
22 grams, a high number or high percentage of in-
23 dividuals with barriers to employment (as de-
24 fined in section 3 of the Workforce Innovation
25 and Opportunity Act (29 U.S.C. 3102)) and in-

1 individuals from populations traditionally under-
2 represented in apprenticeship programs;

3 (B) engaging employers in the expansion,
4 development, and execution of apprenticeship
5 programs;

6 (C) expanding apprenticeship opportunities
7 in high-skill, high-wage, or in-demand industry
8 sectors and occupations, including construction;

9 (D) supporting national industry and eq-
10 uity intermediaries and local intermediaries;

11 (E) improving alignment with secondary,
12 postsecondary, and adult education programs
13 and workforce development programs;

14 (F) encouraging employer participation;
15 and

16 (G) developing new apprenticeship pro-
17 grams in industry sectors or occupations not
18 traditionally represented in apprenticeship pro-
19 grams.

20 (d) RULE OF CONSTRUCTION.—If funds awarded
21 under this Act, including all funds awarded for the pur-
22 poses of grants, contracts, or cooperative agreements, or
23 the development, implementation, or administration of ap-
24 prenticeship programs, are used to fund apprenticeship
25 programs, those funds shall only be provided to appren-

1 ticeship programs (or opportunities in apprenticeship pro-
 2 grams) that meet the definition of an apprenticeship under
 3 this section.

4 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
 5 authorized to be appropriated to carry out this section
 6 \$750,000,000 for the period of fiscal years 2021 through
 7 2026.

8 **SEC. 172. COMMUNITY COLLEGE AND INDUSTRY PARTNER-**
 9 **SHIP GRANTS.**

10 (a) DEFINITIONS.—In this section:

11 (1) PERKINS CTE DEFINITIONS.—The terms
 12 “career and technical education”, “dual or concur-
 13 rent enrollment program”, and “work-based learn-
 14 ing” have the meanings given the terms in section
 15 3 of the Carl D. Perkins Career and Technical Edu-
 16 cation Act of 2006 (20 U.S.C. 2302).

17 (2) ELIGIBLE ENTITY.—The term “eligible enti-
 18 ty”—

19 (A) means an eligible institution or a con-
 20 sortium of such eligible institutions; and

21 (B) may include a multistate consortium of
 22 such eligible institutions.

23 (3) ELIGIBLE INSTITUTION.—The term “eligi-
 24 ble institution” means a public institution of higher
 25 education (as defined in section 101(a) of the High-

1 er Education Act of 1965 (20 U.S.C. 1001(a)) at
2 which the highest degree that is predominantly
3 awarded to students is an associate degree, including
4 a 2-year Tribal College or University (as defined in
5 section 316 of the Higher Education Act of 1965
6 (20 U.S.C. 1059c)).

7 (4) IN-DEMAND INDUSTRY SECTOR OR OCCUPA-
8 TION.—The term “in-demand industry sector or oc-
9 cupation” has the meaning given the term in section
10 3 of the Workforce Innovation and Opportunity Act
11 (29 U.S.C. 3102).

12 (b) GRANT AUTHORITY.—

13 (1) IN GENERAL.—From amounts appropriated
14 under subsection (h) and not reserved under sub-
15 section (f), the Secretary of Labor, in collaboration
16 with the Secretary of Education (acting through the
17 Office of Career, Technical, and Adult Education)
18 shall award, on a competitive basis, grants, con-
19 tracts, or cooperative agreements, in accordance with
20 section 169(b)(5) of the Workforce Innovation and
21 Opportunity Act (29 U.S.C. 3224(b)(5)), to eligible
22 entities to assist such eligible entities in—

23 (A) establishing and scaling career training
24 programs, including career and technical edu-

1 cation programs, and industry and sector part-
2 nerships to inform such programs; and

3 (B) providing necessary student supports
4 for participation in such programs.

5 (2) AWARD AMOUNTS.—The total amount of
6 funds awarded under this section to an eligible enti-
7 ty shall not exceed—

8 (A) in the case of an eligible entity that is
9 an eligible institution, \$2,500,000; and

10 (B) in the case of an eligible entity that is
11 a consortium, \$15,000,000.

12 (3) AWARD PERIOD.—A grant, contract, or co-
13 operative agreement awarded under this section shall
14 be for a period of not more than 4 years, except that
15 the Secretary of Labor may extend such a grant,
16 contract, or agreement for an additional 2-year pe-
17 riod.

18 (4) EQUITABLE DISTRIBUTION.—In awarding
19 grants under this section, the Secretary of Labor
20 shall ensure, to the extent practicable, the equitable
21 distribution of grants, based on—

22 (A) geography (such as urban and rural
23 distribution); and

24 (B) States and local areas significantly im-
25 pacted by the COVID–19 national emergency.

1 (c) PRIORITY.—In awarding funds under this section,
2 the Secretary of Labor shall give priority to eligible enti-
3 ties that will use such funds to serve individuals impacted
4 by the COVID–19 national emergency, as demonstrated
5 by providing an assurance in the application submitted
6 under subsection (d) that the eligible entity will use such
7 funds to—

8 (1) serve such individuals who are—

9 (A) individuals with barriers to employ-
10 ment;

11 (B) veterans or spouses of members of the
12 Armed Forces;

13 (C) Native Americans, Alaska Natives, or
14 Native Hawaiians; or

15 (D) incumbent workers who are low-skilled
16 and who need to increase their employability
17 skills;

18 (2) serve such individuals from each major ra-
19 cial and ethnic group or gender with lower-than-av-
20 erage educational attainment in the State or employ-
21 ment in the in-demand industry sector or occupation
22 that such award will support; or

23 (3) serve areas with high unemployment rates
24 or high levels of poverty, including rural areas.

1 (d) APPLICATION.—An eligible entity seeking an
2 award of funds under this section shall submit to the Sec-
3 retary of Labor an application containing a grant proposal
4 at such time and in such manner, and containing such
5 information, as required by the Secretary, including a de-
6 tailed description of the following:

7 (1) Each entity (and the roles and responsibil-
8 ities of each entity) with which the eligible entity will
9 partner to carry out activities under this section,
10 which shall include, at a minimum—

11 (A) an industry or sector partnership (as
12 defined in section 3 of the Workforce Innova-
13 tion and Opportunity Act (29 U.S.C. 3102))
14 representing a high-skill, high-wage, or in-de-
15 mand industry sector or occupation;

16 (B) a State higher education agency (as
17 defined in section 103 of the Higher Education
18 Act of 1965 (20 U.S.C. 1003)) or a State work-
19 force agency; and

20 (C) to the extent practicable, one or more
21 of each of the following:

22 (i) State or local workforce develop-
23 ment systems.

24 (ii) Economic development or other
25 relevant State or local agencies.

1 (iii) Community-based organizations.

2 (iv) Institutions of higher education
3 that primarily award 4-year degrees with
4 which the eligible entity has developed or
5 will develop articulation agreements for
6 programs created or expanded using funds
7 under this section.

8 (v) Providers of adult education.

9 (vi) One or more labor organizations
10 or joint labor-management partnerships.

11 (2) The programs that will be supported with
12 such award, including a description of—

13 (A) each program that will be developed or
14 expanded, and how the program will be respon-
15 sive to the high-skill, high-wage, or in-demand
16 industry sectors or occupations in the geo-
17 graphic region served by the eligible entity
18 under this section, including—

19 (i) how the eligible entity will collabo-
20 rate with employers to ensure each such
21 program will provide the skills and com-
22 petencies necessary to meet future employ-
23 ment demand; and

24 (ii) the quantitative data and evidence
25 that demonstrates the extent to which each

1 such program will meet the needs of em-
2 ployers in the geographic area served by
3 the eligible entity under this section;

4 (B) the recognized postsecondary creden-
5 tials to be awarded under each program de-
6 scribed in subparagraph (A);

7 (C) how each such program will facilitate
8 cooperation between representatives of workers
9 and employers in the local areas to ensure a
10 fair and engaging workplace that balances the
11 priorities and well-being of workers with the
12 needs of businesses;

13 (D) the extent to which each such program
14 aligns with a statewide or regional workforce
15 development strategy, including such strategies
16 established under section 102(b)(1) of the
17 Workforce Innovation and Opportunity Act (29
18 U.S.C. 3112(b)(1)); and

19 (E) how the eligible entity will ensure the
20 quality of each such program, the career path-
21 ways within each such program, and the jobs in
22 the industry sectors or occupations to which the
23 program is aligned.

1 (3) The extent to which the eligible entity can
2 leverage additional resources, and demonstration of
3 the future sustainability of each such program.

4 (4) How each such program and the activities
5 carried out with funds under this section will include
6 evidence-based practices, including a description of
7 such practices.

8 (5) The student populations that will be served
9 by the eligible entity, including—

10 (A) an analysis of any barriers to employ-
11 ment or barriers to postsecondary education
12 that such populations face, and an analysis of
13 how the services to be provided by the eligible
14 entity under this section will address such bar-
15 riers; and

16 (B) how the eligible entity will support
17 such populations to establish a work history,
18 demonstrate success in the workplace, and de-
19 velop the skills and competencies that lead to
20 entry into and retention in unsubsidized em-
21 ployment.

22 (6) Assurances the eligible entity will partici-
23 pate in and comply with third-party evaluations de-
24 scribed in subsection (f)(3).

25 (e) USE OF FUNDS.—

1 (1) IN GENERAL.—An eligible entity receiving a
2 grant, contract, or cooperative agreement under this
3 section shall use funds made available under such
4 grant, contract, or cooperative agreement to estab-
5 lish and scale career training programs, including
6 career and technical education programs, and career
7 pathways and supports for students participating in
8 such programs.

9 (2) STUDENT SUPPORT AND EMERGENCY SERV-
10 ICES.—Not less than 15 percent of funds made
11 available to an eligible entity under this section shall
12 be used to carry out student support services, which
13 may include the following:

14 (A) Supportive services, including
15 childcare, transportation, mental health serv-
16 ices, substance use disorder prevention and
17 treatment, assistance in obtaining health insur-
18 ance coverage, housing, and assistance in ac-
19 cessing the supplemental nutrition assistance
20 program established under the Food and Nutri-
21 tion Act of 2008 (7 U.S.C. 2011 et seq.), the
22 special supplemental nutrition program for
23 women, infants, and children established by sec-
24 tion 17 of the Child Nutrition Act of 1966 (42

1 U.S.C. 1786), and other benefits, as appro-
2 priate.

3 (B) Connecting students to State or Fed-
4 eral means-tested benefits programs, including
5 the means-tested Federal benefits programs de-
6 scribed in subparagraphs (A) through (F) of
7 section 479(d)(2) of the Higher Education Act
8 of 1965 (20 U.S.C. 1087ss(d)(2)).

9 (C) The provision of direct financial assist-
10 ance to help students facing financial hardships
11 that may impact enrollment in or completion of
12 a program assisted with such funds.

13 (D) Navigation, coaching, mentorship, and
14 case management services, including providing
15 information and outreach to populations de-
16 scribed in subsection (c) to take part in a pro-
17 gram supported with such funds.

18 (E) Providing access to necessary supplies,
19 materials, or technological devices, and required
20 equipment, and other supports necessary to
21 participate in such programs.

22 (3) ADDITIONAL REQUIRED PROGRAM ACTIVI-
23 TIES.—The funds awarded to an eligible entity
24 under this section that remain after carrying out
25 paragraph (2) shall be used to—

1 (A) create, develop, or expand articulation
2 agreements (as defined in section 486A(a) of
3 the Higher Education Act of 1965 (20 U.S.C.
4 1093a(a)), credit transfer agreements, policies
5 to award credit for prior learning, corequisite
6 remediation, dual or concurrent enrollment pro-
7 grams, career pathways, and competency-based
8 education;

9 (B) establish or expand industry or sector
10 partnerships to develop or expand academic
11 programs and curricula;

12 (C) establish or expand work-based learn-
13 ing opportunities, including apprenticeship pro-
14 grams or paid internships;

15 (D) establish or implement plans for pro-
16 grams supported with funds under this section
17 to be included on the list of programs and eligi-
18 ble training providers described under section
19 122(d) of the Workforce Innovation and Oppor-
20 tunity Act (29 U.S.C. 3152(d));

21 (E) award academic credit or provide for
22 academic alignment toward credit pathways for
23 programs assisted with such funds, including
24 through industry-recognized credentials, com-

1 petency-based education, or work-based learn-
2 ing;

3 (F) make available open, searchable, and
4 comparable information on the recognized post-
5 secondary credentials awarded under such pro-
6 grams, including the related skills or com-
7 petencies, related employment, and earnings
8 outcomes; or

9 (G) acquiring equipment necessary to sup-
10 port activities permitted under this section.

11 (f) SECRETARIAL RESERVATIONS.—Not more than 5
12 percent of the funds appropriated for a fiscal year may
13 be used by the Secretary of Labor for—

14 (1) the administration of the program under
15 this section, including providing technical assistance
16 to eligible entities;

17 (2) targeted outreach to eligible institutions
18 serving a high number or high percentage of low-in-
19 come populations, and rural-serving eligible institu-
20 tions, to provide guidance and assistance in the
21 grant application process under this section; and

22 (3) a rigorous, third-party evaluation that uses
23 experimental or quasi-experimental design or other
24 research methodologies that allow for the strongest
25 possible causal inferences to determine whether each

1 eligible entity carrying out a program supported
2 under this section has met the goals of such pro-
3 gram as described in the application submitted by el-
4 ible entity, including through a national assess-
5 ment of all such programs at the conclusion of each
6 4-year grant period.

7 (g) REPORTS AND DISSEMINATION.—

8 (1) REPORTS.—Each eligible entity receiving
9 funds under this section shall prepare and submit a
10 report to the Secretary of Labor annually that in-
11 cludes—

12 (A) a description of the programs sup-
13 ported with such funds, including activities car-
14 ried out directly by the eligible entity and ac-
15 tivities carried out by each partner of the eligi-
16 ble entity described in subsection (d)(1);

17 (B) data on the population served with the
18 funds and labor market outcomes of popu-
19 lations served by the funds;

20 (C) a description of the resources leveraged
21 by the eligible entity to support activities under
22 this section; and

23 (D) the performance of each program sup-
24 ported with such funds with respect to the pri-
25 mary indicators of performance under section

1 116(b)(2)(A)(i) of the Workforce Innovation
2 and Opportunity Act (29 U.S.C.
3 3141(b)(2)(A)(i)).

4 (2) DISSEMINATION.—Each eligible entity re-
5 ceiving funds under this section shall—

6 (A) participate in activities regarding the
7 dissemination of related research, best prac-
8 tices, and technical assistance; and

9 (B) to the extent practicable, and as deter-
10 mined by the Secretary of Labor, make avail-
11 able to the public any materials created under
12 the grant.

13 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this section
15 \$2,000,000,000 for fiscal year 2020, to remain available
16 through fiscal year 2024.

17 **SEC. 173. SENSE OF CONGRESS THAT INSTITUTIONS OF**
18 **HIGHER EDUCATION, FEDERAL AND STATE**
19 **GOVERNMENTS, AND BUSINESSES SHOULD**
20 **ADDRESS THE UNDERREPRESENTATION OF**
21 **STUDENTS OF COLOR AND WOMEN IN STEM**
22 **FIELDS.**

23 It is the sense of Congress that institutions of higher
24 education, Federal and State governments, and businesses
25 should address underrepresentation of students of color

1 and women and promote inclusivity in the fields of science,
2 technology, engineering, and mathematics (referred to in
3 this section as “STEM fields”), including by—

4 (1) encouraging exposure of individuals from
5 underrepresented groups to STEM fields at an early
6 age;

7 (2) recruiting a diverse and talented pool of ap-
8 plicants for STEM fields;

9 (3) cultivating talent from underrepresented
10 groups through mentoring programs, sponsorship
11 initiatives, recruitment events, and other similar op-
12 portunities;

13 (4) providing professional development opportu-
14 nities, training, income assistance, and support serv-
15 ices for individuals from underrepresented groups to
16 enter senior-level positions;

17 (5) offering research opportunities and grants
18 to a diverse group of individuals;

19 (6) collecting, analyzing, and making public de-
20 mographic data, disaggregated by rank and grade or
21 grade-equivalent (where applicable), in order to as-
22 sess the demographic breakdowns of—

23 (A) applications for positions in STEM
24 fields;

1 (B) individuals hired to join the workforce
2 in a STEM field or admitted to an institution
3 of higher education for studies in a STEM
4 field;

5 (C) promotion rates in STEM fields; and

6 (D) individuals in senior-level positions in
7 STEM fields;

8 (7) providing regular mandatory anti-harass-
9 ment and anti-discrimination training; and

10 (8) establishing clear reporting mechanisms for
11 harassment and discrimination that protect the re-
12 porter from reprisal.

13 **SEC. 174. PROHIBITION ON CERTAIN FEDERAL EMPLOYEES**

14 **ACCEPTING TRADEMARKS FROM THE GOV-**
15 **ERNMENT OF CHINA.**

16 (a) DEFINITIONS.—In this section—

17 (1) the term “covered period” means the period
18 beginning on the date on which an individual is ap-
19 pointed to a covered position and ending on the date
20 that is 5 years after the date on which the individual
21 separates from that covered position; and

22 (2) the term “covered position” means—

23 (A) a position that requires appointment
24 by the President, by and with the advice and
25 consent of the Senate;

1 (B) a position of a confidential or policy-
2 determining character under Schedule C of sub-
3 part C of part 213 of title 5, Code of Federal
4 Regulations, or any successor regulations; or

5 (C) a position in the Executive Office of
6 the President, including the White House Of-
7 fice.

8 (b) PROHIBITION.—During a covered period with re-
9 spect to an individual, the individual may not accept from
10 the People’s Republic of China any trademark that is
11 granted, issued, approved, awarded, or registered by that
12 Government.

13 **SEC. 175. REPORT ON THE GOVERNMENT OF CHINA’S EF-**
14 **FORTS TO INFLUENCE AND INTIMIDATE CHI-**
15 **NESE DIASPORA COMMUNITIES.**

16 (a) STUDY.—The Secretary of State, working
17 through a federally funded research and development cen-
18 ter, shall conduct a study of efforts of the Government
19 of China to influence and intimidate members of Chinese
20 diaspora communities globally.

21 (b) ELEMENTS.—The study required under sub-
22 section (a) shall include—

23 (1) an assessment of the current strategy of,
24 and resources used by, the Government of China to

1 influence Chinese diaspora communities, including a
2 review of—

3 (A) digital, print, and other media;

4 (B) public diplomacy efforts;

5 (C) the use of disinformation; and

6 (D) any other resources or tactics used by
7 the Government of China to influence or intimi-
8 date Chinese diaspora communities globally;

9 (2) a description of the impacts that the influ-
10 ence and intimidation efforts referred to in para-
11 graph (1) have had on Chinese diaspora commu-
12 nities;

13 (3) the identification of Chinese government of-
14 ficials involved in directing and executing the activi-
15 ties referred to in paragraph (1);

16 (4) a list of the nations in which Chinese dias-
17 pora communities have been targeted;

18 (5) a description of the tactics and resources
19 used by the Government of China in each nation re-
20 ferred to in paragraph (4); and

21 (6) a review of the efforts made by nations to
22 counteract the influence of the Government of China
23 on Chinese diaspora communities, including an as-
24 sessment of the efficacy of such efforts.

1 (c) STRATEGY AND RECOMMENDATIONS.—The feder-
2 ally funded research and development center selected to
3 conduct the study under subsection (a) shall develop a
4 strategy and recommendations to counter the influence of
5 the Government of China on Chinese diaspora commu-
6 nities, which shall include—

7 (1) any authorities or resources required to
8 carry out the strategy; and

9 (2) the identification of opportunities to cooper-
10 ate with other nations to counteract such influence
11 operations.

12 (d) REPORT.—Not later than 1 year after the date
13 of enactment of this Act, the Secretary of State shall sub-
14 mit a report containing the results of the study conducted
15 under subsection (a) and strategy and recommendations
16 described in subsection (c) to—

17 (1) the Committee on Foreign Relations of the
18 Senate;

19 (2) the Committee on Armed Services of the
20 Senate;

21 (3) the Select Committee on Intelligence of the
22 Senate;

23 (4) the Committee on Appropriations of the
24 Senate;

1 (5) the Committee on Foreign Affairs of the
2 House of Representatives;

3 (6) the Committee on Armed Services of the
4 House of Representatives;

5 (7) the Permanent Select Committee on Intel-
6 ligence of the House of Representatives; and

7 (8) the Committee on Appropriations of the
8 House of Representatives.

9 **SEC. 176. CREATION OF A CIVIL SOCIETY FUND TO RE-**
10 **SEARCH AND DOCUMENT CHINESE GOVERN-**
11 **MENT OPERATIONS.**

12 (a) IN GENERAL.—The Secretary of State, acting
13 through the Assistant Secretary of State for Democracy,
14 Human Rights, and Labor and in coordination with the
15 Administrator of the United States Agency for Inter-
16 national Development, shall establish a fund that will sup-
17 port civil society nongovernmental organizations and think
18 tanks to document, research, publish, and run local cam-
19 paigns around Chinese Communist Party and Chinese
20 government operations outside of mainland China that
21 pertain to—

22 (1) international human rights;

23 (2) democracy;

24 (3) good governance;

25 (4) labor;

1 (5) the environment; and

2 (6) anti-corruption.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated, for each of fiscal years
5 2021 through 2025, such sums as may be necessary for
6 this fund.

7 **SEC. 177. SUPPORTING LOCAL MEDIA.**

8 (a) IN GENERAL.—The Secretary of State, acting
9 through the Assistant Secretary of State for Democracy,
10 Human Rights, and Labor and in coordination with the
11 Administrator of the United States Agency for Inter-
12 national Development, shall support and train journalists
13 on investigative techniques necessary to ensure public ac-
14 countability around the Chinese government’s Belt and
15 Road Initiative, Chinese surveillance and digital export of
16 technology, and other Chinese influence operations
17 abroad.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated, for each of fiscal years
20 2021 through 2025, such sums as may be necessary for
21 this support.

1 **TITLE II—INVESTING IN**
2 **ALLIANCES AND PARTNERSHIPS**
3 **Subtitle A—Strategic and**
4 **Diplomatic Matters**

5 **SEC. 201. APPROPRIATE CONGRESSIONAL COMMITTEES**
6 **DEFINED.**

7 In this subtitle, the term “appropriate congressional
8 committees” means—

9 (1) the Committee on Foreign Relations and
10 the Committee on Appropriations of the Senate; and

11 (2) the Committee on Foreign Affairs and the
12 Committee on Appropriations of the House of Rep-
13 resentatives.

14 **SEC. 202. UNITED STATES COMMITMENT AND SUPPORT**
15 **FOR ALLIES AND PARTNERS IN THE INDO-PA-**
16 **CIFIC.**

17 (a) **SENSE OF CONGRESS.**—It is the sense of Con-
18 gress that—

19 (1) the United States benefits greatly from its
20 ties to allies and partners, without which the United
21 States would be less secure and less prosperous;

22 (2) any fissures in the United States alliance
23 relationships and partnerships only benefit United
24 States adversaries;

1 (3) the Governments of the United States,
2 Japan, the Republic of Korea, the Philippines, Aus-
3 tralia, and Thailand are important allies in tackling
4 global challenges and have pledged significant sup-
5 port for efforts of shared interest;

6 (4) strengthening and deepening partnerships
7 with the nations of Southeast Asia, including Singa-
8 pore, Indonesia, Vietnam, and Malaysia, as well as
9 with the region's emerging ASEAN-centered archi-
10 tecture, is essential to further our shared interests;

11 (5) the United States should make concrete ef-
12 forts to cultivate and deepen ties with allies and
13 partners through new and ongoing dialogue and ex-
14 changes with counterparts; and

15 (6) the United States will work with allies to
16 prioritize promoting human rights and labor rights
17 throughout the region.

18 (b) STATEMENT OF POLICY.—It shall be the policy
19 of the United States—

20 (1) to deepen multilateral diplomatic, economic,
21 and security cooperation between and among the
22 United States, Japan, the Republic of Korea, the
23 Philippines, Thailand, and Australia, including
24 through diplomatic engagement, regional develop-
25 ment, energy security, scientific and health partner-

1 ships, educational and cultural exchanges, missile
2 defense, intelligence-sharing, space, cyber, and other
3 diplomatic and defense-related initiatives;

4 (2) to uphold our multilateral and bilateral
5 treaty obligations, including—

6 (A) defending Japan, including all areas
7 under the administration of Japan, under arti-
8 cle V of the Treaty of Mutual Cooperation and
9 Security Between the United States of America
10 and Japan;

11 (B) defending the Republic of Korea under
12 article III of the Mutual Defense Treaty Be-
13 tween the United States and the Republic of
14 Korea;

15 (C) defending the Philippines under article
16 IV of the Mutual Defense Treaty Between the
17 United States and the Republic of the Phil-
18 ippines;

19 (D) defending Thailand under the 1954
20 Manila Pact and the Thanat-Rusk communique
21 of 1962; and

22 (E) defending Australia under article IV of
23 the Australia, New Zealand, United States Se-
24 curity Treaty;

1 (3) to strengthen and deepen our bilateral and
2 regional partnerships, including with ASEAN and
3 New Zealand;

4 (4) to cooperate with Japan, the Republic of
5 Korea, the Philippines, Thailand, and Australia to
6 promote human rights bilaterally and through re-
7 gional and multilateral fora and pacts; and

8 (5) to strengthen and advance diplomatic, eco-
9 nomic, and security cooperation with regional part-
10 ners, such as Vietnam, Malaysia, Singapore, Indo-
11 nesia, and India.

12 **SEC. 203. REVIVING UNITED STATES LEADERSHIP IN**
13 **INTERNATIONAL ORGANIZATIONS AND RE-**
14 **GIONAL INSTITUTIONS.**

15 (a) FINDINGS.—Congress makes the following find-
16 ings:

17 (1) The Trump Administration has abdicated
18 historic United States leadership at the United Na-
19 tions and in other international and regional organi-
20 zations, creating a vacuum that the Government of
21 China is filling.

22 (2) The United States, through enforcement of
23 a statutory cap on contributions to United Nations
24 peacekeeping operations, has accrued
25 \$1,000,000,000 in arrears since fiscal year 2017,

1 leading to funding disruptions to United Nations
2 peacekeeping missions.

3 (3) The Administration withdrew the United
4 States from the United Nations Human Rights
5 Council in 2018 and is currently withholding as-
6 sessed funds for the Office of the United Nations
7 High Commissioner for Human Rights, which has
8 authorized and led investigations uncovering grave
9 human rights abuses in Syria, Venezuela, Iran, and
10 the Democratic People’s Republic of Korea, among
11 other places.

12 (4) The United States formally submitted a no-
13 tice of withdrawal from the Paris Climate Agree-
14 ment in 2019, a landmark international agreement
15 to reduce greenhouse gas emissions and address the
16 impacts of climate change.

17 (5) In the midst of a deadly global pandemic,
18 President Trump announced on May 29, 2020, that
19 the United States would “terminate” its relationship
20 with the World Health Organization, and on July 6,
21 2020, the Administration submitted its formal notice
22 of withdrawal from the World Health Organization.
23 The World Health Organization is playing a key role
24 in the global pandemic response, including by devel-
25 oping technical guidance, providing personal protec-

1 tive equipment and testing kits to low-resource coun-
2 tries, and supporting efforts to identify effective
3 treatments and a vaccine.

4 (6) The Administration has taken these deci-
5 sions at the same time the Government of China is
6 increasing its activities at the United Nations and in
7 international and regional organizations in order to
8 pursue its national interests and exploit the United
9 States leadership vacuum.

10 (7) Chinese nationals currently head four of the
11 United Nations specialized agencies, the Inter-
12 national Civil Aviation Organization (ICAO), the
13 Food and Agriculture Organization (FAO), the
14 International Telecommunication Union (ITU), and
15 the United Nations Industrial Development Organi-
16 zation (UNIDO). A United States national holds the
17 top leadership position in UNICEF and the World
18 Bank.

19 (8) The Government of China has sought to use
20 its growing influence to promote a view of inter-
21 national human rights contrary to universal values
22 and elevates the power of the Chinese Communist
23 Party and the state over the rights of the individual,
24 gives primacy to economic and social matters over
25 civil and political rights, and seeks to mute criticism

1 of individual countries' human rights records, par-
2 ticularly its own.

3 (9) The Government of China, at every oppor-
4 tunity, will fill the leadership void left by the United
5 States if the United States continues to decrease its
6 engagement with and in regional institutions, inter-
7 national organizations, and with the United Nations,
8 by withdrawing from key United Nations bodies,
9 unilaterally cutting funding to core United Nations
10 programs and agencies, or abrogating its obligations
11 under multilateral treaties or agreements.

12 (b) STATEMENT OF POLICY.—It shall be the policy
13 of the United States to take the following actions:

14 (1) Fully engage with United Nations bodies
15 and agencies to counter efforts by Chinese diplomats
16 to push concepts, proposals, and programs that un-
17 dermine United States national and allied interests
18 and values.

19 (2) Pay United States peacekeeping assess-
20 ments at the assessed rate negotiated by United
21 States diplomats at the United Nations and pay
22 back outstanding arrears.

23 (3) Reengage with the United Nations Human
24 Rights Council, including by running for a seat on

1 the Council in future elections held by the United
2 Nations General Assembly.

3 (4) Refrain from withholding budget funds
4 from the Office of the United Nations High Com-
5 missioner for Human Rights.

6 (5) Rescind the United States notice of with-
7 drawal from the Paris Climate Agreement or if this
8 Act is enacted after November 4, 2020, rejoin as a
9 party to the Paris Climate Agreement.

10 (6) Rescind the United States notice of with-
11 drawal from the World Health Organization, release
12 assessed and voluntary funding withheld from the
13 WHO, and engage with the WHO on efforts to com-
14 bat COVID–19 and other public health threats.

15 (7) Seek to support United States candidates
16 for positions in United Nations bodies and to ensure
17 that such efforts are resourced and staffed, as well
18 as to encourage and support like-minded govern-
19 ments to put forth their own nominees for positions
20 in United Nations bodies.

21 (8) Engage with regional organizations, includ-
22 ing NATO, the Association of Southeast Asian Na-
23 tions (ASEAN), the Organization for Security and
24 Co-operation in Europe (OSCE), the Asia-Pacific
25 Economic Cooperation (APEC), and the Organiza-

1 tion of American States (OAS) to counter efforts by
2 Chinese diplomatic concepts, proposals, and pro-
3 grams that undermine United States national and
4 allied interests and values.

5 **SEC. 204. MANDATE TO USE SANCTIONS AUTHORITIES**
6 **WITH RESPECT TO THE PEOPLE'S REPUBLIC**
7 **OF CHINA.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

10 (1) Congress has provided the President with a
11 broad range of tough authorities to impose sanctions
12 to address malign behavior by the Government of
13 China and individuals and entities in the People's
14 Republic of China, including individuals and entities
15 engaging in—

16 (A) intellectual property theft;

17 (B) cyber-related economic espionage;

18 (C) repression of ethnic minorities;

19 (D) the use of forced labor and other
20 human rights abuses;

21 (E) abuses of the international trading sys-
22 tem;

23 (F) illicit assistance to and trade with the
24 Government of North Korea; and

1 (G) drug trafficking, including trafficking
2 in fentanyl and other opioids.

3 (2) Congress has in many cases mandated im-
4 position of sanctions and other measures with re-
5 spect to individuals and entities identified as respon-
6 sible for such behavior.

7 (b) MANDATE TO USE AUTHORITIES.—

8 (1) IN GENERAL.—The President shall use the
9 full range of authorities available to the President,
10 including the authorities described in paragraph (2)
11 to impose sanctions and other measures to combat
12 malign behavior by the Government of China, enti-
13 ties owned or controlled by that Government, and
14 other Chinese individuals and entities responsible for
15 such behavior.

16 (2) AUTHORITIES DESCRIBED.—The authorities
17 described in this paragraph include the following:

18 (A) The Global Magnitsky Human Rights
19 Accountability Act (subtitle F of title XII of
20 Public Law 114–328; 22 U.S.C. 2656 note).

21 (B) Section 1637 of the Carl Levin and
22 Howard P. “Buck” McKeon National Defense
23 Authorization Act for Fiscal Year 2015 (50
24 U.S.C. 1708) (relating to addressing economic
25 and industrial espionage in cyberspace).

1 (C) The Fentanyl Sanctions Act (21
2 U.S.C. 2301 et seq.).

3 (D) The Hong Kong Autonomy Act (Pub-
4 lic Law 116–149; 22 U.S.C. 5701 note) (relat-
5 ing to the imposition of sanctions with respect
6 to the erosion of certain obligations of the Peo-
7 ple’s Republic of China with respect to Hong
8 Kong).

9 (E) Section 7 of the Hong Kong Human
10 Rights and Democracy Act of 2019 (Public
11 Law 116–76; 22 U.S.C. 5701 note) (relating to
12 the imposition of sanctions relating to under-
13 mining fundamental freedoms and autonomy in
14 Hong Kong).

15 (F) Section 6 of the Uyghur Human
16 Rights Policy Act of 2020 (Public Law 116–
17 145; 22 U.S.C. 6901 note) (relating to the im-
18 position of sanctions with respect to violations
19 of human rights of minority groups in the
20 Xinjiang Uyghur Autonomous Region).

21 (G) The Export Control Reform Act of
22 2018 (50 U.S.C. 4801 et seq.) (relating to the
23 imposition of new export controls).

24 (H) Export control measures required to
25 be maintained with respect to entities in the

1 telecommunications sector of the People’s Re-
2 public of China, including under section 1260I
3 of the National Defense Authorization Act for
4 Fiscal Year 2020 (Public Law 116–92) (relat-
5 ing to limiting the removal of Huawei Tech-
6 nologies Co. Ltd. from the entity list of the Bu-
7 reau of Industry and Security).

8 (I) Section 889(a)(1)(B) of the John S.
9 McCain National Defense Authorization Act for
10 Fiscal Year 2019 (Public Law 115–232; 41
11 U.S.C. 3901 note prec.) (relating to a prohibi-
12 tion on Federal Government contracts with en-
13 tities that use telecommunications equipment or
14 services produced by certain Chinese entities).

15 **SEC. 205. NEGOTIATIONS WITH G7 COUNTRIES ON THE**
16 **PEOPLE’S REPUBLIC OF CHINA.**

17 (a) IN GENERAL.—Not later than 60 days after the
18 date of the enactment of this Act, the President, acting
19 through the Secretary of State, shall initiate a China-fo-
20 cused agenda at the G7, with respect to the following
21 issues:

22 (1) Trade and investment issues and enforce-
23 ment.

24 (2) Establishing and promulgating international
25 infrastructure standards.

1 (3) The erosion of democracy in Hong Kong.

2 (4) Human rights concerns in Xinjiang, Tibet,
3 and other areas in the People's Republic of China.

4 (5) The security of 5G telecommunications.

5 (6) Anti-competitive behavior.

6 (7) Coercive and indentured international fi-
7 nance and conditional provision of foreign assist-
8 ance.

9 (8) International influence campaigns.

10 (9) Environmental standards.

11 (10) Coordination with like-minded regional
12 partners, including the Republic of Korea and Aus-
13 tralia.

14 (b) BRIEFING ON PROGRESS OF NEGOTIATIONS.—

15 Not later than one year after the date of enactment of
16 this Act, the President shall provide to the Committee on
17 Foreign Relations of the Senate and the Committee on
18 Foreign Affairs of the House of Representatives a briefing
19 on the progress of any negotiations described in subsection
20 (a).

21 **SEC. 206. ENHANCING THE UNITED STATES-TAIWAN PART-**
22 **NERSHIP.**

23 (a) FINDINGS.—Congress makes the following find-
24 ings:

1 (1) April 10, 2019, marks the 40th anniversary
2 of the Taiwan Relations Act of 1979 (Public Law
3 96–8).

4 (2) Since 1949, the close relationship between
5 the United States and Taiwan has been of enormous
6 benefit to both parties and to the Indo-Pacific region
7 as a whole.

8 (3) The military balance of power across the
9 Taiwan Strait continues to shift in favor of the Peo-
10 ple’s Republic of China, which is currently engaged
11 in a comprehensive military modernization campaign
12 to enhance the power-projection capabilities of the
13 People’s Liberation Army and its ability to conduct
14 joint operations.

15 (4) Taiwan and its diplomatic partners continue
16 to face sustained pressure and coercion from the
17 Government of China to isolate Taiwan from the
18 international community, including the World
19 Health Organization.

20 (5) In the Taiwan Travel Act (Public Law 115–
21 135), which became law on March 16, 2018, Con-
22 gress observed that the “self-imposed restrictions
23 that the United States maintains” on relations with
24 Taiwan have negative consequences for the United
25 States-Taiwan relationship.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) Taiwan is a vital part of the United States
4 Indo-Pacific strategy;

5 (2) the security of Taiwan and its democracy
6 are key elements for the continued peace and sta-
7 bility of the greater Indo-Pacific region, and a vital
8 national security interest of the United States;

9 (3) the United States Government—

10 (A) supports Taiwan’s efforts to seek ap-
11 propriate international space and meaningful
12 participation in appropriate international orga-
13 nizations; and

14 (B) should seek to reinforce its commit-
15 ments to Taiwan under the Taiwan Relations
16 Act (Public Law 96–8) in a manner consistent
17 with the “Six Assurances” and in accordance
18 with the United States “One China” policy as
19 both governments work to improve bilateral re-
20 lations;

21 (4) Taiwan’s implementation of its asymmetric
22 defense strategy is supported by the United States
23 Government;

24 (5) Taiwan must increase its defense spending
25 in order to fully resource its defense strategy; and

1 (6) the United States should conduct regular
2 transfers of defense articles to Taiwan in order to
3 enhance Taiwan’s self-defense capabilities, particu-
4 larly its efforts to develop and integrate asymmetric
5 capabilities, including undersea warfare and air de-
6 fense capabilities, into its military forces.

7 (c) STATEMENT OF POLICY.—It is the policy of the
8 United States—

9 (1) to advocate for Taiwan’s meaningful partici-
10 pation in the United Nations, the World Health As-
11 sembly, the International Civil Aviation Organiza-
12 tion, the International Criminal Police Organization,
13 and other international bodies as appropriate;

14 (2) to seek meaningful cooperation between the
15 United States, Taiwan, and other like-minded part-
16 ners; and

17 (3) that the United States should actively work
18 with other member countries of international bodies
19 and organizations to advocate for Taiwan’s partici-
20 pation.

21 **SEC. 207. GLOBAL PUBLIC HEALTH RISK REDUCTION PRO-**
22 **GRAM.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) recurring outbreaks of emerging and re-
2 emerging zoonotic diseases, including Ebola virus
3 disease, severe acute respiratory syndrome, and
4 avian influenza, pose an increasing threat to lives
5 and livelihood, demonstrating the need to engage in
6 a One Health approach, which recognizes the inter-
7 connection between people, animals, plants, and
8 their shared environment; and

9 (2) transparency, coordination, and collabora-
10 tion with stakeholders and partners is key to con-
11 tainment of emerging zoonotic diseases.

12 (b) RISK REDUCTION STRATEGY.—The Adminis-
13 trator of the United States Agency for International De-
14 velopment and the Director of the Centers for Disease
15 Control and Prevention shall design and implement a pro-
16 gram, in collaboration, to the extent possible, with the
17 People’s Republic of China, to reduce the risk of the trans-
18 mission of dangerous pathogens from animals to people,
19 including strains of coronavirus, Ebola, and influenza, and
20 to foster transparency in reporting the emergence of such
21 zoonotic diseases. The program should focus on—

22 (1) the investments that reduce most effectively
23 the risk of the transmission of viruses that pose the
24 greatest threat to Americans and United States na-
25 tional security; and

1 (2) building networks and strengthening capaci-
2 ty in labs, institutions of higher education, and
3 other institutions to identify and publicly report on
4 emerging zoonotic diseases.

5 **SEC. 208. ENHANCEMENT OF DIPLOMATIC AND ECONOMIC**
6 **ENGAGEMENT WITH PACIFIC ISLAND COUN-**
7 **TRIES.**

8 (a) **AUTHORITY.**—The Secretary of State and Sec-
9 retary of Commerce are authorized to hire Locally Em-
10 ployed Staff in Pacific island countries for the purpose of
11 promoting increased diplomatic engagement and increased
12 economic and commercial engagement between the United
13 States and Pacific island countries.

14 (b) **AVAILABILITY OF FUNDS.**—

15 (1) **IN GENERAL.**—Of the amounts authorized
16 to be appropriated to the Department of State and
17 the Department of Commerce for fiscal year 2021,
18 not more than \$10,000,000, respectively, shall be
19 available to carry out the purposes of this section.

20 (2) **TERMINATION.**—The availability of funds in
21 paragraph (1) shall expire on December 31, 2025.

22 (c) **REPORT.**—Not later than one year after the date
23 of the enactment of this Act, and annually thereafter, the
24 Secretary of State and the Secretary of Commerce shall
25 provide to the appropriate committees of Congress a re-

1 port on the activities of the Department of State and De-
2 partment of Commerce Locally Employed Staff in Pacific
3 island countries, which shall include an assessment of the
4 additional diplomatic, economic, and commercial engage-
5 ment and activities in the Pacific island countries provided
6 by Locally Employed Staff and an assessment of the im-
7 pact of the activities with respect to the diplomatic, eco-
8 nomic, and security interests of the United States.

9 (d) **APPROPRIATE COMMITTEES OF CONGRESS DE-**
10 **FINED.**—In this section, the term “appropriate commit-
11 tees of Congress” means—

12 (1) the Committee on Foreign Relations, the
13 Committee on Commerce, Science, and Transpor-
14 tation, and the Committee on Appropriations of the
15 Senate; and

16 (2) the Committee on Foreign Affairs, the
17 Committee on Energy and Commerce, and the Com-
18 mittee on Appropriations of the House of Represent-
19 atives.

20 **SEC. 209. REPORTING ON THE BELT AND ROAD INITIATIVE**
21 **AFTER ONSET OF THE COVID-19 PANDEMIC.**

22 (a) **IN GENERAL.**—Not later than 90 days after the
23 date of the enactment of this Act, the Secretary of State,
24 in coordination with the Director of National Intelligence,
25 shall submit to the Committee on Foreign Relations and

1 the Select Committee on Intelligence of the Senate and
2 the Committee on Foreign Affairs and the Permanent Se-
3 lect Committee on Intelligence of the House of Represent-
4 atives a report on the Government of China's Belt and
5 Road Initiative.

6 (b) ELEMENTS.—The report required by subsection
7 (a) shall assess the following:

8 (1) The implications of COVID–19 on the Gov-
9 ernment of China's Belt and Road Initiative (BRI)
10 with respect to any agreements made with BRI con-
11 tracted countries on debt restructuring, debt sus-
12 tainability, or debt forgiveness.

13 (2) The failure of the BRI of the People's Re-
14 public of China to meet international standards with
15 respect to the following:

16 (A) The sovereignty of the countries in
17 which infrastructure investments are made.

18 (B) Anti-corruption.

19 (C) Rule of law.

20 (D) Human rights.

21 (E) Fiscal and debt sustainability.

22 (F) Environmental and energy standards.

23 (G) Labor.

24 (H) Transparency.

1 (I) Greenhouse gas emissions reduction
2 and climate change.

3 (3) The links between the BRI and the fol-
4 lowing:

5 (A) The exportation by the Government of
6 China of mass surveillance techniques and tech-
7 nologies.

8 (B) The attempts of the Government of
9 China to suppress information about and mis-
10 represent reporting of its human rights abuses
11 of Uyghurs in Xinjiang Uyghur Autonomous
12 Region.

13 (4) Whether any projects being carried out
14 under the BRI present the potential for United
15 States engagement, with the support of the Asian
16 Development Bank, to leverage existing contracts
17 into sustainable infrastructure investments.

18 (5) Whether any such projects meet the inter-
19 national standards described in paragraph (2).

20 (6) In the case of projects described in para-
21 graph (4) that fail to meet the international stand-
22 ards described in paragraph (2), whether such fail-
23 ures could be mitigated through support by the
24 United States.

1 (c) UNITED STATES GOVERNMENT WEBSITE.—Not
2 later than 90 days after the date of the enactment of this
3 Act, the Secretary of State, in consultation with the Direc-
4 tor of National Intelligence, shall create a regularly up-
5 dated website disclosing and assessing the implications of
6 the BRI of the People’s Republic of China as described
7 in subsection (b).

8 (d) CLASSIFIED REPORT.—Not later than 180 days
9 after the date of the enactment of this Act, the Secretary
10 of State, in coordination with the Director of National In-
11 telligence, shall submit to the Committee on Foreign Rela-
12 tions and the Select Committee on Intelligence of the Sen-
13 ate and the Committee on Foreign Affairs and the Perma-
14 nent Select Committee on Intelligence of the House of
15 Representatives a classified report on the BRI, which shall
16 assess the following:

17 (1) Whether the BRI is achieving the objectives
18 of the Government of China.

19 (2) How the BRI is managed and controlled.

20 (3) How the BRI is evolving over time.

21 **SEC. 210. UNITED STATES INTERNATIONAL DEVELOPMENT**
22 **AND INVESTMENT AGENDA.**

23 The Department of State, in coordination with rel-
24 evant agencies and departments, shall launch a series of
25 fora around the world showcasing the commitment of the

1 United States and partners of the United States to high-
2 quality development cooperation, including with respect
3 to—

- 4 (1) good governance;
- 5 (2) the rule of law;
- 6 (3) transparency;
- 7 (4) financing; and
- 8 (5) the advancement of free markets and com-
9 petition.

10 **SEC. 211. REPORT ON DEPARTMENT OF STATE PERSONNEL**
11 **AND RESOURCES DEVOTED TO THE INDO-PA-**
12 **CIFIC.**

13 Not later than 180 days after the date of the enact-
14 ment of this Act, the Secretary of State shall—

15 (1) conduct a rightsizing review of personnel
16 and resources of the Department of State dedicated
17 to the Indo-Pacific; and

18 (2) submit to the Committee on Foreign Rela-
19 tions and the Committee on Appropriations of the
20 Senate and the Committee on Foreign Affairs and
21 the Committee on Appropriations of the House of
22 Representatives a report on—

- 23 (A) the findings of the review; and
- 24 (B) related analysis and recommendations.

1 **SEC. 212. UNITED STATES-CHINA CLIMATE COOPERATION.**

2 It is the sense of Congress that—

3 (1) successful mitigation of global greenhouse
4 gas emissions sufficiently to avoid the worst fore-
5 casted effects of climate change requires global co-
6 operation and coordination of efforts;

7 (2) as both the world’s largest emitters and
8 largest economies, all other nations look towards the
9 United States and the People’s Republic of China
10 for leadership by example to effectively mitigate
11 greenhouse gas emissions, develop and deploy energy
12 generation technologies, and integrate sustainable
13 adaptation solutions to the effects of climate change
14 that are inevitable;

15 (3) the United States and the People’s Republic
16 of China should, to the extent practicable, coordinate
17 on making and delivering ambitious pledges to re-
18 duce domestic greenhouse gas ambitions, with aspi-
19 rations towards achieving net zero greenhouse gas
20 emissions by 2050;

21 (4) the United States, and its allies, should
22 work together to hold the Government of China ac-
23 countable to—

24 (A) meet emissions reductions commit-
25 ments under the Paris Climate Agreement;

1 (B) work faithfully to uphold the prin-
2 ciples, goals, and rules of the Paris Climate
3 Agreement; and

4 (C) avoid and prohibit efforts to under-
5 mine or devolve the Paris Climate Agreement’s
6 rule or underlying framework, particularly with-
7 in areas of accountability transparency, and
8 shared responsibility among all parties; and

9 (5) pursuing opportunities for the United
10 States and the People’s Republic of China to cooper-
11 ate on clean energy research, development, finance,
12 and deployment, with clear mutually agreed upon
13 rules and policies to protect intellectual property and
14 ensure equitable non-punitive provision of support,
15 would provide catalytic progress towards delivering a
16 global clean energy transformation that benefits all.

17 **SEC. 213. ENHANCING UNITED STATES LEADERSHIP AND**
18 **COMPETITIVENESS IN ADVANCING GLOBAL**
19 **CLEAN ENERGY DEVELOPMENT.**

20 (a) UNITED STATES CONTRIBUTIONS.—The Sec-
21 retary of the Treasury may contribute annually on behalf
22 of the United States \$225,000,000 to the Clean Tech-
23 nology Fund managed by the World Bank (in this section
24 referred to as the “Fund”).

1 (b) LIMITS ON COUNTRY ACCESS.—The Secretary of
2 the Treasury shall use the voice, vote, and influence of
3 the United States to ensure that—

4 (1) the Fund does not provide more than ap-
5 proximately 15 percent of the resources of the Fund
6 to any one country; and

7 (2) each country that receives amounts from
8 the Fund submit to the governing body of the Fund
9 an investment plan that—

10 (A) will achieve significant reductions in
11 national-level greenhouse gas emissions; and

12 (B) in the case of a country that is not
13 classified by the World Bank as having a low-
14 income economy, provides for not less than 15
15 percent of the total cost of the plan to be con-
16 tributed from the public funds of the country.

17 (c) PROJECT AND PROGRAM REQUIREMENTS.—

18 (1) IN GENERAL.—The Secretary of the Treas-
19 ury shall use the voice, vote, and influence of the
20 United States to ensure that support from the Fund
21 is used exclusively to support the deployment of
22 clean energy technologies in developing countries (in-
23 cluding, where appropriate, through the provision of
24 technical support or support for policy or institu-
25 tional reforms) in a manner that achieves substan-

1 tial additional reductions in greenhouse gas emis-
2 sions.

3 (2) DEFINITIONS.—In this subsection:

4 (A) ADDITIONAL.—The term “additional”
5 refers to the extent to which a project or pro-
6 gram supported under this subsection results in
7 lower greenhouse gas emissions than would
8 have occurred in the absence of the project or
9 program, taking into account, to the extent
10 practicable, effects beyond the physical bound-
11 aries of the project or program that result from
12 project or program activities.

13 (B) CLEAN ENERGY TECHNOLOGY.—The
14 term “clean energy technology” means a tech-
15 nology that, as compared with technologies
16 being deployed at that time for widespread com-
17 mercial use in the country involved does the fol-
18 lowing:

19 (i) Achieves substantial reductions in
20 greenhouse gas emissions.

21 (ii) Does not result in significant in-
22 cremental adverse effects on public health
23 or the environment.

24 (iii) Does one or more of the fol-
25 lowing:

1 (I) Generates electricity or useful
2 thermal energy from a non-fossil re-
3 newable resource.

4 (II) Substantially increases the
5 energy efficiency of buildings or in-
6 dustrial processes, or of electricity
7 transmission, distribution, or end-use
8 consumption.

9 (III) Substantially increases the
10 energy efficiency of the transportation
11 system or increases utilization of
12 transportation fuels that have lifecycle
13 greenhouse gas emissions that are
14 substantially lower than those attrib-
15 utable to fossil fuel-based alternatives.

16 (d) REPORT TO CONGRESS.—Not later than 240 days
17 after the date of the enactment of this Act, and annually
18 thereafter, the Secretary of the Treasury shall submit to
19 the Committee on Foreign Relations and the Committee
20 on Finance of the Senate and the Committee on Foreign
21 Affairs and the Committee on Financial Services of the
22 House of Representatives a report describing—

23 (1) the purpose of and progress on each project
24 supported by the Fund; and

1 (2) how each such project furthers the invest-
2 ment plan described in subsection (b)(2) of each
3 country in which the project is implemented.

4 **SEC. 214. AUTHORIZING APPROPRIATIONS FOR UNITED**
5 **STATES CONTRIBUTIONS TO THE GREEN CLI-**
6 **MATE FUND.**

7 (a) UNITED STATES CONTRIBUTIONS.—On behalf of
8 the United States, the Secretary of the Treasury and the
9 Secretary of State may contribute annually up to a total
10 of \$1,000,000,000 to the Green Climate Fund established
11 by the United Nations (in this section referred to as the
12 “GCF”).

13 (b) LIMITS ON COUNTRY ACCESS.—The Secretary of
14 the Treasury shall use the voice, vote, and influence of
15 the United States to ensure that—

16 (1) the GCF does not provide more than ap-
17 proximately 15 percent of the resources of the Fund
18 to any one country;

19 (2) each country that receives amounts from
20 the GCF submit to the governing body of the Fund
21 an investment plan that—

22 (A) energy production projects will achieve
23 significant reductions in national-level green-
24 house gas emissions; and

1 (B) adaptation projects provide long-term
2 enhancements to national and food security;
3 protect lives, livelihoods; or ensure lasting ac-
4 cess to freshwater resources and public health
5 outcomes; and

6 (3) in the case of a country that is not classi-
7 fied by the World Bank as having a low-income
8 economy, provides for not less than 15 percent of
9 the total cost of the plan to be contributed from the
10 public funds of the country.

11 (c) PROJECT AND PROGRAM REQUIREMENTS.—The
12 Secretary of the Treasury shall use the voice, vote, and
13 influence of the United States to ensure that support from
14 the GCF is used exclusively to support the deployment by
15 developing countries of clean energy technologies and de-
16 velopment of projects that improve a countries' resilience
17 capacities and ability to adapt to the effects of climate
18 change (including, where appropriate, through the provi-
19 sion of technical support or support for policy or institu-
20 tional reforms).

21 (d) REPORT TO CONGRESS.—Not later than 240 days
22 after the date of the enactment of this Act, and annually
23 thereafter, the Secretary of the Treasury shall submit to
24 the Committee on Foreign Relations and the Committee
25 on Finance of the Senate and the Committee on Foreign

1 Affairs and the Committee on Financial Services of the
2 House of Representatives a report describing—

3 (1) the purpose of and progress on each project
4 supported by the Fund; and

5 (2) how each such project furthers the invest-
6 ment plan described in subsection (b)(2) of each
7 country in which the project is implemented.

8 **SEC. 215. ENERGY DIPLOMACY AND SECURITY WITHIN THE**
9 **DEPARTMENT OF STATE.**

10 (a) IN GENERAL.—Section 1(c) of the State Depart-
11 ment Basic Authorities Act of 1956 (22 U.S.C. 2651a(c))
12 is amended—

13 (1) by redesignating paragraph (4) as para-
14 graph (5); and

15 (2) by inserting after paragraph (3) the fol-
16 lowing new paragraph:

17 “(4) ASSISTANT SECRETARY OF STATE FOR EN-
18 ERGY RESOURCES.—

19 “(A) AUTHORIZATION FOR ASSISTANT SEC-
20 RETARY.—Subject to the numerical limitation
21 specified in paragraph (1), there is authorized
22 to be established in the Department of State an
23 Assistant Secretary of State for Energy Re-
24 sources.

1 “(B) RESPONSIBILITIES.—The Assistant
2 Secretary authorized to be established by this
3 paragraph shall be responsible for the execution
4 of diplomatic activities related to, and support
5 for the advancement of foreign policy dedicated
6 to, energy matters within the Department of
7 State for—

8 “(i) formulating and implementing
9 international policies, in coordination with
10 the Secretaries of Energy and Transpor-
11 tation, as appropriate, aimed at protecting
12 and advancing United States energy secu-
13 rity interests and promoting the respon-
14 sible development of global energy re-
15 sources by effectively managing United
16 States bilateral and multilateral relations;

17 “(ii) ensuring that the Department of
18 State’s analyses and decision-making proc-
19 esses related to matters involving global
20 energy development account for the effects
21 the developments have on—

22 “(I) United States national secu-
23 rity;

24 “(II) quality of life and public
25 health of people, households, and com-

1 communities, particularly vulnerable and
2 underserved populations who lack ac-
3 cess to reliable and low emission
4 transportation systems or are affected
5 by, or proximate to, energy develop-
6 ment, transmission, and distribution
7 projects;

8 “(III) United States economic in-
9 terests;

10 “(IV) emissions of greenhouse
11 gases that contribute to global climate
12 change; and

13 “(V) local and regional land use,
14 air and water quality, and risks to
15 public health of communities de-
16 scribed under subclause (II);

17 “(iii) incorporating energy security
18 and climate security into the policies, pro-
19 grams, and activities of the Department of
20 State;

21 “(iv) facilitating the efforts of coun-
22 tries to implement just transitions from
23 carbon intensive power production and car-
24 bon intensive industries to low and zero

1 carbon emitting power sources and to
2 lower decarbonized industrial processes;

3 “(v) coordinating energy activities
4 within the Department of State and with
5 relevant Federal agencies;

6 “(vi) working internationally—

7 “(I) to support socially and envi-
8 ronmentally responsible development
9 of energy resources that reduce car-
10 bon emissions, and the distribution of
11 such resources for the benefit of the
12 United States and United States allies
13 and trading partners for their energy
14 security, climate security, and eco-
15 nomic development needs;

16 “(II) to promote the availability
17 of clean energy technologies, including
18 low and zero emission vehicles and
19 carbon capture and storage, and a
20 well-functioning global market for en-
21 ergy resources, technologies, and ex-
22 pertise for the benefit of the United
23 States and United States allies and
24 trading partners;

1 “(III) to facilitate the planning,
2 design, engineering, development of
3 livable communities that utilize
4 multimodal transportation to reduce
5 transportation sector greenhouse gas
6 emissions, reduce congestion and im-
7 prove commerce and quality of life for
8 affected residents;

9 “(IV) to resolve international dis-
10 putes regarding the exploration, devel-
11 opment, production, or distribution of
12 energy resources;

13 “(V) to support the economic, se-
14 curity, and commercial interests of
15 United States persons operating in
16 the energy markets of foreign coun-
17 tries; and

18 “(VI) to support and coordinate
19 international efforts—

20 “(aa) to alleviate energy
21 poverty;

22 “(bb) to protect vulnerable,
23 exploited, and underserved popu-
24 lations that are affected or dis-

1 placed by energy development
2 projects;

3 “(cc) to account for and re-
4 duce greenhouse gas emission
5 from energy development
6 projects; and

7 “(dd) to increase access to
8 energy for vulnerable and under-
9 served communities;

10 “(vii) leading the United States com-
11 mitment to the Extractive Industries
12 Transparency Initiative;

13 “(viii) representing the United States
14 at the United Nations’ Partnership for
15 Clean Fuels and Vehicles;

16 “(ix) coordinating within the Depart-
17 ment of State and with relevant Federal
18 departments and agencies on developing
19 and implementing international energy-re-
20 lated sanctions; and

21 “(x) coordinating energy security and
22 climate security and other relevant func-
23 tions within the Department of State un-
24 dertaken as of the date of the enactment
25 of this paragraph by—

1 “(I) the Bureau of Economic and
2 Business Affairs of the Department of
3 State;

4 “(II) the Bureau of Oceans and
5 International Environmental and Sci-
6 entific Affairs of the Department of
7 State; and

8 “(III) other offices within the
9 Department of State.”.

10 (b) CONFORMING AMENDMENT.—Section 931 of the
11 Energy Independence and Security Act of 2007 (42
12 U.S.C. 17371) is amended—

13 (1) by striking subsections (a) and (b); and

14 (2) by redesignating subsections (c) and (d) as
15 subsections (a) and (b), respectively.

16 **SEC. 216. SENSE OF CONGRESS ON THE KIGALI AMEND-**
17 **MENT TO THE MONTREAL PROTOCOL.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) hydrofluorocarbons are highly potent green-
21 house gases;

22 (2) the United States must work cooperatively
23 with the international community to significantly re-
24 duce hydrofluorocarbons in commerce;

1 (3) the Kigali Amendment to the Montreal Pro-
2 tocol, adopted in October 2016 at the 28th Meeting
3 of the Parties to the Montreal Protocol in Kigali,
4 Rwanda, provides the legal framework for global co-
5 operation on reducing hydrofluorocarbons in global
6 commerce;

7 (4) the United States is a leader in chemical
8 and technological innovation that is at the forefront
9 of developing safer chemical alternatives to
10 hydrofluorocarbons and the technologies to use those
11 new replacement chemicals;

12 (5) industrial sectors in other countries, such as
13 the People's Republic of China, are working quickly
14 to catch up to the United States in developing and
15 marketing chemical and technological alternatives
16 that support the phasedown of hydrofluorocarbons in
17 global commerce in accordance with the Kigali
18 Amendment to the Montreal Protocol; and

19 (6) United States chemical and refrigeration in-
20 dustries are disadvantaged in the global marketplace
21 because the United States has not ratified the Kigali
22 Amendment to the Montreal Protocol.

23 (b) STATEMENT OF POLICY.—It should be the policy
24 of the United States—

1 (1) to ratify the Kigali Amendment to the Mon-
2 treal Protocol; and

3 (2) to enact legislation providing sufficient au-
4 thorities for the United States to comply with the
5 Kigali Amendment to the Montreal Protocol.

6 (c) DEFINITION OF MONTREAL PROTOCOL.—In this
7 section, the term “Montreal Protocol” means the Montreal
8 Protocol on Substances that Deplete the Ozone Layer,
9 done at Montreal September 16, 1987.

10 **Subtitle B—International Security** 11 **Matters**

12 **SEC. 221. DEFINITIONS.**

13 In this subtitle:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means—

17 (A) the Committee on Foreign Relations,
18 the Committee on Armed Services, the Select
19 Committee on Intelligence, and the Committee
20 on Appropriations of the Senate; and

21 (B) the Committee on Foreign Affairs, the
22 Committee on Armed Services, the Permanent
23 Select Committee on Intelligence, and the Com-
24 mittee on Appropriations of the House of Rep-
25 resentatives.

1 (2) COMPANY.—The term “company” means
2 any corporation, company, limited liability company,
3 limited partnership, business trust, business associa-
4 tion, or other similar entity.

5 (3) FOREIGN OWNERSHIP, CONTROL, OR INFLU-
6 ENCE; FOICI.—The terms “foreign ownership, con-
7 trol, or influence” and “FOICI” have the meanings
8 given those terms in the National Industrial Security
9 Program Operating Manual (DOD 5220.22–M), or
10 a successor document.

11 (4) INCREMENTAL EXPENSES.—The term “in-
12 cremental expenses”—

13 (A) means the reasonable and proper cost
14 of the goods and services that are consumed by
15 a country as a direct result of the participation
16 of that country in training under the authority
17 of this title, including rations, fuel, training am-
18 munition, and transportation; and

19 (B) does not include pay, allowances, or
20 other normal costs of the personnel of a coun-
21 try.

22 (5) OTHER SECURITY FORCES.—The term
23 “other security forces”—

24 (A) includes national security forces that
25 conduct maritime security; and

1 (B) does not include self-described militias
2 or paramilitary organizations.

3 **SEC. 222. STATEMENT OF POLICY.**

4 It shall be the policy of the United States to—

5 (1) exercise freedom of operations in the inter-
6 national waters and airspace in the Indo-Pacific
7 maritime domains, which are critical to the pros-
8 perity, stability, and security of the Indo-Pacific re-
9 gion;

10 (2) maintain forward-deployed forces in the
11 Indo-Pacific region, including a rotational bomber
12 presence, integrated missile defense capabilities,
13 long-range precision fires, undersea warfare capabili-
14 ties, and diversified and resilient basing and rota-
15 tional presence (including support for pre-positioning
16 strategies);

17 (3) strengthen and deepen the alliances and
18 partnerships of the United States to build capacity
19 and capabilities, increase multilateral partnerships,
20 modernize communications architecture, address
21 anti-access and area denial challenges, and increase
22 joint exercises and security cooperation efforts;

23 (4) reaffirm the commitment and support of the
24 United States for allies and partners in the Indo-Pa-

1 cific region, including longstanding United States
2 policy regarding—

3 (A) Article V of the Treaty of Mutual Co-
4 operation and Security between the United
5 States and Japan, signed at Washington Janu-
6 ary 19, 1960;

7 (B) Article III of the Mutual Defense
8 Treaty between the United States and the Re-
9 public of Korea, signed at Washington October
10 1, 1953;

11 (C) Article IV of the Mutual Defense Trea-
12 ty between the United States and the Republic
13 of the Philippines, signed at Washington Au-
14 gust 30, 1951, including that, as the South
15 China Sea is part of the Pacific, any armed at-
16 tack on Philippine forces, aircraft or public ves-
17 sels in the South China Sea will trigger mutual
18 defense obligations under Article IV of our mu-
19 tual defense treaty;

20 (D) Article IV of the Australia, New Zea-
21 land, United States Security Treaty, done at
22 San Francisco September 1, 1951; and

23 (E) the Southeast Asia Collective Defense
24 Treaty, done at Manila September 8, 1954, to-

1 gether with the Thanat-Rusk Communique of
2 1962; and

3 (5) ensure the continuity of operations by the
4 United States Armed Forces in the Indo-Pacific re-
5 gion, including, as appropriate, in cooperation with
6 partners and allies, in order to reaffirm the principle
7 of freedom of operations in international waters and
8 airspace in accordance with established principles
9 and practices of international law.

10 **SEC. 223. ADDITIONAL FUNDING FOR THE SECURITY OF**
11 **THE INDO-PACIFIC REGION.**

12 There is authorized to be appropriated, for each of
13 fiscal years 2021 through 2025, \$125,000,000 for the De-
14 partment of Defense for activities in the Indo-Pacific re-
15 gion and to strengthen alliances and partnerships, infra-
16 structure, platforms, and posture to ensure a credible
17 Indo-Pacific-region-wide defense strategy in accordance
18 with the principles set forth in sections 4, 202, and 222.

19 **SEC. 224. PROHIBITION ON USE OF FUNDS TO WITHDRAW**
20 **THE UNITED STATES ARMED FORCES FROM**
21 **JAPAN AND THE REPUBLIC OF KOREA.**

22 (a) IN GENERAL.—Except as provided in subsection
23 (b), notwithstanding any other provision of law, no Fed-
24 eral funds are authorized to be appropriated to take any
25 action to—

1 (1) withdraw or otherwise reduce the overall
2 presence, including the rotational presence, of
3 United States Armed Forces personnel and civilian
4 employees of the Department of Defense in Japan
5 and the Republic of Korea;

6 (2) close or change the status of any base or
7 other facility of the United States Armed Forces lo-
8 cated in Japan or the Republic of Korea; or

9 (3) withdraw or otherwise reduce the overall
10 presence of United States Armed Forces assets in
11 Japan or the Republic of Korea.

12 (b) EXCEPTIONS.—The prohibition under subsection
13 (a) shall not apply if—

14 (1) the host government transmits to the
15 United States Government a written request for
16 such a withdrawal or other reduction; or

17 (2)(A) the President declares the intent to take
18 an action described in subsection (a);

19 (B) not later than 90 days before initiating an
20 action described in subsection (a), the President sub-
21 mits to the appropriate congressional committees no-
22 tice of such intent that includes—

23 (i) a justification for the action;

24 (ii) the number of members of the United
25 States Armed Forces or civilian employees of

1 the Department of Defense to be withdrawn or
2 reduced, as applicable;

3 (iii) a description of the United States
4 Armed Forces assets to be withdrawn or re-
5 duced, as applicable;

6 (iv) a description of any base or facility of
7 the United States Armed Forces in Japan or
8 the Republic of Korea to be subject to closure
9 or change of status, as applicable;

10 (v) an explanation of the national security
11 benefit of the action to the United States and
12 regional allies and partners; and

13 (vi) a plan to offset the reduction in
14 United States conventional deterrence against
15 the People's Republic of China and the Demo-
16 cratic People's Republic of Korea caused by the
17 action; and

18 (C) the Secretary of Defense certifies that rota-
19 tional forces, which are globally available, are needed
20 for a contingency in another area of responsibility.

21 (c) PUBLIC TESTIMONY.—Not later than 14 days
22 after the submittal of the notice required by subparagraph
23 (B), the Secretary of State and the Secretary of Defense
24 shall testify before the appropriate committees of Congress
25 in public session on such withdrawal or reduction.

1 **SEC. 225. ADDITIONAL FUNDING FOR FOREIGN MILITARY**
2 **FINANCING IN THE INDO-PACIFIC.**

3 (a) FOREIGN MILITARY SALES FUNDING.—In addi-
4 tion to any amount appropriated pursuant to section 23
5 of the Arms Export Control Act (22 U.S.C. 2763) (relat-
6 ing to foreign military financing assistance), there is au-
7 thorized to be appropriated \$70,000,000 for each of fiscal
8 years 2021 through fiscal year 2025 for activities in the
9 Indo-Pacific region in accordance with this section.

10 (b) MARITIME LAW ENFORCEMENT INITIATIVE.—
11 There is authorized to be appropriated \$7,500,000 for
12 each of fiscal years 2021 through fiscal year 2025 for the
13 Department of State for International Narcotics Control
14 and Law Enforcement (INCLE) for the support of the
15 Southeast Asia Maritime Law Enforcement Initiative.

16 (c) FOREIGN MILITARY FINANCING COMPACT PILOT
17 PROGRAM.—

18 (1) AUTHORIZATION OF APPROPRIATIONS.—
19 There is authorized to be appropriated
20 \$200,000,000 for each of fiscal years 2021 and
21 2022 for the creation of a pilot program for foreign
22 military financing compacts.

23 (2) ASSISTANCE.—The Secretary of State is au-
24 thorized to create a pilot program, for a duration of
25 two years, with an assessment for any additional or
26 permanent programming, to provide assistance

1 under this section for each country that enters into
2 an FMF Challenge Compact with the United States
3 pursuant to paragraph (7) to support policies and
4 programs that advance the progress of the country
5 in achieving lasting security and civilian-military
6 governance through respect for human rights, good
7 governance (including transparency and free and
8 fair elections), and cooperation with United States
9 and international counter-terrorism, anti-trafficking,
10 and counter-crime efforts and programs.

11 (3) FORM OF ASSISTANCE.—Assistance under
12 this subsection may be provided in the form of
13 grants, cooperative agreements, contracts, or no-in-
14 terest loans to the government of an eligible country
15 described in paragraph (5).

16 (4) APPLICATION.—The Secretary of State, in
17 consultation with the Secretary of Defense, shall de-
18 velop and recommend procedures for considering so-
19 licited and unsolicited proposals for compacts under
20 this pilot program.

21 (5) ELIGIBLE COUNTRIES.—A country shall be
22 a candidate country for purposes of eligibility for as-
23 sistance for fiscal year 2021 and 2022 if—

24 (A)(i) the country is eligible for assistance
25 from the International Development Associa-

1 tion, and the per capita income of the country
2 is equal to or less than the historical ceiling of
3 the International Development Association for
4 that year, as defined by the International Bank
5 for Reconstruction and Development; or

6 (ii) is classified as a lower middle income
7 country in the then most recent edition of the
8 World Development Report for Reconstruction
9 and Development published by the International
10 Bank for Reconstruction and Development and
11 has an income greater than the historical ceil-
12 ing for International Development Association
13 eligibility for the fiscal year involved; and

14 (B) the Secretary of State determines that
15 the country has demonstrated a commitment to
16 just and democratic governance, including a
17 demonstrated commitment to—

18 (i) promote political pluralism, equal-
19 ity, and the rule of law;

20 (ii) respect for human and civil rights,
21 including the rights of people with disabil-
22 ities and the rights of persons regardless of
23 sexual orientation or religious practice or
24 absence of same, including by pursuing ef-

1 fective measures against the trafficking of
2 persons;

3 (iii) protect private property rights;

4 (iv) encourage transparency and ac-
5 countability of government;

6 (v) combat corruption; and

7 (vi) institute effective civilian control,
8 professionalization, and accountability of
9 the armed forces, and that such forces re-
10 spect human rights.

11 (6) IDENTIFICATION OF ELIGIBLE COUN-
12 TRIES.—Not later than 90 days prior to the date on
13 which the Secretary of State determines eligible
14 countries for an FMF Challenge Compact, the Sec-
15 retary—

16 (A) shall prepare and submit to the appro-
17 appropriate congressional committees a report that
18 contains a list of all eligible countries identified
19 that have met the requirements under para-
20 graph (5) for the fiscal year; and

21 (B) shall consult with the appropriate con-
22 gressional committees on the extent to which
23 such countries meet the criteria described in
24 paragraph (5).

25 (7) FMF CHALLENGE COMPACT.—

1 (A) COMPACT.—The Secretary of State
2 may provide assistance for an eligible country
3 only if the country enters into an agreement
4 with the United States, to be known as an
5 “FMM Challenge Compact” (in this paragraph
6 referred to as a “Compact”) that establishes a
7 multi-year plan for achieving shared security
8 objectives in furtherance of the purposes of this
9 title.

10 (B) ELEMENTS.—The elements of the
11 Compact shall be those listed in paragraph (5)
12 for determining eligibility, and be designed to
13 significantly advance the performance of those
14 commitments during the period of the Compact.

15 (C) IN GENERAL.—The Compact should
16 take into account the national strategy of the
17 eligible country and shall include—

18 (i) the specific objectives that the
19 country and the United States expect to
20 achieve during the term of the Compact;

21 (ii) the responsibilities of the country
22 and the United States in the achievement
23 of such objectives;

1 (iii) regular benchmarks to measure,
2 where appropriate, progress toward achiev-
3 ing such objectives; and

4 (iv) the strategy of the eligible coun-
5 try to sustain progress made toward
6 achieving such objectives after expiration
7 of the Compact.

8 (8) CONGRESSIONAL CONSULTATION PRIOR TO
9 COMPACT NEGOTIATIONS.—Not later than 15 days
10 before commencing negotiations of a Compact with
11 an eligible country, the Secretary of State shall con-
12 sult with the appropriate congressional committees
13 with respect to the proposed Compact negotiation
14 and shall identify the objectives and mechanisms to
15 be used for the negotiation of the Compact.

16 (9) ASSESSMENT OF PILOT PROGRAM AND REC-
17 OMMENDATIONS.—Not later than 90 days after the
18 conclusion of the pilot program, the Secretary of
19 State shall provide a report to the appropriate con-
20 gressional committees with respect to the pilot pro-
21 gram, assess the success and utility of the pilot pro-
22 gram established under this subsection in meeting
23 objectives, and make a recommendation for con-
24 tinuing on a pilot or permanent basis with a further
25 foreign military financing compact program.

1 **SEC. 226. ADDITIONAL FUNDING FOR INTERNATIONAL**
2 **MILITARY EDUCATION AND TRAINING IN THE**
3 **INDO-PACIFIC.**

4 There is authorized to be appropriated for each of
5 fiscal years 2021 through fiscal year 2025 for the Depart-
6 ment of State, out of amounts appropriated or otherwise
7 made available for assistance under chapter 5 of part II
8 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347
9 et seq.) (relating to international military education and
10 training (IMET) assistance), \$45,000,000 for activities in
11 the Indo-Pacific region in accordance with this Act.

12 **SEC. 227. PRIORITIZING EXCESS DEFENSE ARTICLE TRANS-**
13 **FERS FOR THE INDO-PACIFIC.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the United States Government should prioritize
16 the review of excess defense article transfers to Indo-Pa-
17 cific partners.

18 (b) STATEMENT OF POLICY.—The Secretary of the
19 Navy shall develop a five year plan to prioritize excess de-
20 fense article transfers to the Indo-Pacific.

21 (c) TRANSFER AUTHORITY.—Section 516(c)(2) of
22 the Foreign Assistance Act of 1961 (22 U.S.C.
23 2321j(c)(2)) is amended by striking “and to the Phil-
24 ippines” and inserting “to the Philippines, and to other
25 major non-NATO allies of the United States located in
26 the Indo-Pacific region (including Japan, the Republic of

1 Korea, Thailand, Australia and New Zealand) and other
2 maritime Association of Southeast Asian Nations
3 (ASEAN) member states”.

4 (d) **REQUIRED COORDINATION.**—The United States
5 Government shall coordinate and align excess defense arti-
6 cle transfers with capacity building efforts of regional al-
7 lies and partners.

8 **SEC. 228. PRIORITIZING EXCESS NAVAL VESSEL TRANS-**
9 **FERS FOR THE INDO-PACIFIC.**

10 (a) **AUTHORITY.**—The President is authorized to
11 transfer to a government of a country listed pursuant to
12 the amendment made under section 227(c) one OLIVER
13 HAZARD PERRY class guided missile frigate on a grant
14 basis under section 516 of the Foreign Assistance Act of
15 1961 (22 U.S.C. 2321j).

16 (b) **GRANTS NOT COUNTED IN ANNUAL TOTAL OF**
17 **TRANSFERRED EXCESS DEFENSE ARTICLES.**—The value
18 of a vessel transferred to another country on a grant basis
19 pursuant to authority provided by this section shall not
20 be counted against the aggregate value of excess defense
21 articles transferred in any fiscal year under section 516
22 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

23 (c) **COSTS OF TRANSFERS.**—Any expense incurred by
24 the United States in connection with a transfer authorized
25 by this section shall be charged to the recipient notwith-

1 standing section 516(e) of the Foreign Assistance Act of
2 1961 (22 U.S.C. 2321j(e)).

3 (d) REPAIR AND REFURBISHMENT IN UNITED
4 STATES SHIPYARDS.—To the maximum extent prac-
5 ticable, the President shall require, as a condition of the
6 transfer of a vessel under this subsection, that the recipi-
7 ent to which the vessel is transferred have such repair or
8 refurbishment of the vessel as is needed, before the vessel
9 joins the naval forces of that recipient, performed at a
10 shipyard located in the United States.

11 (e) EXPIRATION OF AUTHORITY.—The authority to
12 transfer a vessel under this section shall expire at the end
13 of the 3-year period beginning on the date of the enact-
14 ment of this Act.

15 **SEC. 229. SENSE OF CONGRESS ON ARMS EXPORTS AND**
16 **HUMAN RIGHTS.**

17 It is the Sense of Congress that—

18 (1) one of the primary purposes for controlling
19 the export of defense articles and defense services to
20 foreign countries is to prevent such exports from
21 being used in violation of international humanitarian
22 law or international human rights law, including re-
23 quiring accountability for any such violations, and to
24 ensure that the sale, export, or transfer of such arti-
25 cles and services serves to encourage foreign coun-

1 tries to fully comply with international humanitarian
2 law and international human rights law;

3 (2) provision of security assistance, including
4 the provision of defense articles and defense services,
5 pursuant to the authorities and in conformity with
6 the principles of this Act, should only be done in ac-
7 cordance with and to support and promote this pur-
8 pose; and

9 (3) such security assistance, including the pro-
10 vision of defense articles and defense services con-
11 trolled for export, should not be provided to a unit
12 of the security forces of any country if such unit—

13 (A) has violated international humani-
14 tarian law and has not been credibly inves-
15 tigated and subjected to a credible and trans-
16 parent judicial process addressing such allega-
17 tion; or

18 (B) has committed a gross violation of
19 human rights, and has not been credibly inves-
20 tigated and subjected to a credible and trans-
21 parent judicial process addressing such allega-
22 tion, including—

23 (i) torture or rape;

24 (ii) ethnic cleansing of civilians;

- 1 (iii) recruitment or use of child sol-
2 diers;
- 3 (iv) falsely imprisoning, or engaging
4 in the targeted killing of, political oppo-
5 nents;
- 6 (v) the operation of, or effective con-
7 trol or direction over, secret detention fa-
8 cilities; or
- 9 (vi) extrajudicial killings, whether by
10 military, security, or police forces.

11 **SEC. 230. ENHANCING THE UNITED STATES-TAIWAN DE-**
12 **FENSE RELATIONSHIP.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that it should be the policy of the Department of
15 Defense, consistent with the Taiwan Relations Act (Public
16 Law 96–8; 22 U.S.C. 3301 et seq.), to support the asym-
17 metric defense strategy of Taiwan, including the develop-
18 ment of the undersea warfare and air defense capabilities
19 of Taiwan.

20 (b) REQUIRED DEPARTMENT OF DEFENSE AC-
21 TIONS.—The Secretary of Defense shall make efforts to
22 include the military forces of Taiwan in bilateral and mul-
23 tilateral military exercises, as appropriate, to bolster the
24 defense capabilities of Taiwan.

1 **SEC. 231. REPORT ON UNITED STATES EFFORTS TO EN-**
2 **GAGE THE PEOPLE'S REPUBLIC OF CHINA ON**
3 **NUCLEAR ISSUES AND BALLISTIC MISSILE**
4 **ISSUES.**

5 (a) STATEMENT OF POLICY.—It shall be the policy
6 of the United States that—

7 (1) an arms control dialogue with the Govern-
8 ment of China, coordinated with United States allies
9 and shaped by a coherent Indo-Pacific strategy, is in
10 the national security interests of the United States;
11 and

12 (2) the United States Government should for-
13 mulate a strategy to engage the Government of
14 China on relevant bilateral issues that lays the
15 groundwork for bringing the People's Republic of
16 China into an arms control framework, including—

17 (A) fostering bilateral dialogue on arms
18 control leading to the convening of bilateral
19 strategic stability talks;

20 (B) negotiating norms for outer space;

21 (C) developing pre-launch notification re-
22 gimes aimed at reducing nuclear miscalculation;
23 and

24 (D) expanding lines of communication be-
25 tween both governments for the purposes of re-

1 ducing the risks of conventional war and in-
2 creasing transparency.

3 (b) REPORT ON THE FUTURE OF UNITED STATES-
4 CHINA ARMS CONTROL.—Not later than 180 days after
5 the date of the enactment of this Act, the Secretary of
6 State, in coordination with the Secretary of Defense and
7 the Secretary of Energy, shall submit to the appropriate
8 committees of Congress a report, and if necessary a sepa-
9 rate classified annex, that examines the approaches and
10 strategic effects of engaging the Government of China on
11 arms control, including—

12 (1) areas of potential dialogue between the Gov-
13 ernments of the United States and the People’s Re-
14 public of China, including on nuclear, ballistic, and
15 cruise missiles, conventional forces, space, and
16 cyberspace issues, as well as other new strategic do-
17 mains, which could reduce the likelihood of war,
18 limit escalation if a conflict were to occur, and con-
19 strain a destabilizing arms race in the Indo-Pacific;

20 (2) how the United States Government can fos-
21 ter increased interest on the part of the Government
22 of China in arms control;

23 (3) identifying strategic military capabilities of
24 the People’s Republic of China that the United
25 States Government is most concerned about and how

1 limiting these capabilities may benefit United States
2 and allied security interests;

3 (4) opportunities for multilateral arms control
4 in the Indo-Pacific region;

5 (5) mechanisms to avoid, manage, or control
6 nuclear, conventional, and unconventional military
7 escalation between the United States and the Peo-
8 ple's Republic of China; and

9 (6) opportunities and methods to create stra-
10 tegic transparency between the United States and
11 the People's Republic of China.

12 (c) REPORT ON ARMS CONTROL TALKS WITH THE
13 RUSSIAN FEDERATION AND THE PEOPLE'S REPUBLIC OF
14 CHINA.—Not later than 180 days after the date of the
15 enactment of this Act, the Secretary of State, in consulta-
16 tion with the Secretary of Defense and the Secretary of
17 Energy, shall submit to the appropriate committees of
18 Congress a report that describes—

19 (1) a concrete plan for arms control talks that
20 includes both the People's Republic of China and the
21 Russian Federation;

22 (2) if a trilateral arms control dialogue does not
23 arise, what alternative plans the Department of
24 State envisages for ensuring United States security
25 from Russian and Chinese nuclear weapons;

1 (3) efforts at engaging the People’s Republic of
2 China to join arms control talks, whether on a bilat-
3 eral or multilateral basis; and

4 (4) the interest level of the Government of
5 China in joining arms control talks, whether on a bi-
6 lateral or multilateral basis.

7 (d) EXTENSION OF NEW START.—Not later than 90
8 days after the date of the enactment of this Act, the Sec-
9 retary of State, in coordination with the Secretary of De-
10 fense, the Secretary of Energy, and the Director of Na-
11 tional Intelligence, shall submit to the appropriate com-
12 mittees of Congress a report, and a separate classified
13 annex, that includes the following elements:

14 (1) The strategy behind the decision to extend
15 or not extend New START.

16 (2) If New START were allowed to expire, an
17 assessment of whether such an expiration is in the
18 national security interests of the United States, in-
19 cluding the specific reasons for such conclusion.

20 (3) An examination of the effects of the expira-
21 tion of New START on—

22 (A) strategic stability with the Russian
23 Federation;

24 (B) the United States nuclear budget;

1 (C) spending on United States conven-
2 tional forces as a result of increased nuclear
3 spending; and

4 (D) international nuclear nonproliferation
5 efforts.

6 (4) An assessment of how the Government of
7 the Russian Federation will modify its nuclear forces
8 in an unconstrained environment and how the
9 United States Government will respond if the Gov-
10 ernment of the Russian Federation expands its arse-
11 nal.

12 (5) An assessment of how the United States
13 Government will need to alter intelligence capabili-
14 ties and spending to regain, if possible, the knowl-
15 edge of the Russian Federation's arsenal that is cur-
16 rently provided by the inspection and verification
17 mechanisms inherent to New START.

18 **SEC. 232. STATEMENT OF POLICY ON MARITIME FREEDOM**
19 **OF OPERATIONS IN INTERNATIONAL WATER-**
20 **WAYS AND AIRSPACE OF THE INDO-PACIFIC**
21 **AND ON ARTIFICIAL LAND FEATURES IN THE**
22 **SOUTH CHINA SEA.**

23 (a) SENSE OF CONGRESS.—Congress—

24 (1) condemns coercive and threatening actions
25 or the use of force to impede freedom of operations

1 in international airspace by military or civilian air-
2 craft, to alter the status quo, or to destabilize the
3 Indo-Pacific region;

4 (2) urges the Government of China to refrain
5 from implementing the declared East China Sea Air
6 Defense Identification Zone (ADIZ), or an ADIZ in
7 the South China Sea, which is contrary to freedom
8 of overflight in international airspace, and to refrain
9 from taking similar provocative actions elsewhere in
10 the Indo-Pacific region;

11 (3) reaffirms that the 2016 Arbitral Tribunal's
12 decision is final and legally binding on both parties
13 and that the People's Republic of China's claims to
14 offshore resources across most of the South China
15 Sea are unlawful;

16 (4) condemns the People's Republic of China
17 for failing to abide by the 2016 Arbitral Tribunal's
18 ruling, despite Chinese obligations as a state party
19 to the United Nations Convention on the Law of the
20 Sea;

21 (5) rejects the People's Republic of China's un-
22 lawful maritime claim within the Philippines' Exclu-
23 sive Economic Zone (EEZ) or on its continental
24 shelf;

1 (6) rejects the People’s Republic of China’s
2 claim to waters beyond a 12 nautical mile territorial
3 sea derived from islands it claims in the Spratly Is-
4 lands; and

5 (7) rejects the People’s Republic of China’s un-
6 lawful territorial or maritime claim to the James
7 shoal.

8 (b) STATEMENT OF POLICY.—It shall be the policy
9 of the United States to—

10 (1) reaffirm its commitment and support for al-
11 lies and partners in the Indo-Pacific region, includ-
12 ing longstanding United States policy regarding Ar-
13 ticle V of the United States-Philippines Mutual De-
14 fense Treaty and reaffirm its position that Article V
15 of the United States-Japan Mutual Defense Treaty
16 applies to the Japanese-administered Senkaku Is-
17 lands;

18 (2) oppose claims that impinge on the rights,
19 freedoms, and lawful use of the sea, or the airspace
20 above it, that belong to all nations, and oppose the
21 militarization of new and reclaimed land features in
22 the South China Sea;

23 (3) urge all parties to refrain from engaging in
24 destabilizing activities, including illegal occupation

1 or efforts to unlawfully assert administration over
2 disputed claims;

3 (4) ensure that disputes are managed without
4 intimidation, coercion, or force;

5 (5) call on all claimants to clarify or adjust
6 claims in accordance with international law;

7 (6) uphold the principle that territorial and
8 maritime claims, including territorial waters or terri-
9 torial seas, must be derived from land features and
10 otherwise comport with international law;

11 (7) oppose the imposition of new fishing regula-
12 tions covering disputed areas in the South China
13 Sea, regulations which have raised tensions in the
14 region;

15 (8) support efforts by ASEAN and the People's
16 Republic of China to develop an effective Code of
17 Conduct, including the "early harvest" of agreed-
18 upon elements in the Code of Conduct that can be
19 implemented immediately;

20 (9) reaffirm that an existing body of inter-
21 national rules and guidelines, including the Inter-
22 national Regulations for Preventing Collisions at
23 Sea, done at London October 12, 1972 (COLREGs),
24 is sufficient to ensure the safety of navigation be-
25 tween the United States Armed Forces and the

1 forces of other countries, including the People’s Re-
2 public of China;

3 (10) support the development of regional insti-
4 tutions and bodies, including the ASEAN Regional
5 Forum, the ASEAN Defense Minister’s Meeting
6 Plus, the East Asia Summit, and the expanded
7 ASEAN Maritime Forum, to build practical coopera-
8 tion in the region and reinforce the role of inter-
9 national law;

10 (11) encourage the deepening of partnerships
11 with other countries in the region for maritime do-
12 main awareness and capacity building, as well as ef-
13 forts by the United States Government to explore
14 the development of appropriate multilateral mecha-
15 nisms for a “common operating picture” in the
16 South China Sea that would serve to help countries
17 avoid destabilizing behavior and deter risky and dan-
18 gerous activities;

19 (12) oppose actions by any country to prevent
20 any other country from exercising its sovereign
21 rights to the resources of the exclusive economic
22 zone (EEZ) and continental shelf by making claims
23 to those areas in the South China Sea that have no
24 support in international law; and

1 (13) assure the continuity of operations by the
2 United States in the Indo-Pacific region, including,
3 when appropriate, in cooperation with partners and
4 allies, to reaffirm the principle of freedom of oper-
5 ations in international waters and airspace in ac-
6 cordance with established principles and practices of
7 international law.

8 **SEC. 233. STATEMENT OF POLICY ON BECOMING A STATE**
9 **PARTY TO THE UNITED NATIONS CONVEN-**
10 **TION ON THE LAW OF THE SEA.**

11 It is the sense of Congress that—

12 (1) becoming a state party to the United Na-
13 tions Convention on the Law of the Sea (UNCLOS),
14 done at Montego Bay on December 10, 1992, would
15 help protect and advance United States national and
16 economic security including by—

17 (A) ensuring worldwide access to get our
18 troops to the fight, to sustain them during the
19 fight, and to get back home without the permis-
20 sion of other countries;

21 (B) influencing the resolution of disputes
22 between the People’s Republic of China and our
23 allies in the South China Sea and elsewhere;

1 (C) ensuring that the United States is able
2 to assert an internationally accepted claim to its
3 share of the Arctic;

4 (D) providing United States companies
5 with the legal certainty they need to secure rare
6 earth minerals from the deep seabed; and

7 (E) allowing United States companies the
8 full protection of the treaty's framework for lay-
9 ing and protecting submarine cables;

10 (2) becoming a state party to the Convention
11 would give the United States the voice and vote in
12 decisions relating to deliberative matters under the
13 Convention and thereby improve the ability of the
14 United States to—

15 (A) intervene as a full party to disputes re-
16 lating to navigational rights, maritime security,
17 energy development, transcontinental com-
18 merce, marine conservation, and environmental
19 destruction; and

20 (B) defend United States interpretations of
21 the Convention's provisions and United States
22 interests, including those relating to whether
23 coastal States have a right under UNCLOS to
24 regulate foreign military activities in their
25 EEZs;

1 (3) the People’s Republic of China’s construc-
2 tion of artificial islands, in support of China’s ex-
3 panding military presence in the Pacific theatre, in
4 the territorial waters of its neighbors along the
5 South China Sea are hostile acts that escalate ten-
6 sions between the People’s Republic of China and its
7 neighbors, infringe on the sovereignty of China’s
8 neighbors’ EEZs, and have resulted in an arbitra-
9 tion under the UNCLOS in which the arbitral tri-
10 bunal ruled against the People’s Republic of China;

11 (4) the United States status as a nonparty to
12 UNCLOS resulted in the United States exclusion
13 from the Permanent Court of Arbitration’s July 12,
14 2016, case in the matter of the South China Sea ar-
15 bitration, wherein the Permanent Court of Arbitra-
16 tion stated that “the Tribunal forwarded to the Par-
17 ties for their comment a Note Verbale from the Em-
18 bassy of the United States of America, requesting to
19 send a representative to observe the hearing” and
20 “the Tribunal communicated to the Parties and the
21 U.S. Embassy that it had decided that ‘only inter-
22 ested States parties to the United Nations Conven-
23 tion on the Law of the Sea will be admitted as ob-
24 servers’ and thus could not accede to the U.S. re-
25 quest”;

1 (5) relying on customary international norms
2 and on other countries to assert claims on behalf of
3 the United States is insufficient to defend and up-
4 hold United States national and economic security
5 and United States sovereign rights and interests;

6 (6) the Senate should urgently provide advice
7 and consent to ratification of the United Nations
8 Convention on the Law of the Sea; and

9 (7) the United States should urgently become a
10 state party to the United Nations Convention on the
11 Law of the Sea.

12 **SEC. 234. REPORT ON ROLES, MISSIONS, AND CAPABILITIES**
13 **OF INDO-PACIFIC PARTNERS.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Secretary of Defense, in consultation
16 with the Secretary of State, shall report to the appropriate
17 congressional committees with an assessment of engage-
18 ment with each major United States treaty or security
19 partner in the Indo-Pacific region in mutual dialogue on
20 any on-going roles, missions, and capabilities (RMC) dis-
21 cussions, and an enumeration of jointly agreed rec-
22 ommendations for acquisition, platform, infrastructure,
23 training, posture, and other measures necessary to assure
24 that capabilities and capacity exist to execute all identified

1 RMC, including to address anti-access and area denial
2 challenges in the region.

3 **SEC. 235. INDO-PACIFIC MARITIME SECURITY INITIATIVE.**

4 (a) PROGRAM AUTHORIZED.—

5 (1) IN GENERAL.—The Secretary of State, in
6 coordination with the Secretary of Defense, is au-
7 thorized to provide assistance, for the purpose of in-
8 creasing maritime security and domain awareness
9 for countries in the Indo-Pacific region—

10 (A) to provide assistance to national mili-
11 tary or other security forces of such countries
12 that have maritime security missions among
13 their functional responsibilities;

14 (B) to provide training to ministry, agency,
15 and headquarters level organizations for such
16 forces; and

17 (C) to provide assistance to and training to
18 other relevant foreign affairs, maritime, or se-
19 curity-related ministries, agencies, departments
20 or offices that manage and oversee maritime ac-
21 tivities and policy that the Secretary of State
22 may so designate.

23 (2) DESIGNATION OF ASSISTANCE.—Assistance
24 provided by the Secretary of State under this section
25 shall be known as the “Indo-Pacific Maritime Secu-

1 rity Initiative” (in this section referred to as the
2 “Initiative”).

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Department of State
5 \$25,000,000 in fiscal year 2021 and \$50,000,000 in each
6 of fiscal year 2022, fiscal year 2023, fiscal year 2024, and
7 fiscal year 2025 to be used for purposes of training and
8 assistance under this Initiative.

9 (c) ELIGIBLE COUNTRIES.—In selecting countries in
10 the Indo-Pacific region to which assistance is to be pro-
11 vided under the Initiative, the Secretary of State shall
12 prioritize the provision of assistance to countries that will
13 contribute to the achievement of the following objectives:

14 (1) Retaining unhindered access to and use of
15 international waterways in the Indo-Pacific region
16 that are critical to ensuring the security and free
17 flow of commerce and achieving United States na-
18 tional security objectives.

19 (2) Improving maritime domain awareness in
20 the Indo-Pacific region.

21 (3) Countering piracy in the Indo-Pacific re-
22 gion.

23 (4) Disrupting illicit maritime trafficking activi-
24 ties and other forms of maritime trafficking activity
25 in the Indo-Pacific that directly benefit organiza-

1 tions that have been determined to be a security
2 threat to the United States.

3 (5) Enhancing the maritime capabilities of a
4 country or regional organization to respond to
5 emerging threats to maritime security in the Indo-
6 Pacific region.

7 (d) PRIORITIES FOR ASSISTANCE.—

8 (1) IN GENERAL.—In carrying out the purpose
9 of the Initiative—

10 (A) priority shall be placed on assistance
11 to enhance the maritime security capabilities of
12 the military or security forces of countries in
13 the Indo-Pacific region that have maritime mis-
14 sions and the government agencies responsible
15 for such forces; and

16 (B) assistance may be provided to a coun-
17 try in the Indo-Pacific region to enhance the ca-
18 pabilities of that country, or of a regional orga-
19 nization that includes that country, to con-
20 duct—

21 (i) maritime intelligence, surveillance,
22 and reconnaissance;

23 (ii) littoral and port security;

24 (iii) Coast Guard operations;

25 (iv) command and control; and

1 (v) management and oversight of mar-
2 itime activities.

3 (2) TYPES OF ASSISTANCE AND TRAINING.—

4 (A) AUTHORIZED ELEMENTS OF ASSIST-
5 ANCE.—Assistance provided under subsection
6 (a)(1)(A) may include the provision of equip-
7 ment, training, and small-scale military con-
8 struction.

9 (B) REQUIRED ELEMENTS OF ASSISTANCE
10 AND TRAINING.—Assistance and training pro-
11 vided under subsection (a) shall include ele-
12 ments that promote—

13 (i) the observance of and respect for
14 human rights; and

15 (ii) respect for legitimate civilian au-
16 thority within the country to which the as-
17 sistance is provided.

18 (e) JOINT TASK FORCE.—The Department of De-
19 fense shall establish a joint, interagency task force to as-
20 sess, respond to, and coordinate with allies and partners
21 in response to the use of grey zone tactics by state and
22 non-state actors in the Indo-Pacific maritime domain, in-
23 cluding—

24 (1) conducting domain awareness operations,
25 intelligence fusion, and multi-sensor correlation to

1 detect, monitor, and hand off suspected grey zone
2 activities;

3 (2) promoting security, cooperation, and capac-
4 ity building; and

5 (3) coordinating country team and partner na-
6 tion initiatives in order to counter the use of grey
7 zone tactics by adversaries.

8 (f) ANNUAL REPORT.—The Secretary of State and
9 the Secretary of Defense shall jointly submit to the appro-
10 priate committees of Congress each year a report on the
11 status of the provision of equipment, training, supplies,
12 or other services provided pursuant to the Initiative during
13 the preceding 12 months.

14 (g) AUTHORITY FOR PAYMENT.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this Act, and annually
17 thereafter, if the Secretary of State determines that
18 the payment of incremental expenses in connection
19 with training described in subsection (a)(1)(B) will
20 facilitate the participation in such training of orga-
21 nization personnel of foreign countries under sub-
22 section (a)(1)(C), the Secretary may use amounts
23 available under subsection (b) for assistance and
24 training under subsection (a) for the payment of
25 such incremental expenses.

1 (2) COVERED COUNTRIES.—The foreign coun-
2 tries specified in this paragraph are the following:

3 (A) Brunei.

4 (B) Singapore.

5 (C) Taiwan.

6 (h) NOTICE TO CONGRESS ON ASSISTANCE AND
7 TRAINING.—Not later than 15 days before exercising the
8 authority under subsection (a) or (g) with respect to a
9 recipient foreign country, the Secretary of State shall sub-
10 mit a notification in writing to the appropriate committees
11 of Congress.

12 **SEC. 236. REPORTING ON COUNTRIES PURCHASING ARMS**
13 **FROM THE PEOPLE'S REPUBLIC OF CHINA.**

14 (a) IN GENERAL.—

15 (1) ANNUAL REPORT.—Not later than 180 days
16 after the date of the enactment of this Act, and an-
17 nually thereafter, the Secretary of State shall submit
18 to the appropriate committees of Congress a report
19 identifying countries which have in the prior two
20 years acquired defense articles and any defense
21 goods or services provided by grant, loan, or by
22 other means of provision from the People's Republic
23 of China.

24 (2) INTERIM BRIEFING.—Not later than 60
25 days after the date of the enactment of this Act, the

1 Defense Intelligence Agency shall provide an interim
2 briefing on the report required under paragraph (1)
3 to the appropriate congressional committees.

4 (b) ELEMENTS.—The report required under sub-
5 section (a) shall include—

6 (1) a determination of countries that have pur-
7 chased Chinese-origin defense articles and any de-
8 fense goods or services provided by grant, loan, or
9 by other means of provision, and whether such pur-
10 chases have increased over the previous year;

11 (2) a determination of which countries have
12 provided Chinese-origin defense articles and any de-
13 fense goods or services provided by grant, loan, or
14 by other means of provision to non-state actors;

15 (3) a determination of whether the use of Chi-
16 nese defense articles and any defense goods or serv-
17 ices provided by other means by purchasing coun-
18 tries or non-state entities have been used in conflict,
19 and if this has resulted in civilian casualties and, if
20 so, an assessment of whether such casualties are the
21 result of deliberate targeting;

22 (4) the types, quantities, purchase price or
23 grant or leased value, and general capabilities of
24 such defense articles, and when such articles have
25 been or will be delivered to such country, as well as

1 any concessions by the Government of China in
2 terms of permitting in-country manufacturing,
3 concessional financing, or other incentives, conces-
4 sions, or cooperative measures associated with such
5 sales; and

6 (5) a technical assessment of such defense arti-
7 cles, including the strengths, weaknesses, and reli-
8 ability of the defense articles compared to com-
9 parable United States defense articles.

10 (c) FORM.—The report required under subsection (a)
11 shall be submitted in unclassified form, but may include
12 a classified annex as necessary.

13 (d) DEFENSE ARTICLES DEFINED.—In this section,
14 the term “defense articles” means the following items:

15 (1) Rockets, space launch vehicles, missiles,
16 bombs (including equipment to enable precision
17 guidance), and torpedoes.

18 (2) Armored combat ground vehicles, including
19 ground vehicles and trailers that are armed or are
20 specially designed to be used as a firing or launch
21 platform to deliver munitions or otherwise destroy or
22 incapacitate targets, excluding any unarmed ground
23 vehicles.

24 (3) Aircraft, whether manned, unmanned, re-
25 motely piloted, or optionally piloted, as follows:

1 (A) Bombers.

2 (B) Fighters, fighter/bombers, and fixed-
3 wing attack aircraft.

4 (C) Turbofan or turbojet powered trainers
5 used to train pilots for fighter, attack, or bomb-
6 er aircraft.

7 (D) Attack helicopters.

8 (E) Unmanned aerial vehicles (UAVs).

9 (F) Aircraft specially designed to incor-
10 porate a defense article for the purpose of per-
11 forming an intelligence, surveillance, and recon-
12 naissance function.

13 (G) Aircraft specially designed to incor-
14 porate a defense article for the purpose of per-
15 forming an electronic warfare function, airborne
16 warning and control aircraft, or aircraft spe-
17 cially designed to incorporate a defense article
18 for the purpose of performing a command, con-
19 trol, and communication function.

20 (4) Naval vessels, such as warships and other
21 combatant vessels (battleships, aircraft carriers, de-
22 stroyers, frigates, cruisers, corvettes, littoral combat
23 ships, mine sweepers, mine hunters, mine counter-
24 measure ships, dock landing ships, amphibious as-
25 sault ships), Coast Guard vessels, or vessels specially

1 designed or easily converted to provide functions
2 equivalent to such vessels.

3 (5) Submarines, submersibles and semi-
4 submersibles.

5 **Subtitle C—Regional Strategies To**
6 **Counter the People’s Republic**
7 **of China**

8 **SEC. 240. APPROPRIATE CONGRESSIONAL COMMITTEES**

9 **DEFINED.**

10 In this subtitle, the term “appropriate congressional
11 committees” means—

12 (1) the Committee on Foreign Relations, the
13 Committee on Finance, and the Committee on Ap-
14 propriations of the Senate; and

15 (2) the Committee on Foreign Affairs, the
16 Committee on Ways and Means, and the Committee
17 on Appropriations of the House of Representatives.

18 **PART I—WESTERN HEMISPHERE**

19 **SEC. 241. SENSE OF CONGRESS REGARDING UNITED**
20 **STATES-CANADA RELATIONS.**

21 It is the sense of Congress that—

22 (1) the United States and Canada are close al-
23 lies, historically sharing values grounded in democ-
24 racy, human rights, transparency, and the rules-

1 based international order established after World
2 War II;

3 (2) without a common approach by the United
4 States and Canada on climate and environmental
5 issues, the Arctic, energy and connectivity issues,
6 trade and commercial relations, bilateral legal mat-
7 ters, and support for democracy and human rights,
8 the People's Republic of China will seek to expand
9 its influence over economic, political, and security
10 issues in Canada;

11 (3) the relationship between the United States
12 and Canada has come under significant strain due
13 to—

14 (A) tariff restrictions placed on Canada by
15 the Trump Administration; and

16 (B) personal attacks by President Trump
17 and White House advisors against senior lead-
18 ers in the Canadian Government;

19 (4) amidst the COVID-19 pandemic, the
20 United States and Canada should maintain joint ini-
21 tiatives to address border management, commercial
22 and trade relations, a shared approach with respect
23 to the People's Republic of China, and transnational
24 challenges, including pandemics and climate change;

1 (5) the United States and Canada should en-
2 hance cooperation to counter Chinese disinformation,
3 influence operations, and propaganda efforts;

4 (6) the People’s Republic of China’s infrastruc-
5 ture investments, particularly in 5G telecommuni-
6 cations technology and port infrastructure, pose na-
7 tional security risks for the United States and Can-
8 ada; and

9 (7) the United States should share, as appro-
10 priate, intelligence gathered regarding—

11 (A) Huawei’s 5G capabilities; and

12 (B) the Chinese Government’s intentions
13 with respect to 5G expansion.

14 **SEC. 242. SENSE OF CONGRESS REGARDING THE GOVERN-**
15 **MENT OF CHINA’S ARBITRARY IMPRISON-**
16 **MENT OF CANADIAN CITIZENS.**

17 It is the sense of Congress that—

18 (1) the Government of China’s detention of Ca-
19 nadian nationals Michael Spavor and Michael Kovrig
20 appears to be a politically motivated act of retalia-
21 tion for the Government of Canada’s detention of
22 Meng Wanzhou, which is deeply troubling;

23 (2) the Government of China should—

24 (A) immediately release Michael Spavor
25 and Michael Kovrig; and

1 (B) guarantee due process for Canadian
2 national Robert Schellenberg; and

3 (3) the United States must continue to support
4 efforts by the Government of Canada in calling for
5 the immediate release of Canadian citizens in the
6 People's Republic of China.

7 **SEC. 243. STRATEGY TO ENHANCE COOPERATION WITH**
8 **CANADA.**

9 (a) IN GENERAL.—Not later than 90 days after the
10 date of the enactment of this Act, the President shall sub-
11 mit a strategy to the Committee on Foreign Relations and
12 the Committee on Armed Services of the Senate and the
13 Committee on Foreign Affairs and the Committee on
14 Armed Services of the House of Representatives that de-
15 scribes how the United States will enhance cooperation
16 with the Government of Canada in managing relations
17 with the Government of China.

18 (b) ELEMENTS.—The strategy required under sub-
19 section (a) shall—

20 (1) identify key policy points of convergence
21 and divergence between the United States and Can-
22 ada in managing relations with the People's Repub-
23 lic of China in the areas of technology, trade, and
24 economic practices;

1 (2) include the development of working groups
2 with Canadian counterparts to enhance the coopera-
3 tion between the United States and Canada with re-
4 spect to—

5 (A) managing economic relations with the
6 People’s Republic of China;

7 (B) democracy and human rights in the
8 People’s Republic of China;

9 (C) technology issues involving the Peo-
10 ple’s Republic of China; and

11 (D) defense issues involving the People’s
12 Republic of China;

13 (3) detail diplomatic efforts and future plans to
14 work with Canada to counter Chinese projection of
15 an authoritarian governing model around the world;

16 (4) detail diplomatic, defense, and intelligence
17 cooperation to date and future plans to support Ca-
18 nadian efforts to identify cost-effective alternatives
19 to Huawei’s 5G technology;

20 (5) detail diplomatic and defense collabora-
21 tion—

22 (A) to advance joint United States-Cana-
23 dian priorities for responsible stewardship in
24 the Arctic Region; and

1 (B) to counter Chinese efforts to project
2 political, economic, and military influence into
3 the Arctic Region; and

4 (6) detail diplomatic efforts to work with Can-
5 ada to track and counter Chinese attempts to exert
6 influence across the multilateral system, including at
7 the World Health Organization.

8 (c) FORM.—The strategy required under this section
9 shall be submitted in an unclassified form that can be
10 made available to the public, but may include a classified
11 annex, if necessary.

12 (d) CONSULTATION.—Not later than 90 days after
13 the date of the enactment of this Act, and not less fre-
14 quently than every 180 days thereafter, the Secretary of
15 State shall consult with the Committee on Foreign Rela-
16 tions of the Senate and the Committee on Foreign Affairs
17 of the House of Representatives regarding the develop-
18 ment and implementation of the strategy required under
19 this section.

20 **SEC. 244. ENHANCING COOPERATION BETWEEN THE**
21 **UNITED STATES AND CANADA ON TECH-**
22 **NOLOGY ISSUES WITH RESPECT TO THE PEO-**
23 **PLE'S REPUBLIC OF CHINA.**

24 (a) WORKING GROUP.—The President shall work
25 with the Government of Canada to establish a formal

1 United States-Canada-European Union Working Group to
2 develop a comprehensive strategy to respond to the tech-
3 nology challenges posed by Chinese efforts and influence
4 in the communications, infrastructure, surveillance equip-
5 ment and cyber sectors.

6 (b) GOALS.—The United States participants in the
7 working group established pursuant to subsection (a) shall
8 seek—

9 (1) to complete a joint analysis on the perils of
10 overreliance on Chinese telecommunications equip-
11 ment; and

12 (2) to share intelligence and screen Chinese in-
13 vestments in strategic technology and critical infra-
14 structure.

15 **SEC. 245. ENHANCING UNITED STATES-CANADA-NATO CO-**
16 **OPERATION ON DEFENSE ISSUES WITH RE-**
17 **SPECT TO THE PEOPLE’S REPUBLIC OF**
18 **CHINA.**

19 In carrying out the initiative described in section 256,
20 the President shall work with the Government of Canada
21 to establish the NATO Working Group described in such
22 section to respond to the security challenges posed by the
23 People’s Republic of China.

1 **SEC. 246. STRATEGY TO STRENGTHEN ECONOMIC COM-**
2 **PETITIVENESS, GOVERNANCE, HUMAN**
3 **RIGHTS, AND THE RULE OF LAW IN LATIN**
4 **AMERICA AND THE CARIBBEAN.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary of State,
7 in consultation with the Secretary of the Treasury, the
8 Secretary of Commerce, the Attorney General, the United
9 States Trade Representative, and the Chief Executive Of-
10 ficer of the United States International Development Fi-
11 nance Corporation, shall submit a multi-year strategy for
12 increasing United States economic competitiveness and
13 promoting good governance, human rights, and the rule
14 of law in Latin American and Caribbean countries, par-
15 ticularly in the areas of investment, equitable and sustain-
16 able development, commercial relations, anti-corruption
17 activities, and infrastructure projects, to—

18 (1) the Committee on Foreign Relations of the
19 Senate;

20 (2) the Committee on Finance of the Senate;

21 (3) the Committee on Armed Services of the
22 Senate;

23 (4) the Committee on Appropriations of the
24 Senate;

25 (5) the Committee on Foreign Affairs of the
26 House of Representatives;

1 (6) the Committee on Armed Services of the
2 House of Representatives;

3 (7) the Committee on Ways and Means of the
4 House of Representatives; and

5 (8) the Committee on Appropriations of the
6 House of Representatives.

7 (b) ADDITIONAL ELEMENTS.—The strategy required
8 under subsection (a) shall include a plan of action for—

9 (1) assisting Latin American and Caribbean
10 countries with the sustainable development of equi-
11 table economies;

12 (2) promoting judicial reform and the rule of
13 law as a means to ensure fair competition, combat
14 corruption, end impunity, and strengthen legal
15 structures critical to robust democratic governance;

16 (3) identifying and mitigating obstacles to eco-
17 nomic growth in Latin America and the Caribbean;

18 (4) maintaining free and transparent access to
19 the internet and digital infrastructure in the West-
20 ern Hemisphere; and

21 (5) facilitating a more open, transparent, and
22 competitive environment for United States busi-
23 nesses in Latin America and the Caribbean.

24 (c) REPORTING REQUIREMENT.—Not later than 1
25 year after the date of the enactment of this Act, and annu-

1 ally thereafter, the Secretary of State, after consultation
2 with the Secretary of the Treasury, the Secretary of Com-
3 merce, the Attorney General, the United States Trade
4 Representative, and the leadership of the United States
5 International Development Finance Corporation, shall
6 brief the congressional committees listed in subsection (a)
7 regarding the implementation of this part, including exam-
8 ples of successes and challenges.

9 **SEC. 247. ENGAGEMENT IN REGIONAL AND INTER-**
10 **NATIONAL ORGANIZATIONS IN LATIN AMER-**
11 **ICA AND THE CARIBBEAN.**

12 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
13 FINED.—In this section, the term “appropriate commit-
14 tees of Congress” means—

15 (1) the Committee on Foreign Relations of the
16 Senate;

17 (2) the Select Committee on Intelligence of the
18 Senate;

19 (3) the Committee on Appropriations of the
20 Senate;

21 (4) the Committee on Foreign Affairs of the
22 House of Representatives;

23 (5) the Permanent Select Committee on Intel-
24 ligence of the House of Representatives; and

1 (6) the Committee on Appropriations of the
2 House of Representatives.

3 (b) REPORTING REQUIREMENT.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of the enactment of this Act, the Secretary
6 of State, working through the Assistant Secretary of
7 State for Intelligence and Research, and in coordina-
8 tion with the Director of National Intelligence and
9 the Director of the Central Intelligence Agency, shall
10 submit a report to the appropriate committees of
11 Congress that assesses the nature, intent, and im-
12 pact to United States strategic interests of Chinese
13 diplomatic activity aimed at influencing the deci-
14 sions, procedures, and programs of multilateral or-
15 ganizations in Latin America and the Caribbean, in-
16 cluding the World Bank, International Monetary
17 Fund, Organization of American States, and the
18 Inter-American Development Bank.

19 (2) FORM.—The report required under para-
20 graph (1) shall be submitted in unclassified form
21 and shall include classified annexes.

22 (c) DIPLOMACY IN MULTILATERAL FORA.—Not later
23 than 180 days after the date of the enactment of this Act,
24 the Secretary of State, in coordination with the United
25 States Permanent Representative to the Organization of

1 American States, the United States Executive Director to
2 the Inter-American Development Bank, and the United
3 States Executive Directors at multilateral development
4 banks with programs in Latin America and the Caribbean,
5 shall submit a strategy to Congress that—

6 (1) addresses the challenges to United States
7 national security identified in the report required
8 under subsection (b); and

9 (2) advances the objectives established in the
10 strategy required under section 246(a).

11 **SEC. 248. RESPONSE TO THE BELT AND ROAD INITIATIVE**

12 **IN LATIN AMERICA AND THE CARIBBEAN.**

13 (a) **ELIGIBILITY OF CARIBBEAN COUNTRIES FOR FI-**
14 **NANCING THROUGH THE UNITED STATES INTER-**
15 **NATIONAL DEVELOPMENT FINANCE CORPORATION.**—Sec-
16 tion 1412(c) of the BUILD Act of 2018 (22 U.S.C.
17 9612(c)) is amended by adding at the end the following:

18 “(3) **INCLUSION OF CARIBBEAN COUNTRIES.**—
19 Notwithstanding paragraphs (1) and (2), Caribbean
20 countries (excluding Cuba) shall be included among
21 the countries receiving prioritized support under title
22 II during the 10-year period beginning on the date
23 of the enactment of the America LEADS Act.”.

24 (b) **PRIORITIZING ENGAGEMENT IN THE WESTERN**
25 **HEMISPHERE.**—Section 1412 of the BUILD Act of 2018,

1 as amended by subsection (a), is further amended by add-
2 ing at the end the following:

3 “(d) FOREIGN POLICY GUIDANCE.—The Secretary of
4 State, in accordance with the priorities identified in sub-
5 section (c), shall provide foreign policy guidance to the
6 Corporation to prioritize development financing to Latin
7 American and Caribbean countries (excluding Cuba) by
8 dedicating not less than 35 percent of development financ-
9 ing and equity investments to countries in Latin America
10 and the Caribbean during the 10-year period beginning
11 on the date of the enactment of the America LEADS
12 Act.”.

13 **SEC. 249. TECHNOLOGICAL COOPERATION WITH LATIN**
14 **AMERICAN AND CARIBBEAN GOVERNMENTS.**

15 (a) TECHNICAL ASSISTANCE ON CYBERCRIME.—The
16 Secretary of State, working through the Office of the Co-
17 ordinator for Cyber Issues of the Department of State,
18 and in consultation with the Attorney General, the Direc-
19 tor of the Federal Bureau of Investigation, and the Chief
20 of the International Bureau of the Federal Communica-
21 tions Commission, shall offer to provide technical assist-
22 ance to Latin American and Caribbean countries to
23 strengthen their capacity to promote digital security, in-
24 cluding—

1 (1) defending the integrity of digital infrastruc-
2 ture and digital assets, including data storage sys-
3 tems, such as cloud computing, proprietary data,
4 personal information, and proprietary technologies;

5 (2) detecting, identifying, and investigating
6 cybercrimes, including the collection of digital foren-
7 sic evidence;

8 (3) developing appropriate enforcement mecha-
9 nisms for cybercrimes;

10 (4) detecting and identifying perpetrators; and

11 (5) prosecuting cybercrimes and holding per-
12 petrators accountable for such crimes.

13 (b) **PRIORITIZATION.**—In providing the technical as-
14 sistance described in subsection (b), the Secretary of State
15 shall prioritize working with national and regional law en-
16 forcement entities that respect the due process and privacy
17 rights of their citizens, including—

18 (1) police forces;

19 (2) prosecutors;

20 (3) attorneys general;

21 (4) courts; and

22 (5) other law enforcement entities, as appro-
23 priate.

24 (c) **CYBER DEFENSE ASSISTANCE.**—The Secretary of
25 State, in coordination with the Commander of the United

1 States Cyber Command and the Director of National In-
2 telligence, shall offer technical assistance—

3 (1) to strengthen the capacity of Latin Amer-
4 ican and Caribbean governments to protect the in-
5 tegrity of their telecommunications and data net-
6 works and their critical infrastructure; and

7 (2) to provide technical assistance to Latin
8 American and Caribbean government officials, in-
9 cluding with respect to—

10 (A) building and monitoring secure tele-
11 communications and data networks;

12 (B) identifying threats and detecting and
13 deterring attacks;

14 (C) investigating cybercrimes, including
15 the collection of digital forensic evidence;

16 (D) protecting the integrity of digital in-
17 frastructure and digital assets, including data
18 storage systems (including cloud computing),
19 proprietary data, personal information, and pro-
20 prietary technologies;

21 (E) planning maintenance, improvements,
22 and modernization in a coordinated and regular
23 fashion to ensure continuity and safety; and

1 (F) protecting the digital systems that
2 manage roads, bridges, ports, and transpor-
3 tation hubs.

4 (d) BRIEFING REQUIREMENT.—Not later than 180
5 days after the date of the enactment of this Act, and every
6 180 days thereafter, the Secretary of State shall provide
7 a briefing regarding the technical assistance described in
8 subsections (a) and (c) to—

9 (1) the Committee on Foreign Relations of the
10 Senate;

11 (2) the Committee on the Judiciary of the Sen-
12 ate;

13 (3) the Committee on Armed Services of the
14 Senate;

15 (4) the Committee on Appropriations of the
16 Senate;

17 (5) the Committee on Foreign Affairs of the
18 House of Representatives;

19 (6) the Committee on the Judiciary of the
20 House of Representatives;

21 (7) the Committee on Armed Services of the
22 House of Representatives; and

23 (8) the Committee on Appropriations of the
24 House of Representatives.

1 **SEC. 249A. DEFENSE COOPERATION IN LATIN AMERICA**
2 **AND THE CARIBBEAN.**

3 (a) **IN GENERAL.**—The Secretary of State should
4 dedicate at least 14 percent of the amounts appropriated
5 to bilateral and multilateral military education programs,
6 such as the International Military Education and Training
7 Program, for Latin America and the Caribbean for each
8 of fiscal years 2021 through 2026.

9 (b) **MODERNIZATION.**—The Secretary of State shall
10 take steps to modernize and strengthen the programs re-
11 ceiving funding under subsection (a) to ensure that such
12 programs are vigorous, substantive, and the preeminent
13 choice for international military education and training for
14 Latin American and Caribbean partners.

15 (c) **REQUIRED ELEMENTS.**—The programs referred
16 to in subsection (a) shall—

17 (1) provide training and capacity-building op-
18 portunities to Latin American and Caribbean secu-
19 rity services;

20 (2) provide practical skills and frameworks
21 for—

22 (A) improving the functioning and organi-
23 zation of security services in Latin America and
24 the Caribbean;

25 (B) creating a better understanding of the
26 United States and its values; and

1 (C) using technology for maximum effi-
2 ciency and organization; and

3 (3) promote and ensure that security services in
4 Latin America and the Caribbean respect civilian
5 authority and operate in compliance with inter-
6 national norms, standards, and rules of engagement,
7 including a respect for human rights.

8 (d) LIMITATION.—Security assistance under this sec-
9 tion is subject to the limitations set forth in section 620M
10 of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d).

11 **SEC. 249B. ENGAGEMENT WITH CIVIL SOCIETY IN LATIN**
12 **AMERICA AND THE CARIBBEAN REGARDING**
13 **ACCOUNTABILITY, HUMAN RIGHTS, AND THE**
14 **RISKS OF PERVASIVE SURVEILLANCE TECH-**
15 **NOLOGIES.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) the Government of China is exporting its
19 model for internal security and state control of soci-
20 ety through advanced technology and artificial intel-
21 ligence; and

22 (2) the adoption of surveillance systems can
23 lead to breaches of citizens' private information, in-
24 creased censorship, violations of civil rights, and
25 harassment of political opponents.

1 (b) DIPLOMATIC ENGAGEMENT.—The Secretary of
2 State shall conduct diplomatic engagement with govern-
3 ments and civil society organizations in Latin America and
4 the Caribbean to—

5 (1) help identify and mitigate the risks to civil
6 liberties posed by pervasive surveillance and moni-
7 toring technologies; and

8 (2) offer recommendations on ways to mitigate
9 such risks.

10 (c) INTERNET FREEDOM PROGRAMS.—The Chief Ex-
11 ecutive Officer of the United States Agency for Global
12 Media, working through the Open Technology Fund, and
13 the Secretary of State, working through the Bureau of De-
14 mocracy, Human Rights, and Labor’s Internet Freedom
15 and Business and Human Rights Section, shall expand
16 and prioritize efforts to provide anti-censorship technology
17 and services to journalists and citizens in Latin America,
18 in order to enhance their ability to safely access or share
19 digital news and information without fear of repercussions
20 or surveillance.

21 (d) SUPPORT FOR CIVIL SOCIETY.—The Secretary of
22 State, in coordination with the Assistant Secretary of
23 State for Democracy, Human Rights, and Labor and the
24 Administrator of the United States Agency for Inter-

1 national Development, shall work through nongovern-
2 mental organizations to—

3 (1) support and promote programs that support
4 internet freedom and the free flow of information
5 online in Latin America and the Caribbean;

6 (2) protect open, interoperable, secure, and reli-
7 able access to internet in Latin America and the
8 Caribbean;

9 (3) provide integrated support to civil society
10 for technology, digital safety, policy and advocacy,
11 and applied research programs in Latin America
12 and the Caribbean;

13 (4) train journalists and civil society leaders in
14 Latin America and the Caribbean on investigative
15 techniques necessary to ensure public accountability
16 and prevent government overreach in the digital
17 sphere;

18 (5) assist independent media outlets and jour-
19 nalists in Latin America and the Caribbean to build
20 their own capacity and develop high-impact, in-depth
21 news reports covering governance and human rights
22 topics;

23 (6) provide training for journalists and civil so-
24 ciety leaders on investigative techniques necessary to

1 improve transparency and accountability in govern-
2 ment and the private sector;

3 (7) provide training on investigative reporting
4 relating to media reporting of incidents of corruption
5 and unfair trade, business and commercial practices,
6 including the role of the Government of China in
7 such practices; and

8 (8) assist nongovernmental organizations to
9 strengthen their capacity to monitor the activities
10 described in paragraph (7).

11 (e) BRIEFING REQUIREMENT.—Not more than 180
12 days after the date of the enactment of this Act, and every
13 180 days thereafter, the Secretary of State, the Adminis-
14 trator of the United States Agency for International De-
15 velopment, and the Chief Executive Officer of the United
16 States Agency for Global Media shall provide a briefing
17 regarding the efforts described in subsections (c), (d), and
18 (e) to—

19 (1) the Committee on Foreign Relations of the
20 Senate;

21 (2) the Committee on Appropriations of the
22 Senate;

23 (3) the Committee on Foreign Affairs of the
24 House of Representatives; and

1 (4) the Committee on Appropriations of the
2 House of Representatives.

3 **PART II—TRANSATLANTIC ALLIANCE**

4 **SEC. 251. SENSE OF CONGRESS ON THE TRANSATLANTIC**
5 **ALLIANCE.**

6 It is the sense of Congress that—

7 (1) the United States, the European Union,
8 and countries of Europe are close partners, histori-
9 cally sharing values grounded in democracy, human
10 rights, transparency, and the rules-based inter-
11 national order established after World War II;

12 (2) without a common United States and Euro-
13 pean Union approach on connectivity, trade,
14 transnational problems such as climate change and
15 pandemics, and support for democracy and human
16 rights, the People’s Republic of China will continue
17 to increase its economic, political and security lever-
18 age in Europe;

19 (3) the People’s Republic of China’s deployment
20 of assistance to European countries following the
21 COVID–19 outbreak showcased a coercive approach
22 to aid, but it also highlighted Europe’s deep eco-
23 nomic ties to China;

24 (4) the transatlantic relationship has come
25 under significant strain due to tariff restrictions

1 placed by the Trump Administration and personal
2 attacks by the President against the European
3 Union, the North Atlantic Treaty Organization, and
4 individual leaders across the continent;

5 (5) as European Union member states seek to
6 recover from the economic toll of the COVID-19
7 outbreak, the United States must stand in partner-
8 ship with Europe to support our collective economic
9 recovery and reinforce our collective national secu-
10 rity and defend these shared values;

11 (6) the United States and European Union
12 should coordinate on joint strategies to diversify reli-
13 ance on supply chains away from the People's Re-
14 public of China, especially in the medical and phar-
15 maceutical sectors;

16 (7) the United States and European Union
17 should enhance cooperation to counter Chinese
18 disinformation, influence operations, and propa-
19 ganda efforts;

20 (8) the People's Republic of China's infrastruc-
21 ture investments, particularly in 5G telecommuni-
22 cations technology and port infrastructure, could
23 threaten democracy across Europe and the national
24 security of key countries;

1 (9) as appropriate, the United States should
2 share intelligence on Huawei's 5G capabilities and
3 the intentions of the Government of China with re-
4 spect to 5G expansion in Europe;

5 (10) the European Union's Investment Screen-
6 ing Regulation, due to come into force in October
7 2020, is a welcome development, and member states
8 should closely scrutinize Chinese investments in their
9 countries through their own national investment
10 screening measures;

11 (11) the President should actively engage the
12 European Union on the implementation of the Ex-
13 port Control Reform Act regulations and work to
14 align the law's regulations with European Union pri-
15 orities;

16 (12) the President should strongly advocate for
17 the listing of more items and technologies to restrict
18 dual use exports to the People's Republic of China
19 under the Wassenaar Arrangement; and

20 (13) the United States should explore the value
21 of establishing a body akin to the Coordinating
22 Committee for Multilateral Export Controls
23 (CoCom) that would specifically coordinate the ex-
24 port of United States and European Union sensitive
25 technologies to the People's Republic of China.

1 **SEC. 252. STRATEGY REQUIREMENT.**

2 (a) STRATEGY TO ENHANCE COOPERATION WITH
3 EUROPE.—Not later than 90 days after the date of the
4 enactment of this Act, the President shall submit to the
5 Committee on Foreign Relations and the Committee on
6 Armed Services of the Senate and the Committee on For-
7 eign Affairs and the Committee on Armed Services of the
8 House of Representatives a strategy for how the United
9 States will enhance cooperation with Europe on managing
10 relations with the People’s Republic of China.

11 (b) ELEMENTS.—The strategy required under sub-
12 section (a) shall do the following:

13 (1) Designate a senior Senate-confirmed De-
14 partment of State official to lead United States-Eu-
15 ropean Union efforts to manage relations with the
16 People’s Republic of China.

17 (2) Identify key policy points of convergence
18 and divergence between the United States and Euro-
19 pean Union in managing relations with the People’s
20 Republic of China in the areas of technology, trade,
21 and economic practices.

22 (3) Develop working groups with European
23 Union counterparts on enhancing United States-Eu-
24 ropean Union cooperation on—

25 (A) economic relations with the People’s
26 Republic of China;

1 (B) democracy and human rights with re-
2 spect to the People's Republic of China;

3 (C) technology issues with respect to the
4 People's Republic of China; and

5 (D) defense issues with respect to the Peo-
6 ple's Republic of China.

7 (4) Describe the coordination mechanisms
8 among key regional and functional bureaus within
9 the Department of State and Department of Defense
10 tasked with engaging with the European Union on
11 the People's Republic of China.

12 (5) Detail diplomatic efforts to date and future
13 plans to work with European partners to counter
14 Chinese projection of an authoritarian governing
15 model around the world.

16 (6) Detail the diplomatic efforts to date and fu-
17 ture plans to support European efforts to identify
18 cost-effective alternatives to Huawei's 5G tech-
19 nology.

20 (7) Detail how United States public diplomacy
21 tools, including the Department of State's Global
22 Engagement Center, will coordinate efforts with
23 counterpart entities within the European Union to
24 counter Chinese propaganda.

1 (8) Describe the current staffing and budget re-
2 sources the Department of State dedicates to United
3 States-European Union engagement on the People's
4 Republic of China and provide an assessment of out-
5 year resource needs to execute the strategy.

6 (9) Detail diplomatic efforts to work with Euro-
7 pean partners to track and counter Chinese attempts
8 to exert influence across multilateral fora, including
9 at the World Health Organization.

10 (c) FORM.—The strategy required under section (a)
11 shall be submitted in unclassified form that can be made
12 available to the public, but may include a classified annex
13 if necessary.

14 (d) CONSULTATION.—Not later than 90 days after
15 the date of the enactment of this Act, and every 180 days
16 thereafter, the Secretary of State shall consult with the
17 Committee on Foreign Relations of the Senate and the
18 Committee of Foreign Affairs of the House of Representa-
19 tives regarding the development and implementation of the
20 strategy.

1 **SEC. 253. ENHANCING UNITED STATES-EUROPEAN UNION**
2 **COOPERATION ON POST-COVID-19 ECONOMIC**
3 **RELATIONS WITH THE PEOPLE'S REPUBLIC**
4 **OF CHINA.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) the United States and European Union
8 should leverage their respective economic innovation
9 capabilities to support the global economic recovery
10 from the COVID-19 recession and draw a contrast
11 with the People's Republic of China's centralized
12 economy;

13 (2) the United States and European Union
14 should accelerate efforts to de-escalate their trade
15 disputes, including negotiating a United States-Eu-
16 ropean Union trade agreement that benefits workers
17 and the broader economy in both the United States
18 and European Union; and

19 (3) the United States, European Union, and
20 Japan should continue trilateral efforts to address
21 economic challenges posed by the People's Republic
22 of China.

23 (b) WORKING GROUP.—The President shall work
24 with counterparts in Europe to establish a United States-
25 European Union COVID-19 economic working group fo-
26 cused on the People's Republic of China. The United

1 States participants in the proposed working group shall
2 seek to—

3 (1) evaluate United States and European Union
4 overreliance on Chinese goods, including in the med-
5 ical and pharmaceutical sectors, and develop joint
6 strategies to diversify supply chains;

7 (2) counter Chinese efforts to use COVID–19-
8 related assistance as a coercive tool to pressure de-
9 veloping countries by offering United States and Eu-
10 ropean Union expertise in the form of official advi-
11 sors within finance ministries and COVID–19 task
12 forces; and

13 (3) leverage the United States and European
14 Union private sector in the COVID–19 economic re-
15 covery.

16 **SEC. 254. RESPONSE TO THE PEOPLE'S REPUBLIC OF CHI-**
17 **NA'S BELT AND ROAD INITIATIVE.**

18 (a) IN GENERAL.—The President shall work with
19 European counterparts to establish a formal United
20 States-European Commission Working Group to develop
21 a comprehensive strategy to respond to the Belt and Road
22 Initiative (BRI) established by the Government of China.
23 The United States participants in the proposed working
24 group shall seek to integrate existing efforts into the strat-
25 egy, including—

1 (1) the European Union Strategy on Con-
2 necting Europe and Asia;

3 (2) the Three Seas Initiative;

4 (3) the Blue Dot Network among the United
5 States, Japan, and Australia;

6 (4) a European Union-Japan initiative that has
7 leveraged \$65,000,000,000 for infrastructure
8 projects and emphasizes transparency standards;
9 and

10 (5) efforts to address the Government of Chi-
11 na's use of the United Nations to advance BRI, in-
12 cluding the proliferation of memoranda of under-
13 standing between the People's Republic of China and
14 United Nations funds and programs on BRI imple-
15 mentation.

16 (b) CO-FINANCING OF PROJECTS.—

17 (1) AUTHORIZATION OF APPROPRIATIONS.—

18 There are authorized to be appropriated such sums
19 as may be necessary to co-finance infrastructure
20 projects that could otherwise be included within Chi-
21 na's Belt and Road Initiative, provided that—

22 (A) the United States can leverage existing
23 and future projects that have entered into con-
24 tracts with the Belt and Road Initiative to fur-

1 ther promote transparency and debt sustain-
2 ability; and

3 (B) the projects promote the public good.

4 (2) LEVERAGING OF PRIVATE SECTOR FINANC-
5 ING.—The United States shall work with the Euro-
6 pean Union to also leverage financing from the pri-
7 vate sector for such projects.

8 (3) STANDARDS.—The United States and the
9 European Union should coordinate and develop—

10 (A) a set of transparency, environmental,
11 and social standards for all infrastructure
12 projects that are executed by foreign firms on
13 United States or European soil; and

14 (B) a strategy to enhance transatlantic co-
15 operation with the OECD and the Paris Club
16 on ensuring the highest possible standards for
17 Belt and Road Initiative contracts and terms
18 with developing countries.

19 **SEC. 255. ENHANCING UNITED STATES-EUROPEAN UNION**
20 **COOPERATION ON TECHNOLOGY ISSUES**
21 **WITH RESPECT TO THE PEOPLE'S REPUBLIC**
22 **OF CHINA.**

23 The President shall work with European counterparts
24 to establish a formal United States-European Union
25 Working Group to develop a comprehensive strategy to re-

1 spond to the technology challenges posed by Chinese ef-
2 forts in the communications, infrastructure, surveillance
3 equipment, and cyber sectors. The United States partici-
4 pants in the proposed working group shall seek to—

5 (1) complete a joint analysis on the perils of
6 overreliance on Chinese telecommunications equip-
7 ment;

8 (2) share intelligence and screen Chinese invest-
9 ments in strategic technology and critical infrastruc-
10 ture;

11 (3) coordinate on blocking imports of surveil-
12 lance technologies from the People’s Republic of
13 China and on working with European Union aspi-
14 rant countries to develop similar import restriction
15 regimes, making it a requirement for European
16 Union membership and enhanced relations with the
17 United States; and

18 (4) urge the European Union to commit to the
19 September 2019 principles signed by 27 countries
20 regarding “Advancing Responsible State Behavior in
21 Cyberspace,” a set of commitments introduced by
22 the United States and signed by 19 European coun-
23 tries that support the “rules-based international
24 order, affirms the applicability of international law
25 to state-on-state behavior, adherence to voluntary

1 norms of responsible state behavior in peacetime,
2 and the development and implementation of practical
3 confidence building measures to help reduce the risk
4 of conflict stemming from cyber incidents”.

5 **SEC. 256. ENHANCING UNITED STATES-EUROPEAN UNION-**
6 **NATO COOPERATION ON DEFENSE ISSUES**
7 **WITH RESPECT TO THE PEOPLE’S REPUBLIC**
8 **OF CHINA.**

9 The President shall work with European counterparts
10 to establish a formal United States-European Commis-
11 sion-NATO Working Group to develop a comprehensive
12 strategy to respond to security challenges posed by the
13 People’s Republic of China. The United States partici-
14 pants in the proposed working group shall seek to—

15 (1) engage in a dialogue on perceptions of Chi-
16 nese military strategy and capabilities, including its
17 interest in the Arctic Region; and

18 (2) explore the impact of Chinese investments
19 in 5G and critical technologies, including artificial
20 intelligence, on transatlantic security over the next
21 decades.

1 **SEC. 257. ENGAGING WITH CIVIL SOCIETY AND ENHANCING**
2 **UNITED STATES-EUROPEAN UNION CO-**
3 **OPERATION ON DEMOCRACY AND HUMAN**
4 **RIGHTS WITH RESPECT TO THE PEOPLE'S RE-**
5 **PUBLIC OF CHINA.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) the United States and European Union
9 share concerns with respect to repression by the
10 Government of China across the country, and have
11 taken measures to address specific abuses in Tibet,
12 Hong Kong, and Xinjiang; and

13 (2) the United States and European Union
14 should be united in their shared values against at-
15 tempts by the Government of China at the United
16 Nations and other multilateral organizations to pro-
17 mote efforts that only serve to erode the Universal
18 Declaration of Human Rights, like the “community
19 of a shared future for mankind” and “democratiza-
20 tion of international relations”.

21 (b) WORKING GROUP.—The President shall work
22 with European counterparts to establish a United States-
23 European Union democracy and human rights working
24 group on the People’s Republic of China. The United
25 States participants in the working group shall seek—

1 (1) to coordinate with respect to sanctions, in-
2 cluding asset freezes and visa bans, targeting offi-
3 cials of the Government of China engaged in gross
4 violations of human rights;

5 (2) to urge the European Union to finalize its
6 human rights sanctions regime, which is under dis-
7 cussion as of the date of the enactment of this Act
8 and would be the European Union equivalent of the
9 Global Magnitsky Human Rights Accountability Act
10 (subtitle F of title XII of Public Law 114–328; 22
11 U.S.C. 2656 note);

12 (3) to issue joint statements on human rights
13 abuses and government repression by the Govern-
14 ment of China; and

15 (4) to develop plans to counter efforts by the
16 Government of China to export its authoritarian
17 governance model to countries around the world.

18 (c) CIVIL SOCIETY ENGAGEMENT.—Congress encour-
19 ages the National Endowment of Democracy to work with
20 organizations in countries in Europe, and around the
21 world, to address efforts by the Government of China to
22 undermine democratic institutions and values in Europe
23 and around the world, including through international or-
24 ganizations.

1 **PART III—SOUTH AND CENTRAL ASIA**

2 **SEC. 260. STRATEGY TO ENHANCE COOPERATION WITH**
3 **SOUTH AND CENTRAL ASIA.**

4 (a) **IN GENERAL.**—Not later than 90 days after the
5 date of the enactment of this Act, the President shall sub-
6 mit to the Committee on Foreign Relations and the Com-
7 mittee on Armed Services of the Senate and the Com-
8 mittee on Foreign Affairs and the Committee on Armed
9 Services of the House of Representatives a strategy for
10 how the United States will enhance cooperation with the
11 countries of South and Central Asia on managing rela-
12 tions with the People’s Republic of China.

13 (b) **ELEMENTS.**—The strategy required under sub-
14 section (a) shall include the following elements:

15 (1) A detailed description of the security and
16 economic challenges that the People’s Republic of
17 China poses to the countries of South and Central
18 Asia, including border disputes with South and Cen-
19 tral Asian countries that border China, Chinese in-
20 vestments in ports, transportation infrastructure,
21 and energy projects across the region.

22 (2) A detailed description of efforts to provide
23 alternatives to Chinese infrastructure investment
24 and other investment in South and Central Asia.

25 (3) A detailed description of efforts to develop
26 working groups through the Central Asia C5+1 con-

1 struct that would work with countries in Central
2 Asia on strategies to build resilience against Chinese
3 efforts to interfere in their political systems and
4 economies.

5 (4) A detailed description of bilateral and re-
6 gional efforts to work with countries in South Asia
7 on strategies to build resilience against Chinese ef-
8 forts to interfere in their political systems and
9 economies.

10 (5) A detailed description of United States dip-
11 lomatic efforts to work with the Government of Af-
12 ghanistan on addressing the challenges posed by
13 Chinese investment in the Afghan mineral sector.

14 (6) In close consultation with the Government
15 of India, identification of areas where the United
16 States Government can provide diplomatic and other
17 support as appropriate for India's efforts to address
18 economic and security challenges posed by the Peo-
19 ple's Republic of China in the region.

20 (7) A description of the coordination mecha-
21 nisms among key regional and functional bureaus
22 within the Department of State and Department of
23 Defense tasked with engaging with the countries of
24 South and Central Asia on the People's Republic of
25 China.

1 (c) FORM.—The strategy required under section (a)
2 shall be submitted in unclassified form that can be made
3 available to the public, but may include a classified annex
4 as necessary.

5 (d) CONSULTATION.—Not later than 90 days after
6 the date of the enactment of this Act, and not less than
7 every 180 days thereafter, the Secretary of State shall
8 consult with the Committee on Foreign Relations and the
9 Committee on Appropriations of the Senate and the Com-
10 mittee of Foreign Affairs and the Committee on Appro-
11 priations of the House of Representatives regarding the
12 development and implementation of the strategy required
13 under subsection (a).

14 **PART IV—ASSOCIATION OF SOUTHEAST ASIAN**
15 **NATIONS**

16 **SEC. 261. SENSE OF CONGRESS ON COOPERATION WITH**
17 **ASEAN.**

18 It is the sense of Congress that the United States—
19 (1) stands with the nations of Association of
20 Southeast Asian Nations (ASEAN) as they respond
21 to COVID–19 and supports greater cooperation in
22 building capacity to prepare for and respond to
23 pandemics and other public health challenges;

1 (2) supports high-level United States participa-
2 tion in the annual ASEAN Summit held each No-
3 vember;

4 (3) reaffirms the importance of United States-
5 ASEAN economic engagement, including the elimi-
6 nation of barriers to cross-border commerce, and
7 supports the ASEAN Economic Community's (AEC)
8 goals, including strong, inclusive, and sustainable
9 long-term economic growth and cooperation with the
10 United States that focuses on innovation and capac-
11 ity-building efforts in technology, education, disaster
12 management, food security, human rights, and trade
13 facilitation, particularly for ASEAN's poorest coun-
14 tries;

15 (4) urges ASEAN to continue its efforts to fos-
16 ter greater integration and unity within the ASEAN
17 community, as well as to foster greater integration
18 and unity with non-ASEAN economic, political, and
19 security partners, including Japan, the Republic of
20 Korea, Australia, the European Union, Taiwan, and
21 India;

22 (5) recognizes the value of strategic economic
23 initiatives like United States-ASEAN Connect,
24 which demonstrates a commitment to ASEAN and

1 the AEC and builds upon economic relationships in
2 the region;

3 (6) supports ASEAN nations in addressing
4 maritime and territorial disputes in a constructive
5 manner and in pursuing claims through peaceful,
6 diplomatic, and, as necessary, legitimate regional
7 and international arbitration mechanisms, consistent
8 with international law, including through the adop-
9 tion of a code of conduct in the South China Sea
10 that represents the interests of all parties and pro-
11 motes peace and stability in the region;

12 (7) urges all parties involved in the maritime
13 and territorial disputes in the Indo-Pacific region,
14 including the Government of China—

15 (A) to cease any current activities, and
16 avoid undertaking any actions in the future,
17 that undermine stability, or complicate or esca-
18 late disputes through the use of coercion, in-
19 timidation, or military force;

20 (B) to demilitarize islands, reefs, shoals,
21 and other features, and refrain from new ef-
22 forts to militarize, including the construction of
23 new garrisons and facilities and the relocation
24 of additional military personnel, material, or
25 equipment;

1 (C) to oppose actions by any country that
2 prevent other countries from exercising their
3 sovereign rights to the resources in their exclu-
4 sive economic zones and continental shelves by
5 enforcing claims to those areas in the South
6 China Sea that lack support in international
7 law; and

8 (D) to oppose unilateral declarations of ad-
9 ministrative and military districts in contested
10 areas in the South China Sea;

11 (8) urges parties to refrain from unilateral ac-
12 tions that cause permanent physical damage to the
13 marine environment, and supports the efforts of the
14 National Oceanic and Atmospheric Administration
15 and ASEAN to implement guidelines to address the
16 illegal, unreported, and unregulated fishing in the
17 region;

18 (9) urges ASEAN member states to develop a
19 common approach to reaffirm the decision of the
20 Permanent Court of Arbitration's 2016 ruling in
21 favor of the Republic of the Philippines in the case
22 against the People's Republic of China's excessive
23 maritime claims;

24 (10) reaffirms the commitment of the United
25 States to continue joint efforts with ASEAN to halt

1 human smuggling and trafficking in persons, and
2 urges ASEAN to create and strengthen regional
3 mechanisms to provide assistance and support to
4 refugees and migrants;

5 (11) supports the Lower Mekong Initiative,
6 which has led to significant progress in promoting
7 sustainable long-term economic development in
8 mainland Southeast Asia and fostering integrated
9 sub-regional cooperation and capacity-building;

10 (12) encourages the President of the United
11 States to communicate to ASEAN leaders the im-
12 portance of promoting the rule of law and open and
13 transparent government, strengthening civil society,
14 and protecting human rights, including releasing po-
15 litical prisoners, ceasing politically motivated pros-
16 ecutions and arbitrary killings, and safeguarding
17 freedom of the press, freedom of assembly, freedom
18 of religion, and freedom of speech and expression;

19 (13) supports efforts by organizations in
20 ASEAN that address corruption in the public and
21 private sectors, enhance anti-bribery compliance, en-
22 force bribery criminalization in the private sector,
23 and build beneficial ownership transparency through
24 the ASEAN-USAID PROSPECT project partnered

1 with the South East Asia Parties Against Corrup-
2 tion (SEA-PAC);

3 (14) supports the Young Southeast Asian Lead-
4 ers Initiative as an example of a people-to-people
5 partnership that provides skills, networks, and lead-
6 ership training to a new generation that will create
7 and fill jobs, foster cross-border cooperation and
8 partnerships, and rise to solve the regional and glob-
9 al challenges of the future;

10 (15) supports expanding the Young Southeast
11 Asian Leaders Initiative to include people-to-people
12 partnerships from the broader Indo-Pacific region
13 with an emphasis on civil society leaders and re-
14 naming it the “Obama Young Indo-Pacific Leaders
15 Initiative”;

16 (16) applauds the ASEAN governments that
17 have fully upheld and implemented all United Na-
18 tions Security Council resolutions and international
19 agreements with respect to the Democratic People’s
20 Republic of Korea’s nuclear and ballistic missile pro-
21 grams, and encourages all other ASEAN govern-
22 ments to do the same; and

23 (17) should work with ASEAN, through the
24 ASEAN Defence Ministers’ Meeting, to initiate a
25 dialogue regarding perceptions of Chinese military

1 strategy and capabilities, including its interest in the
2 Arctic Region.

3 **SEC. 262. ASEAN STRATEGY REQUIREMENT.**

4 (a) STRATEGY TO ENHANCE COORDINATION WITH
5 ASEAN.—Not later than 90 days after the date of the
6 enactment of this Act, the President shall submit to the
7 Committee on Foreign Relations of the Senate and the
8 Committee on Foreign Affairs of the House of Representa-
9 tives a strategy for how the United States will enhance
10 coordination with ASEAN to increase capacity building
11 and autonomy.

12 (b) ELEMENTS.—The strategy required under sub-
13 section (a) shall—

14 (1) designate a senior Senate-confirmed De-
15 partment of State official to lead United States-
16 ASEAN efforts to enhance technical assistance and
17 capacity building;

18 (2) identify key issues and barriers to increased
19 capacity building between the United States and
20 ASEAN;

21 (3) identify policy points of convergence and di-
22 vergence between the United States and ASEAN in
23 the areas of global governance, technology, and trade
24 and economic practices;

1 (4) describe the coordination mechanisms
2 among key regional and functional bureaus within
3 the Department of State, the Department of De-
4 fense, the Department of the Treasury, and the Of-
5 fice of the United States Trade Representative
6 tasked with engaging with ASEAN;

7 (5) detail the diplomatic efforts to counter Chi-
8 nese projection of an authoritarian governing model
9 in Southeast Asia;

10 (6) detail the diplomatic efforts to date sup-
11 porting ASEAN efforts to identify cost-effective al-
12 ternatives to Huawei's 5G technology;

13 (7) detail plans on how United States public di-
14 plomacy tools, including the Department of State's
15 Global Engagement Center, will coordinate efforts
16 with counterpart entities within ASEAN to counter
17 authoritarian propaganda; and

18 (8) describe the current staffing and budget re-
19 sources the Department of State dedicates to United
20 States-ASEAN engagement and provide an assess-
21 ment of out-year resource needs to execute the strat-
22 egy.

23 (c) FORM.—The strategy required under subsection
24 (a) shall be submitted in unclassified form that can be

1 made available to the public, but may include a classified
2 annex as necessary.

3 (d) CONSULTATION.—Not later than 90 days after
4 the date of the enactment of this Act, and not less than
5 every 180 days thereafter, the Secretary of State shall
6 consult with the Committee on Foreign Relations and the
7 Committee on Appropriations of the Senate and the Com-
8 mittee of Foreign Affairs and the Committee on Appro-
9 priations of the House of Representatives regarding the
10 development and implementation of the strategy.

11 (e) REPORT.—Not later than 180 days after the date
12 of the enactment of this Act, the Secretary of State, in
13 consultation with the Administrator of the United States
14 Agency for International Development, the Director of
15 National Intelligence, and other relevant heads of Federal
16 agencies, shall submit a report to the appropriate congres-
17 sional committees on the political, economic, development,
18 health, and national security implications of changing
19 water-flows along the Mekong River and the Tibetan Pla-
20 teau watershed, including—

21 (1) a description of the effects of upriver dam-
22 ming of the Mekong River and the increased security
23 and military presence of the People’s Republic of
24 China on the Lower Mekong, on the political and

1 economic stability of the Lower Mekong region and
2 on the countries of the Lower Mekong region; and

3 (2) an assessment of—

4 (A) any impact of such efforts on United
5 States political, diplomatic, economic, cultural,
6 human rights, and security interests; and

7 (B) steps being taken by the United States
8 to address these issues.

9 **SEC. 263. ENHANCING UNITED STATES–ASEAN COOPERA-**
10 **TION ON ECONOMIC RELATIONS WITH THE**
11 **PEOPLE’S REPUBLIC OF CHINA.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the United States and ASEAN—

14 (1) should leverage their respective economic in-
15 novation capabilities to support the global economic
16 recovery from the COVID–19 recession and draw a
17 contrast with the People’s Republic of China’s cen-
18 tralized economy;

19 (2) shall accelerate efforts to de-escalate trade
20 disputes and strengthen economic and trade ties;
21 and

22 (3) shall cooperate on a strategy to respond to
23 China’s Belt and Road Initiative and to leverage ex-
24 isting and future projects that have entered into
25 contracts with the Belt and Road Initiative to fur-

1 ther promote transparency, debt sustainability, and
2 the public good.

3 (b) WORKING GROUP.—The Secretary of State shall
4 establish a United States-ASEAN economic working
5 group focused on the People’s Republic of China. The
6 working group shall—

7 (1) evaluate United States and ASEAN over-
8 reliance on Chinese goods, including in the medical
9 and pharmaceutical sectors, and develop joint strate-
10 gies to diversify supply chains; and

11 (2) seek to leverage the United States and
12 ASEAN private sector in the COVID–19 economic
13 recovery.

14 (c) RESPONSE TO CHINA’S BELT AND ROAD INITIA-
15 TIVE.—

16 (1) WORKING GROUP.—The President shall es-
17 tablish a formal Department of State-ASEAN work-
18 ing group to develop a comprehensive strategy to re-
19 spond to China’s Belt and Road Initiative.

20 (2) STANDARDS.—The United States and
21 ASEAN shall develop a set of transparency, environ-
22 mental, and social standards for all infrastructure
23 projects that are executed by foreign firms on
24 United States or ASEAN soil.

25 (3) FUNDING.—

1 (A) LEVERAGING OF PRIVATE SECTOR
2 FUNDS.—The United States shall work with
3 ASEAN to leverage financing from the private
4 sector.

5 (B) USE OF FUNDS.—The President, in
6 cooperation with ASEAN, shall identify at least
7 5 infrastructure projects to co-finance in order
8 to promote transparency, debt sustainability,
9 and the public good.

10 **SEC. 264. ENHANCING UNITED STATES-ASEAN COOPERA-**
11 **TION ON DEMOCRACY AND HUMAN RIGHTS**
12 **WITH RESPECT TO THE PEOPLE'S REPUBLIC**
13 **OF CHINA.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the United States and ASEAN should be united
16 against attempts by the Government of China at the
17 United Nations and other multilateral organizations to
18 promote efforts that erode the Universal Declaration of
19 Human Rights, such as the “community of a shared fu-
20 ture for mankind” and “the democratization of inter-
21 national relations”.

22 (b) WORKING GROUP.—The Secretary of State shall
23 establish a United States-ASEAN democracy and human
24 rights working group on the People’s Republic of China.
25 The working group shall, among other tasks, coordinate

1 on asset freezes, travel bans, and other sanctions targeting
2 officials of the Government of China engaged in gross vio-
3 lations of human rights.

4 (c) CIVIL SOCIETY ENGAGEMENT.—The National
5 Endowment for Democracy shall establish a working
6 group focused on addressing efforts by the Government
7 of China to promote alternative forms of government in
8 Southeast Asia.

9 **SEC. 265. SENSE OF CONGRESS ON ENHANCING UNITED**
10 **STATES-ASEAN COOPERATION ON TECH-**
11 **NOLOGY ISSUES WITH RESPECT TO THE PEO-**
12 **PLE'S REPUBLIC OF CHINA.**

13 It is the sense of Congress that—

14 (1) the United States and ASEAN should com-
15 plete a joint analysis on risks of overreliance on Chi-
16 nese communication equipment;

17 (2) the United States and ASEAN should share
18 intelligence and screen Chinese investments in stra-
19 tegic technology and critical infrastructure;

20 (3) the United States and ASEAN should co-
21 ordinate on Chinese exports of surveillance tech-
22 nologies and work together on appropriate import
23 restriction regimes;

1 (4) the United States should urge ASEAN to
2 adopt its March 2019 proposed sanctions regime
3 targeting cyber attacks;

4 (5) the United States should urge ASEAN to
5 commit to the September 2019 principles signed by
6 27 countries regarding “Advancing Responsible
7 State Behavior in Cyberspace,” a set of commit-
8 ments that support the “rules-based international
9 order, affirms the applicability of international law
10 to state-on-state behavior, adherence to voluntary
11 norms of responsible state behavior in peacetime,
12 and the development and implementation of practical
13 confidence building measures to help reduce the risk
14 of conflict stemming from cyber incidents”; and

15 (6) the United States and ASEAN should ex-
16 plore how Chinese investments in critical technology,
17 including artificial intelligence, will impact Indo-Pa-
18 cific security over the coming decades.

19 **PART V—AFRICA**

20 **SEC. 271. ASSESSMENT OF POLITICAL, ECONOMIC, AND SE-** 21 **CURITY ACTIVITY OF THE PEOPLE’S REPUB-** 22 **LIC OF CHINA IN AFRICA.**

23 (a) DEFINITION.—In this section, the term “appro-
24 priate committees of Congress” means—

1 (1) the Committee on Foreign Relations, the
2 Committee on Armed Services, and the Select Com-
3 mittee on Intelligence of the Senate; and

4 (2) the Committee on Foreign Affairs, the
5 Committee on Armed Services, and the Permanent
6 Select Committee on Intelligence of the House of
7 Representatives.

8 (b) INTELLIGENCE ASSESSMENT.—Not later than
9 180 days after the date of the enactment of this Act, the
10 Secretary of State shall, in coordination with the Director
11 of National Intelligence, submit to the appropriate com-
12 mittees of Congress a report that assesses the nature and
13 impact of Chinese political, economic, and security sector
14 activity in Africa, and its impact on United States stra-
15 tegic interests, including—

16 (1) the amount and impact of direct invest-
17 ment, loans, development financing, oil-for-loans
18 deals, and other preferential trading arrangements;

19 (2) the involvement of Chinese state-owned en-
20 terprises in Africa; and

21 (3) the amount of African debt held by the Peo-
22 ple's Republic of China.

1 **SEC. 272. INCREASING THE COMPETITIVENESS OF THE**
2 **UNITED STATES IN AFRICA.**

3 (a) DEFINITION.—In this section, the term “appro-
4 priate committees of Congress” means—

5 (1) the Committee on Foreign Relations, the
6 Committee on Appropriations, and the Committee on
7 Finance of the Senate; and

8 (2) the Committee on Foreign Affairs, the
9 Committee on Appropriations, and the Committee on
10 Ways and Means of the House of Representatives.

11 (b) STRATEGY REQUIREMENT.—Not later than 180
12 days after the date of the enactment of this Act, the Sec-
13 retary of State shall, in consultation with the Secretary
14 of the Treasury, the Secretary of Commerce, the Attorney
15 General, the United States Trade Representative, the Ad-
16 ministrator of the United States Agency for International
17 Development, and the leadership of the United States
18 International Development Finance Corporation, submit
19 to the appropriate committees of Congress a report setting
20 forth a multi-year strategy for increasing United States
21 economic competitiveness and promoting improvements in
22 the investment climate in Africa including through sup-
23 port for the rule of law and for improved transparency,
24 anti-corruption and governance.

25 (c) ELEMENTS.—The strategy submitted pursuant to
26 subsection (a) shall include—

1 (1) a description and assessment of barriers to
2 United States investment in Africa for United States
3 businesses, including a clear identification of the dif-
4 ferent barriers facing small-sized and medium-sized
5 businesses, and an assessment of whether existing
6 programs effectively address such barriers;

7 (2) a description and assessment of barriers to
8 African diaspora investment in Africa, and rec-
9 ommendations to overcome such barriers; and

10 (3) an identification of the economic sectors in
11 the United States that have a comparative advan-
12 tage in Africa markets.

13 (d) ASSESSMENT OF UNITED STATES GOVERNMENT
14 HUMAN RESOURCES CAPACITY.—The Comptroller Gen-
15 eral of the United States shall—

16 (1) conduct a review of the number of Foreign
17 Commercial Service Officers and Department of
18 State Economic Officers at United States embassies
19 in sub-Saharan Africa; and

20 (2) develop an assessment of whether human
21 resource capacity in such embassies is adequate to
22 meet the goals of the various trade and economic
23 programs and initiatives in Africa, including the Af-
24 rican Growth and Opportunity Act and Prosper Af-
25 rica.

1 **SEC. 273. DIGITAL SECURITY COOPERATION WITH RESPECT**
2 **TO AFRICA.**

3 (a) DEFINITION.—In this section, the term “appro-
4 priate committees of Congress” means—

5 (1) the Committee on Foreign Relations, the
6 Committee on Armed Services, and the Select Com-
7 mittee on Intelligence of the Senate; and

8 (2) the Committee on Foreign Affairs, the
9 Committee on Armed Services, and the Permanent
10 Select Committee on Intelligence of the House of
11 Representatives.

12 (b) INTERAGENCY WORKING GROUP TO COUNTER
13 CHINESE CYBER AGGRESSION IN AFRICA.—

14 (1) IN GENERAL.—The President shall establish
15 an interagency Working Group, which shall include
16 representatives of the Department of State, the De-
17 partment of Defense, the Office of the Director of
18 National Intelligence, and such other agencies of the
19 United States Government as the President con-
20 siders appropriate, on means to counter Chinese
21 cyber aggression with respect to Africa.

22 (2) DUTIES.—The Working Group established
23 pursuant to this subsection shall develop a set of
24 recommendations for—

25 (A) bolstering the capacity of governments
26 in Africa to ensure the integrity of their data

1 networks and critical infrastructure where ap-
2 plicable;

3 (B) providing alternatives to Huawei;

4 (C) an action plan for United States em-
5 bassies in Africa to offer to provide assistance
6 to host-country governments with protecting
7 their vital digital networks and infrastructure
8 from Chinese espionage; and

9 (D) helping civil society in Africa counter
10 digital authoritarianism.

11 (3) REPORT.—Not later than 180 days after
12 the date of the enactment of this Act, the Working
13 Group shall submit to the appropriate committees of
14 Congress a report setting forth the recommendations
15 developed pursuant to this subsection. The report
16 shall be submitted in unclassified form, but may in-
17 clude a classified annex.

18 **SEC. 274. INCREASING PERSONNEL IN UNITED STATES EM-**
19 **BASSIES IN SUB-SAHARAN AFRICA FOCUSED**
20 **ON THE PEOPLE’S REPUBLIC OF CHINA.**

21 The Assistant Secretary of State for African Affairs
22 may station on a permanent basis a China Desk Officer
23 at such United States embassies in sub-Saharan Africa
24 as the Assistant Secretary considers appropriate.

1 **SEC. 275. SUPPORT FOR CIVIL SOCIETY IN AFRICA.**

2 (a) **YOUNG AFRICAN LEADERS INITIATIVE.**—

3 (1) **FINDING.**—Congress finds that youth in Af-
4 rica can have a positive impact on efforts to foster
5 economic growth, improve public sector transparency
6 and governance, and counter extremism, and should
7 be an area of focus for United States outreach on
8 the continent.

9 (2) **POLICY.**—It is the policy of the United
10 States, in cooperation and collaboration with private
11 sector companies, civic organizations, nongovern-
12 mental organizations, and national and regional pub-
13 lic sector entities, to commit resources to enhancing
14 the entrepreneurship and leadership skills of African
15 youth with the objective of enhancing their ability to
16 serve as leaders in the public and private sectors in
17 order to help them spur growth and prosperity,
18 strengthen democratic governance, and enhance
19 peace and security in their respective countries of or-
20 igin and across Africa.

21 (3) **YOUNG AFRICAN LEADERS INITIATIVE.**—

22 (A) **IN GENERAL.**—There is hereby estab-
23 lished the Young African Leaders Initiative, to
24 be carried out by the Secretary of State.

25 (B) **FELLOWSHIPS.**—There are authorized
26 to be appropriated such sums as necessary to

1 support the participation in the Initiative estab-
2 lished under this paragraph, in the United
3 States, of not fewer than 700 fellows from Afri-
4 ca each year for such education and training in
5 leadership and professional development
6 through the Department of State as the Sec-
7 retary of State considers appropriate. The Sec-
8 retary shall establish and publish criteria for
9 eligibility for participation as such a fellow, and
10 for selection of fellows among eligible applicants
11 for a fellowship.

12 (C) RECIPROCAL EXCHANGES.—Under the
13 Initiative, United States citizens may engage in
14 such reciprocal exchanges in connection with
15 and collaboration on projects with fellows under
16 subparagraph (A) as the Secretary considers
17 appropriate.

18 (b) REGIONAL CENTERS AND NETWORKS.—The Ad-
19 ministrator of the United States Agency for International
20 Development shall establish each of the following:

21 (1) Not fewer than four regional centers in Af-
22 rica to provide in-person and online training
23 throughout the year in business and entrepreneur-
24 ship, civic leadership, and public management.

1 (2) An online network that provides information
2 and online courses on, and connections with leaders
3 in, the private and public sectors in Africa.

4 (c) AFRICA BROADCASTING NETWORKS.—Not later
5 than 180 days after the date of the enactment of this Act,
6 the CEO of the United States Agency for Global Media
7 shall submit to the Committee on Foreign Relations of the
8 Senate and the Committee on Foreign Affairs of the
9 House of Representatives a report on the resources and
10 timeline needed to establish within the Agency an organi-
11 zation whose mission shall be to promote democratic val-
12 ues and institutions in Africa by providing objective, accu-
13 rate, and relevant news and information to the people of
14 Africa, especially in countries where a free press is banned
15 by the government or not fully established, about the re-
16 gion, the world, and the United States through uncensored
17 news, responsible discussion, and open debate.

18 **PART VI—MIDDLE EAST AND NORTH AFRICA**

19 **SEC. 277. STRATEGY TO COUNTER CHINESE INFLUENCE IN,**
20 **AND ACCESS TO, THE MIDDLE EAST AND**
21 **NORTH AFRICA.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) the economic influence of the People’s Re-
25 public of China through its oil and gas imports from

1 the Middle East provides influence and leverage that
2 runs counter to United States interests in the re-
3 gion; and

4 (2) the export of certain communications infra-
5 structure from the People's Republic of China fur-
6 thers the efforts of the Government of China to pro-
7 mote its digital authoritarianism through surveil-
8 lance tools and policies.

9 (b) STRATEGY REQUIRED.—

10 (1) IN GENERAL.—Not later than 90 days after
11 the date of the enactment of this Act, the Secretary
12 of State, in consultation with the Administrator of
13 the United States Agency for International Develop-
14 ment, and the heads of other appropriate Federal
15 agencies, shall jointly develop and submit a strategy
16 to the Committee on Foreign Relations of the Sen-
17 ate and the Committee on Foreign Affairs of the
18 House of Representatives for countering and lim-
19 iting Chinese influence in, and access to, the Middle
20 East and North Africa.

21 (2) ELEMENTS.—The strategy required under
22 paragraph (1) shall include—

23 (A) efforts to improve regional cooperation
24 with United States allies and partners to pro-

1 mote maritime security in the Arabian Gulf, the
2 Red Sea, and the Eastern Mediterranean;

3 (B) increased support for government-to-
4 government engagement on critical infrastruc-
5 ture development projects including ports and
6 water infrastructure;

7 (C) efforts to encourage United States pri-
8 vate sector and public-private partnerships in
9 healthcare technology;

10 (D) specific steps to counter increased Chi-
11 nese investment in telecommunications infra-
12 structure and diplomatic efforts to stress the
13 political, economic, and social benefits of a free
14 and open internet;

15 (E) efforts to promote United States pri-
16 vate sector engagement in and public-private
17 partnerships on renewable energy development;
18 and

19 (F) the expansion of public-private part-
20 nership efforts on water, desalination, and irri-
21 gation projects.

1 **SEC. 278. REPORT ON CHINESE ENERGY, INFRASTRUC-**
2 **TURE, AND ECONOMIC DEVELOPMENT IN**
3 **THE MIDDLE EAST AND NORTH AFRICA.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, and annually thereafter,
6 the Secretary of State, in consultation with the Secretary
7 of the Treasury, the Secretary of Defense, and the Sec-
8 retary of Energy, shall submit a report regarding Chinese
9 energy, infrastructure, and economic development efforts
10 across the Middle East and North Africa to—

11 (1) the Committee on Foreign Relations of the
12 Senate;

13 (2) the Committee on Finance of the Senate;

14 (3) the Committee on Energy and Natural Re-
15 sources of the Senate;

16 (4) the Committee on Appropriations of the
17 Senate;

18 (5) the Committee on Foreign Affairs of the
19 House of Representatives;

20 (6) the Committee on Ways and Means of the
21 House of Representatives;

22 (7) the Committee on Energy and Commerce of
23 the House of Representatives; and

24 (8) the Committee on Appropriations of the
25 House of Representatives.

1 (b) ADDITIONAL ELEMENTS.—The report required
2 under subsection (a) shall include information regarding—

3 (1) Chinese imports of crude oil, refined petro-
4 leum products, and natural gas;

5 (2) Chinese investment into critical infrastruc-
6 ture projects, including—

7 (A) infrastructure projects that would in-
8 crease Chinese maritime access to the Arabian
9 Gulf, the Red Sea, or the Eastern Mediterra-
10 nean or would increase rail or road links be-
11 tween the People’s Republic of China and the
12 Middle East and North Africa, including—

13 (i) an investment of more than
14 \$5,000,000 in critical infrastructure, espe-
15 cially port facilities and utilities; and

16 (ii) joint ventures outside the Middle
17 East and North Africa between Chinese
18 companies and companies based in the
19 Middle East or North Africa;

20 (B) infrastructure projects that would ben-
21 efit Iran’s ability to export crude oil, gas, or re-
22 fined petrochemicals;

23 (C) infrastructure projects that would sig-
24 nificantly affect United States military basing,
25 diplomatic facilities, or military and diplomatic

1 visits to existing facilities or ports, including an
2 assessment of the security risks posed by such
3 projects to United States military and diplo-
4 matic personnel and facilities; and

5 (D) Chinese investment in alternative and
6 renewable energy projects;

7 (3) joint nuclear technology and energy
8 projects;

9 (4) Chinese investment in telecommunications
10 projects, including—

11 (A) the use of Chinese equipment valued at
12 more than \$2,000,000 in communications infra-
13 structure; and

14 (B) equipment that furthers the ability of
15 governments to exercise surveillance and control
16 over their citizens;

17 (5) Chinese investment in water and irrigation
18 projects;

19 (6) Chinese efforts to evade Iran sanctions; and

20 (7) an assessment of which Belt and Road Ini-
21 tiative projects could negatively impact United
22 States economic or security interests in the region.

23 **SEC. 279. MIDDLE EAST PARTNERSHIP INITIATIVE.**

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

1 (1) The United States and the international
2 community have long-term interests in the stability,
3 security, and prosperity of the people of the Middle
4 East and North Africa.

5 (2) Transparent governance structures and ac-
6 tive civil society engagement help counter predatory
7 foreign investment efforts.

8 (b) STATEMENT OF POLICY.—It is the policy of the
9 United States that the United States and the international
10 community should, through a Middle East Partnership
11 Initiative, support modernization and reform efforts
12 that—

13 (1) advance education;

14 (2) promote economic opportunity;

15 (3) foster private sector development;

16 (4) strengthen civil society;

17 (5) promote transparent and democratic gov-
18 ernance and the rule of law; and

19 (6) increase access for women to fully partici-
20 pate politically and economically in society.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated \$40,000,000 for fiscal year
23 2021 for the purpose of fostering partnerships among citi-
24 zens, civil society, the private sector, and government in-
25 stitutions in the Middle East and North Africa to generate

1 shared solutions that promote stability, transparency,
2 good governance, and economic development, including a
3 scholarship program.

4 **PART VII—ARCTIC REGION**

5 **SEC. 281. ARCTIC REGION DEFINED.**

6 In this part, the term “Arctic Region” means the geo-
7 graphic region north of the 66.56083 parallel latitude
8 north of the equator.

9 **SEC. 282. SENSE OF CONGRESS ON ARCTIC SECURITY.**

10 It is the sense of Congress that—

11 (1) the rapidly changing Arctic environment—

12 (A) creates new national and regional secu-
13 rity challenges due to increased activity in the
14 Arctic Region;

15 (B) heightens the risks of potential con-
16 flicts spilling over into the Arctic Region from
17 interventions and theaters of tension in other
18 regions of the world;

19 (C) threatens maritime safety due to inad-
20 equate capacity to patrol increasing vessel traf-
21 fic across broader expanses of open Arctic
22 water resulting from diminishing annual levels
23 of sea ice;

24 (D) impacts public safety due to increased
25 human activity in the Arctic Region where

1 search and rescue capacity remains very lim-
2 ited; and

3 (E) threatens the health of the Arctic Re-
4 gion's fragile and historically pristine environ-
5 ment and the unique and highly sensitive spe-
6 cies found in the Arctic Region's marine and
7 terrestrial ecosystems;

8 (2) increased maritime traffic and other eco-
9 nomic activity from adversarial nations, such as the
10 People's Republic of China and the Russian Federa-
11 tion, threaten United States interests and the free
12 movement of vessels in the Arctic Region;

13 (3) increased military presence in the Arctic
14 Region from countries such as the Russian Federa-
15 tion and the People's Republic of China pose serious
16 security threats to the United States;

17 (4) diminished sea ice, resulting from the ef-
18 fects of climate change, is—

19 (A) opening up new maritime routes;

20 (B) increasing maritime traffic;

21 (C) extending the times of year in which
22 ships can transit the Arctic Region; and

23 (D) creating greater risks to the Arctic en-
24 vironment, maritime safety, and naval defense
25 patrols;

1 (5) the United States should reduce the con-
2 sequences outlined in preceding paragraphs by—

3 (A) carefully evaluating the wide variety
4 and extremely dynamic set of security and safe-
5 ty risks unfolding in the Arctic Region;

6 (B) developing policies and making prep-
7 arations for mitigating and responding to
8 threats and risks in the Arctic Region;

9 (C) adequately funding the National Earth
10 System Prediction Capability Project to sub-
11 stantively improve weather, ocean, and ice pre-
12 dictions on time scales necessary for ensuring
13 regional security and trans-Arctic shipping;

14 (D) investing in resources, including a sig-
15 nificantly expanded icebreaker fleet, to ensure
16 that the United States has adequate capacity to
17 prevent and respond to security threats in the
18 Arctic Region; and

19 (E) pursuing diplomatic engagements with
20 all nations in the Arctic Region to reach an
21 agreement for—

22 (i) maintaining peace and stability in
23 the Arctic Region; and

1 (ii) fostering cooperation on steward-
2 ship and safety initiatives in the Arctic Re-
3 gion.

4 **SEC. 283. ARCTIC SECURITY STRATEGY.**

5 (a) PURPOSE.—The purpose of this section is to de-
6 velop a strategy for protecting and advancing national se-
7 curity, economic, transportation, and environmental pro-
8 tection interests in the Arctic Region.

9 (b) AMENDMENT.—Section 1 of the State Depart-
10 ment Basic Authorities Act of 1956 (22 U.S.C. 2651a)
11 is amended—

12 (1) by redesignating subsection (g) as sub-
13 section (h); and

14 (2) by inserting after subsection (f) the fol-
15 lowing:

16 “(g) SPECIAL REPRESENTATIVE FOR THE ARCTIC.—

17 “(1) DEFINITIONS.—In this subsection:

18 “(A) ARCTIC NATIONS.—The term ‘Arctic
19 Nations’ means the 8 nations (Russia, Canada,
20 the United States, Norway, Denmark (including
21 Greenland), Finland, Sweden, and Iceland) with
22 territory or exclusive economic zones that ex-
23 tend north of the 66.56083 parallel latitude
24 north of the equator.

1 “(B) ARCTIC REGION.—The term ‘Arctic
2 Region’ means the geographic region north of
3 the 66.56083 parallel latitude north of the
4 equator.

5 “(2) APPOINTMENT.—Not later than 120 days
6 after the date of the enactment of the America
7 LEADS Act, the President, in consultation with the
8 Secretary of State, shall appoint, by and with the
9 advice and consent of the Senate, a Special Rep-
10 resentative for the Arctic (referred to in this sub-
11 section as the ‘Arctic Envoy’), who—

12 “(A) shall serve within the Office of the
13 Secretary of State; and

14 “(B) shall have the rank and status of
15 Ambassador at Large.

16 “(3) DUTIES.—The Arctic Envoy shall—

17 “(A) develop and facilitate the implementa-
18 tion of an Arctic Region Security Policy in ac-
19 cordance with paragraph (4);

20 “(B) coordinate the integration of sci-
21 entific data on the effects (both current and
22 projected), of climate change on the Arctic Re-
23 gion and ensure that such data is applied to the
24 development of security strategies for the Arctic
25 Region;

1 “(C) make available the methods and ap-
2 proaches on the integration of climate science
3 to other regional security planning programs in
4 the Department of State to better ensure that
5 broader decision-making processes may more
6 adequately account for the effects of climate
7 change;

8 “(D) serve as a key point of contact for
9 other Federal agencies, including the Depart-
10 ment of Defense, the Department of Homeland
11 Security, and the Intelligence Community, on
12 Arctic Region security issues;

13 “(E) use the voice, vote, and influence of
14 the United States to encourage other countries
15 and international multilateral organizations to
16 support the principles of the Arctic Region Se-
17 curity Policy implemented pursuant to para-
18 graph (4); and

19 “(F) perform such other duties and exer-
20 cise such powers as the Secretary of State shall
21 prescribe.

22 “(4) ARCTIC REGION SECURITY POLICY.—The
23 Arctic Region Security Policy shall include require-
24 ments for the Bureau of Conflict and Stabilization
25 Operations, the Bureau of Political-Military Affairs,

1 embassies, regional bureaus, and other offices with
2 a role in conflict avoidance, prevention and security
3 assistance, or humanitarian disaster response, pre-
4 vention, and assistance to assess, develop, budget
5 for, and (upon approval) implement plans, policies,
6 and actions—

7 “(A) to enhance the resilience capacities of
8 Arctic Nations to the effects of climate change
9 and increased civilian and military activity from
10 Arctic Nations and other nations that may re-
11 sult from increased accessibility of the Arctic
12 Region due to decreased sea ice, warmer ambi-
13 ent air temperatures and other effects of cli-
14 mate change, as a means of reducing the risk
15 of conflict and instability;

16 “(B) to assess specific added risks to the
17 Arctic Region and Arctic Nations that—

18 “(i) are vulnerable to the effects of
19 climate change; and

20 “(ii) are strategically significant to
21 the United States;

22 “(C) to account for the impacts on human
23 health, safety, stresses, reliability, food produc-
24 tion, fresh water and other critical natural re-
25 sources, and economic activity;

1 “(D) to coordinate the integration of cli-
2 mate change risk and vulnerability assessments
3 into the decision-making process on foreign as-
4 sistance awards to Arctic Nations;

5 “(E) to advance principles of good govern-
6 ance by encouraging and cooperating with Arc-
7 tic Nations on collaborative approaches—

8 “(i) to sustainably manage natural re-
9 sources in the Arctic Region;

10 “(ii) to share the burden of ensuring
11 maritime safety in the Arctic Region;

12 “(iii) to prevent the escalation of secu-
13 rity tensions by mitigating against the
14 militarization of the Arctic Region;

15 “(iv) to develop mutually agreed upon
16 multilateral policies among Arctic Nations
17 on the management of maritime transit
18 routes through the Arctic Region and work
19 cooperatively on the transit policies for ac-
20 cess to and transit in the Arctic Region by
21 non-Arctic Nations; and

22 “(v) to facilitate the development of
23 Arctic Region Security Action Plans to en-
24 sure stability and public safety in disaster

1 situations in a humane and responsible
2 fashion; and

3 “(F) to evaluate the vulnerability, security,
4 susceptibility, and resiliency of United States
5 interests and nondefense assets in the Arctic
6 Region.

7 “(5) REPORT.—The Arctic Envoy shall regu-
8 larly report to the Secretary of State regarding the
9 activities described in paragraphs (3) and (4) to in-
10 tegrate Arctic Region security concerns into agendas
11 and program budget requests.”.

12 **Subtitle D—Intelligence Matters**

13 **SEC. 291. DEFINITIONS.**

14 In this subtitle:

15 (1) CONGRESSIONAL INTELLIGENCE COMMIT-
16 TEES.—The term “congressional intelligence com-
17 mittees” has the meaning given such term in section
18 3 of the National Security Act of 1947 (50 U.S.C.
19 3003).

20 (2) INTELLIGENCE COMMUNITY.—The term
21 “intelligence community” has the meaning given
22 such term in such section.

1 **SEC. 292. INDEPENDENT REVIEW OF COUNTERINTEL-**
2 **LIGENCE APPARATUS AND STRUCTURE OF**
3 **FEDERAL GOVERNMENT.**

4 (a) ESTABLISHMENT.—Not later than 30 days after
5 the date of the enactment of this Act, the Director of Na-
6 tional Intelligence, in coordination with the Director of the
7 National Counterintelligence and Security Center, the
8 Under Secretary of Defense for Intelligence and Security,
9 the Director of the Central Intelligence Agency, and the
10 Director of the Federal Bureau of Investigation, shall
11 jointly establish an independent panel to review the cur-
12 rent counterintelligence apparatus and structure in the in-
13 telligence community to enhance the counterintelligence
14 posture, capabilities, and responsibilities of the Federal
15 Government in response to contemporary threats.

16 (b) COMPOSITION.—The panel established under sub-
17 section (a) shall be composed of 8 members as follows:

18 (1) At least 1 shall be a former employee of the
19 National Counterintelligence and Security Center
20 who retired from Federal employment.

21 (2) At least 1 shall be a former employee of the
22 Central Intelligence Agency who retired from Fed-
23 eral employment.

24 (3) At least 1 shall be a former employee of the
25 Federal Bureau of Investigation who retired from
26 Federal employment.

1 (4) At least 1 shall be a former employee of the
2 Department of Defense counterintelligence appa-
3 ratus who retired from Federal employment.

4 (5) At least 1 shall be a former employee of the
5 Federal Government who has spent the predominant
6 amount of his or her career outside of the intel-
7 ligence community.

8 (6) At least 1 of whom shall be an expert on
9 policy relating to the People's Republic of China.

10 (7) At least 1 of whom shall be an expert on
11 policy relating to Russia.

12 (8) At least 1 of whom shall be an academic
13 who is well known in the academic and national se-
14 curity fields.

15 (9) All of whom shall be recognized in the field
16 of counterintelligence.

17 (c) DUTIES.—

18 (1) REVIEW.—

19 (A) IN GENERAL.—The panel established
20 under subsection (a) shall conduct a review as
21 described in such subsection.

22 (B) ELEMENTS.—The review conducted
23 under subparagraph (A) shall include the fol-
24 lowing:

1 (i) Review of the structure and func-
2 tions of the counterintelligence apparatus,
3 capabilities of the intelligence community
4 and counterintelligence components of the
5 Federal Government, and funding,
6 resourcing, and regulations as they pertain
7 to the following aspects of counterintel-
8 ligence:

9 (I) Investigations, counterintel-
10 ligence, and espionage, including po-
11 tential legislative action to improve
12 chapter 37 of title 18, United States
13 Code, to address contemporary issues.

14 (II) Operations.

15 (III) Analysis.

16 (IV) Cyber operations.

17 (V) Policy.

18 (VI) Strategy.

19 (VII) Foreign influence and
20 counter foreign influence.

21 (ii) Analysis of the counterintelligence
22 structure of the intelligence community
23 and security elements of Federal depart-
24 ments and agencies that are not elements
25 of the intelligence community.

1 (iii) Evaluation of the role of the Na-
2 tional Counterintelligence and Security
3 Center in leading the counterintelligence
4 apparatus and Federal counterintelligence
5 capabilities and its relationship with the
6 operational counterintelligence community,
7 including the Federal Bureau of Investiga-
8 tion and the Department of Homeland Se-
9 curity.

10 (iv) Review of potential advantages
11 and risks associated with alternative con-
12 structs, governance models, restructuring,
13 and reorganization for counterintelligence,
14 including consideration of what an ideal
15 national-level strategic counterintelligence
16 program should look like.

17 (v) Review of the resources required
18 and feasibility of the constructs, govern-
19 ance models, restructuring, and reorga-
20 nization reviewed under clause (iv) that
21 could improve United States counterintel-
22 ligence to work more strategically, includ-
23 ing such legislative or administrative action
24 as may be necessary to do so, such as leg-
25 islative action regarding appropriations

1 and ability to provide funding to programs
2 that organizationally sit outside of the in-
3 telligence programs funded as part of the
4 National Intelligence Program and may re-
5 sult in unfunded mandates.

6 (2) REPORT.—

7 (A) IN GENERAL.—Not later than 360
8 days after the date of the enactment of this
9 Act, the panel shall submit to the congressional
10 intelligence committees a report on the findings
11 of the panel with respect to the review con-
12 ducted under paragraph (1).

13 (B) FORM.—The report submitted under
14 subparagraph (A) shall be submitted in unclas-
15 sified form, but may include a classified annex.

16 **SEC. 293. REVIEW ORGANIZATIONAL CULTURE OF INTEL-**
17 **LIGENCE COMMUNITY WITH RESPECT TO DI-**
18 **VERSITY, INCLUSION, AND EQUITY PRAC-**
19 **TICES.**

20 (a) IN GENERAL.—The Comptroller General of the
21 United States shall carry out an independent audit of ele-
22 ments of the intelligence community with respect to diver-
23 sity, inclusion, and equity practices in employment and
24 community interactions.

1 (b) ELEMENTS.—The audit carried out under sub-
2 section (a) shall, at a minimum, cover the following:

3 (1) The hiring, retention, and promotion of
4 women and minorities, particularly Asian Americans,
5 including analysis of both data and business prac-
6 tices and the processes used.

7 (2) Measures to address issues tagged in an-
8 nual work climate surveys.

9 (3) Top management support of diversity offi-
10 cers and initiatives, as well as of women and minor-
11 ity employee affinity groups.

12 (4) The engagement of community advisory
13 groups to enhance communications and to rebuild
14 trust and cooperation with minority and immigrant
15 communities.

16 **TITLE III—INVESTING IN OUR** 17 **VALUES**

18 **SEC. 301. APPROPRIATE CONGRESSIONAL COMMITTEES**

19 **DEFINED.**

20 In this title, the term “appropriate congressional
21 committees” means—

22 (1) the Committee on Foreign Relations, the
23 Committee on Banking, Housing, and Urban Af-
24 fairs, the Committee on Finance, the Select Com-

1 committee on Intelligence, and the Committee on Appro-
2 priations of the Senate; and

3 (2) the Committee on Foreign Affairs, the
4 Committee on Financial Services, the Committee on
5 Ways and Means, the Permanent Select Committee
6 on Intelligence, and the Committee on Appropria-
7 tions of the House of Representatives.

8 **SEC. 302. TIBET POLICY AND SUPPORT.**

9 (a) MODIFICATIONS TO AND REAUTHORIZATION OF
10 THE TIBETAN POLICY ACT OF 2002.—

11 (1) TIBET NEGOTIATIONS.—Section 613 of the
12 Tibetan Policy Act of 2002 (subtitle B of title VI of
13 division A of Public Law 107–228; 22 U.S.C. 6901
14 note) is amended—

15 (A) in subsection (a)—

16 (i) in paragraph (1)—

17 (I) by inserting “without pre-
18 conditions” after “a dialogue”;

19 (II) by inserting “or Central Ti-
20 betan Administration representatives”
21 after “his representatives”; and

22 (III) by adding at the end before
23 the period the following: “and should
24 coordinate with other governments in
25 multilateral efforts toward this goal”;

1 (ii) by redesignating paragraph (2) as
2 paragraph (3); and

3 (iii) by inserting after paragraph (1)
4 the following new paragraph:

5 “(2) POLICY COMMUNICATION.—The President
6 shall direct the Secretary of State to ensure that, in
7 accordance with this Act, United States policy on
8 Tibet, as coordinated by the United States Special
9 Coordinator for Tibetan Issues, is communicated to
10 all Federal departments and agencies in contact with
11 the Government of China.”; and

12 (B) in subsection (b)—

13 (i) in the matter preceding paragraph
14 (1)—

15 (I) by striking “until December
16 31, 2021”; and

17 (II) by inserting “and direct the
18 Department of State to make public
19 on its website” after “appropriate
20 congressional committees”;

21 (ii) in paragraph (1), by striking
22 “and” at the end;

23 (iii) in paragraph (2), by striking the
24 period at the end and inserting a semi-
25 colon; and

1 (iv) by adding at the end the following
2 new paragraphs:

3 “(3) the steps taken by the United States Gov-
4 ernment to promote and protect the human rights
5 and the distinct religious, cultural, linguistic, and
6 national identity of the Tibetan people, including the
7 right of the Tibetan people to choose their own reli-
8 gious leaders in accordance with their established re-
9 ligious practice and system; and

10 “(4) an analysis of United States business ac-
11 tivities in Tibet, whether those activities employ Ti-
12 betans and how many, whether those activities are
13 consistent with the protection of the environment
14 and Tibetan cultural traditions, and whether those
15 activities contribute to or support, through goods or
16 services, the surveillance of the people of Tibet.”.

17 (2) ECONOMIC DEVELOPMENT IN TIBET.—Sec-
18 tion 616 of such Act (22 U.S.C. 6901 note) is
19 amended—

20 (A) in subsection (d)—

21 (i) in paragraph (5), by inserting
22 “human rights,” after “respect Tibetan”;

23 (ii) in paragraph (8), by striking
24 “and” at the end;

1 (iii) in paragraph (9), by striking the
2 period at the end and inserting “; and”;
3 and

4 (iv) by adding at the end the following
5 new paragraph:

6 “(10) neither provide incentive for, nor facili-
7 tate the involuntary or coerced relocation of, Tibetan
8 nomads from their traditional pasturelands into con-
9 centrated settlements.”; and

10 (B) by adding at the end the following new
11 subsections:

12 “(e) PRIVATE SECTOR INVESTMENT.—The Secretary
13 of State, in coordination with the Secretary of Commerce,
14 should—

15 “(1) encourage United States businesses and
16 individuals that are engaged in commerce or invest-
17 ing in enterprises in Tibet to abide by the principles
18 specified in subsection (d) and the United Nations
19 Guiding Principles on Business and Human Rights;
20 and

21 “(2) request that such businesses and individ-
22 uals provide to the Department of State periodic re-
23 ports on their adherence to such principles.

24 “(f) UNITED STATES ASSISTANCE.—The President
25 shall provide grants to nongovernmental organizations to

1 support sustainable economic development, cultural and
 2 historical preservation, health care, education, and envi-
 3 ronmental sustainability projects for Tibetan communities
 4 in Tibet, in accordance with the principles specified in sub-
 5 section (d) and subject to the review and approval of the
 6 United States Special Coordinator for Tibetan Issues
 7 under section 621(d) or, if the Coordinator has not been
 8 appointed, the Assistant Secretary of State for Democ-
 9 racy, Human Rights, and Labor.”.

10 (3) DIPLOMATIC REPRESENTATION RELATING
 11 TO TIBET.—Section 618 of such Act (22 U.S.C.
 12 6901 note) is amended to read as follows:

13 **“SEC. 618. DIPLOMATIC REPRESENTATION RELATING TO**
 14 **TIBET.**

15 “(a) UNITED STATES CONSULATE IN LHASA,
 16 TIBET.—

17 “(1) IN GENERAL.—The Secretary should seek
 18 to establish a United States consulate in Lhasa,
 19 Tibet, to provide consular services to United States
 20 citizens traveling in Tibet and to monitor political,
 21 economic, and cultural developments in Tibet.

22 “(2) CONSULAR DISTRICTS.—The Secretary
 23 should organize the United States Embassy’s con-
 24 sular districts within the People’s Republic of China
 25 so that all areas designated as autonomous for Ti-

1 betans are contained within the same consular dis-
2 trict.

3 “(b) TIBET SECTION IN UNITED STATES EMBASSY
4 IN BEIJING, CHINA.—

5 “(1) IN GENERAL.—The Secretary shall estab-
6 lish a Tibet section within the United States Em-
7 bassy in Beijing, China, to follow political, economic,
8 and social developments in Tibet until such time as
9 a United States consulate in Lhasa, Tibet, is estab-
10 lished under subsection (a).

11 “(2) DUTIES.—The Tibet section established
12 under paragraph (1) shall have the primary respon-
13 sibility of reporting on human rights issues and ac-
14 cess to Tibet by United States Government officials,
15 journalists, nongovernmental organizations, and the
16 Tibetan diaspora, and shall work in close coopera-
17 tion with the United States Special Coordinator for
18 Tibetan Issues.

19 “(c) POLICY.—The Secretary shall not authorize the
20 establishment in the United States of any additional con-
21 sulate of the People’s Republic of China until such time
22 as a United States consulate in Lhasa, Tibet, is estab-
23 lished under subsection (a).”.

24 (4) RELIGIOUS PERSECUTION IN TIBET.—Sec-
25 tion 620(b) of such Act (22 U.S.C. 6901 note) is

1 amended by adding at the end before the period the
2 following: “, including with respect to the reincarna-
3 tion system of Tibetan Buddhism”.

4 (5) UNITED STATES SPECIAL COORDINATOR
5 FOR TIBETAN ISSUES.—Section 621 of such Act (22
6 U.S.C. 6901 note) is amended—

7 (A) by amending subsection (c) to read as
8 follows:

9 “(c) OBJECTIVES.—The objectives of the Special Co-
10 ordinator are to—

11 “(1) promote substantive dialogue without pre-
12 conditions between the Government of China and the
13 Dalai Lama or his representatives or Central Ti-
14 betan Administration representatives leading to a
15 negotiated agreement on Tibet;

16 “(2) encourage the Government of China to ad-
17 dress the aspirations of the Tibetan people regarding
18 their cultural, religious, linguistic, and national iden-
19 tity;

20 “(3) promote the human rights and religious
21 freedoms of the Tibetan people, including women’s
22 human rights;

23 “(4) promote activities to preserve the distinct
24 environment and water resources of the Tibetan pla-
25 teau;

1 “(5) promote economic development as enumer-
2 ated in section 616(e); and

3 “(6) promote access to Tibet in accordance with
4 the Reciprocal Access to Tibet Act of 2018 (Public
5 Law 115–330).”;

6 (B) in subsection (d)—

7 (i) in paragraph (5), by striking
8 “and” at the end;

9 (ii) by redesignating paragraph (6) as
10 paragraph (8); and

11 (iii) by inserting after paragraph (5)
12 the following new paragraphs:

13 “(6) review and approve all projects carried out
14 pursuant to section 616(f) of this Act and section
15 7(b) of the Tibetan Policy and Support Act of 2019;

16 “(7) seek to establish international diplomatic
17 coalitions to—

18 “(A) oppose any effort by the Government
19 of China to identify or install Tibetan Buddhist
20 religious leaders in a manner inconsistent with
21 the established religious practice and system of
22 Tibetan Buddhism; and

23 “(B) ensure that the identification and in-
24 stallation of Tibetan Buddhist religious leaders,
25 including a future 15th Dalai Lama, is deter-

1 mined solely within the Tibetan Buddhist faith
2 community, in accordance with the universally
3 recognized right to religious freedom; and”;

4 (C) by adding at the end the following new
5 subsection:

6 “(e) PERSONNEL.—The Secretary shall assign not
7 less than three individuals to the Office of the Special Co-
8 ordinator to assist in the management of the responsibil-
9 ities of this section.”.

10 (6) GEOGRAPHIC DEFINITION OF TIBET.—Such
11 Act (22 U.S.C. 6901 note), as so amended, is fur-
12 ther amended by adding at the end the following
13 new section:

14 **“SEC. 622. GEOGRAPHIC DEFINITION OF TIBET.**

15 “‘In this Act and in implementing policies relating to
16 the Tibetan people under other provisions of law, the term
17 ‘Tibet’, unless otherwise specified, means—

18 “(1) the Tibet Autonomous Region; and

19 “(2) the Tibetan areas of Qinghai, Sichuan,
20 Gansu, and Yunnan provinces.”.

21 (b) STATEMENT OF POLICY REGARDING THE SUC-
22 CESSION OR REINCARNATION OF THE DALAI LAMA.—

23 (1) FINDINGS.—Congress finds the following:

24 (A) Tibetan Buddhism is practiced in
25 many countries, including the People’s Republic

1 of China, Bhutan, Nepal, Mongolia, India, the
2 Russian Federation, and the United States.

3 (B) No single political entity encompasses
4 the territory in which Tibetan Buddhism is
5 practiced.

6 (C) The Dalai Lama is widely revered by
7 Tibetan Buddhists and those who practice Ti-
8 betan Buddhism around the world, including
9 those in the United States, as their spiritual
10 leader.

11 (D) Under the Tibetan Buddhist belief sys-
12 tem, there have been 14 persons recognized as
13 the Dalai Lama, each a manifestation of the
14 Bodhisattva of Compassion, selected according
15 to the spiritual traditions and practices of Ti-
16 betan Buddhism.

17 (E) The 14th Dalai Lama, Tenzin Gyatso,
18 issued a statement on September 24, 2011, ex-
19 plaining the traditions and spiritual precepts of
20 the selection of Dalai Lamas, setting forth his
21 views on the considerations and process for se-
22 lecting his successor, and providing a response
23 to the claims of the Government of China that
24 only that Government has the ultimate author-
25 ity in the selection process of the Dalai Lama.

1 (F) The 14th Dalai Lama said in his
2 statement that if a decision to continue the in-
3 stitution of the Dalai Lama is made, that the
4 responsibility shall primarily rest with the Dalai
5 Lama’s Gaden Phodrang Trust, who will be in-
6 formed by the written instructions of the 14th
7 Dalai Lama.

8 (G) Since 2011, the 14th Dalai Lama has
9 reiterated publicly on numerous occasions that
10 decisions on the succession or reincarnation of
11 the next Dalai Lama belong to the Tibetan
12 Buddhist faith community alone.

13 (H) The Government of China has inter-
14 fered in the process of recognizing a successor
15 or reincarnation of Tibetan Buddhist leaders,
16 including in 1995 by arbitrarily detaining
17 Gedhun Choekyi Nyima, a 6-year-old boy who
18 was identified as the 11th Panchen Lama, and
19 purporting to install its own candidate as the
20 Panchen Lama.

21 (I) During his confirmation hearings to be
22 Secretary of State, Michael Pompeo testified to
23 the Committee on Foreign Relations of the Sen-
24 ate, “If confirmed, I will press the Chinese gov-
25 ernment to respect the legitimacy of Tibetan

1 Buddhists’ religious practices. This includes the
2 decisions of Tibetan Buddhists in selecting,
3 educating, and venerating the lamas who lead
4 the faith, such as the Dalai Lama.”.

5 (J) The Department of State’s Report on
6 International Religious Freedom for 2017 re-
7 ported on policies and efforts of the Govern-
8 ment of China to exert control over the selec-
9 tion of Tibetan Buddhist religious leaders, in-
10 cluding reincarnate lamas, and stated that
11 “U.S. officials underscored that decisions on
12 the reincarnation of the Dalai Lama should be
13 made solely by faith leaders”.

14 (K) In July 2015, Under Secretary of
15 State for Civilian Security, Democracy, and
16 Human Rights, Sarah Sewall, serving concu-
17 rently as United States Special Coordinator for
18 Tibetan Issues, testified to Congress that “the
19 basic and universally recognized right of reli-
20 gious freedom demands that any decision on the
21 next Dalai Lama be reserved to the current
22 Dalai Lama, Tibetan Buddhist leaders, and the
23 Tibetan people”.

24 (L) On June 8, 2015, the United States
25 House of Representatives unanimously ap-

1 proved House Resolution 337 (114th Congress)
2 which calls on the United States Government to
3 “underscore that government interference in the
4 Tibetan reincarnation process is a violation of
5 the internationally recognized right to religious
6 freedom, and that matters related to reincarna-
7 tions in Tibetan Buddhism are of keen interest
8 to Tibetan Buddhist populations worldwide”.

9 (M) On April 25, 2018, the United States
10 Senate unanimously approved Senate Resolu-
11 tion 429 (115th Congress), which “expresses its
12 sense that the identification and installation of
13 Tibetan Buddhist religious leaders, including a
14 future 15th Dalai Lama, is a matter that
15 should be determined solely within the Tibetan
16 Buddhist faith community, in accordance with
17 the inalienable right to religious freedom”.

18 (2) STATEMENT OF POLICY.—It is the policy of
19 the United States that—

20 (A) decisions regarding the identification
21 and installation of Tibetan Buddhist religious
22 leaders, including a future 15th Dalai Lama,
23 are exclusively spiritual matters that should be
24 made by the appropriate religious authorities
25 within the Tibetan Buddhist tradition and in

1 the context of the will of religious practitioners
2 and the instructions of the 14th Dalai Lama;
3 and

4 (B) interference by the Government of
5 China or any other government in the process
6 of recognizing a successor or reincarnation of
7 the Dalai Lama would represent a clear viola-
8 tion of the fundamental religious freedoms of
9 Tibetan Buddhists and the Tibetan people.

10 (3) AMENDMENTS TO FOREIGN RELATIONS AU-
11 THORIZATION ACT, FISCAL YEARS 1990 AND 1991.—
12 Section 901(a) of the Foreign Relations Authoriza-
13 tion Act, Fiscal Years 1990 and 1991 (Public Law
14 101–246; 104 Stat. 80) is amended—

15 (A) by redesignating paragraphs (7), (8),
16 and (9) as paragraphs (8), (9), and (10), re-
17 spectively; and

18 (B) by inserting after paragraph (6) the
19 following new paragraph:

20 “(7) protecting the internationally recognized
21 right to the freedom of religion and belief, including
22 ensuring that the identification and installation of
23 Tibetan Buddhist religious leaders, including a fu-
24 ture 15th Dalai Lama, is a matter determined solely
25 within the Tibetan Buddhist faith community, based

1 on instructions of the 14th Dalai Lama, without in-
2 terference by the Government of China;”.

3 (4) HOLDING CHINESE OFFICIALS RESPON-
4 SIBLE FOR RELIGIOUS FREEDOM ABUSES TAR-
5 GETING TIBETAN BUDDHISTS.—It is the policy of
6 the United States—

7 (A) to consider any effort by the Govern-
8 ment of China to identify or install its own can-
9 didate as the future 15th Dalai Lama of Ti-
10 betan Buddhism to be—

11 (i) a serious human rights abuse as
12 such term is used in Executive Order No.
13 13818 (relating to blocking the property of
14 persons involved in serious human rights
15 abuse or corruption); and

16 (ii) a particularly severe violation of
17 religious freedom for purposes of applying
18 section 212(a)(2)(G) of the Immigration
19 and Nationality Act (8 U.S.C.
20 1182(a)(2)(G)); and

21 (B) to consider any official of the Govern-
22 ment of China determined to be complicit in
23 identifying or installing a government-approved
24 candidate as the future 15th Dalai Lama, con-
25 trary to the instructions provided by the 14th

1 Dalai Lama, and one not recognized by the
2 faith community of Tibetan Buddhists globally,
3 to be subject to sanctions described in Execu-
4 tive Order No. 13818 and to inadmissibility
5 into the United States under section
6 212(a)(2)(G) of the Immigration and Nation-
7 ality Act (8 U.S.C. 1182(a)(2)).

8 (5) DEPARTMENT OF STATE PROGRAMMING TO
9 PROMOTE RELIGIOUS FREEDOM FOR TIBETAN BUD-
10 DHISTS.—Consistent with section 401 of the Frank
11 R. Wolf International Religious Freedom Act (Public
12 Law 114–281; 130 Stat. 1436), using funds avail-
13 able to the Department of State for international re-
14 ligious freedom programs, the Ambassador at Large
15 for International Religious Freedom should provide
16 funding to vigorously protect and promote inter-
17 national religious freedom in the People’s Republic
18 of China and for programs to protect Tibetan Bud-
19 dhism in China and elsewhere.

20 (c) REPORTING ON TIBET UNDER THE INTER-
21 NATIONAL RELIGIOUS FREEDOM ACT OF 1998.—Section
22 102(b)(1) of the International Religious Freedom Act of
23 1998 (22 U.S.C. 6412(b)(1)) is amended—

24 (1) in subparagraph (B), by striking “, includ-
25 ing policies” and inserting “, including interference

1 in the right of religious communities to choose their
2 leaders, policies”; and

3 (2) by adding at the end the following new sub-
4 paragraph:

5 “(H) CHINA.—Because matters relating to
6 religious freedom in China are complex in scope
7 and intensity and often vary by ethnicity and
8 geographic or administrative region, each chap-
9 ter on China in the Annual Report shall include
10 separate sections on—

11 “(i) Tibet;

12 “(ii) the Xinjiang Uyghur Autono-
13 mous Region;

14 “(iii) Hong Kong and Macau;

15 “(iv) unrecognized or independent
16 Catholic and Protestant ‘house churches’;
17 and

18 “(v) Falun Gong and faith-based or
19 new religious movements.”.

20 (d) POLICY REGARDING THE ENVIRONMENT AND
21 WATER RESOURCES ON THE TIBETAN PLATEAU.—

22 (1) FINDINGS.—Congress makes the following
23 findings:

24 (A) Glaciers in Tibet feed 10 of the major
25 rivers of South and East Asia, which supply

1 fresh water to an estimated 1,800,000,000 peo-
2 ple.

3 (B) Chinese scientists have reported that
4 since 1960 the Tibetan Plateau's annual aver-
5 age temperature has increased at twice the
6 global average, causing melting of the glaciers,
7 which will result in variable water flows in the
8 future.

9 (C) Tibet's rivers support wetlands that
10 play a key role in water storage, water quality,
11 and the regulation of water flow, and support
12 biodiversity, foster vegetation growth, and act
13 as carbon sinks.

14 (D) The grasslands of Tibet play a signifi-
15 cant role in carbon production and sequestra-
16 tion.

17 (E) Changes in permafrost levels can af-
18 fect the water supply, cause desertification, and
19 destabilize infrastructure on the Tibetan Pla-
20 teau and beyond.

21 (F) The warming of the Tibetan Plateau
22 may cause changes in the monsoon cycle in
23 South and Southeast Asia, which could lead to
24 droughts or floods that overwhelm infrastruc-
25 ture and damage crops.

1 (G) The resettlement of nomads from Ti-
2 betan grasslands undermines the application of
3 traditional stewardship practices developed
4 through centuries of pastoral practices, which
5 can be key to mitigating the negative effects of
6 warming on the Tibetan Plateau.

7 (H) The construction of large hydroelectric
8 power dams in Tibet, planned to be used in
9 part to transmit power to Chinese provinces
10 outside of Tibet, as well as other infrastructure
11 projects, including the Sichuan-Tibet railroad
12 may also lead to the resettlement of thousands
13 of Tibetans and transform the environment.

14 (I) Cambodia, Laos, Thailand, and Viet-
15 nam are members of the Mekong River Com-
16 mission, which promotes sustainable manage-
17 ment and development of water and related re-
18 sources among member nations.

19 (J) The People's Republic of China is not
20 a full party to the Mekong River Commission.

21 (K) The People's Republic of China has
22 approximately 20 percent of the world's popu-
23 lation but only around 7 percent of the world's
24 water supply, with India and the rest of South
25 and Southeast Asia also relying on the rivers

1 flowing from the Himalayas of the Tibetan Pla-
2 teau.

3 (L) The People’s Republic of China has al-
4 ready completed water transfer programs di-
5 verting billions of cubic meters of water yearly
6 and there are plans to divert more waters from
7 the Tibetan plateau in the People’s Republic of
8 China.

9 (2) WATER RESOURCES IN TIBET AND THE TI-
10 BETAN WATERSHED.—The Secretary of State, in co-
11 ordination with relevant agencies of the United
12 States Government, shall—

13 (A) pursue efforts to monitor the environ-
14 ment on the Tibetan Plateau, including glacial
15 retreat, temperature rise, and carbon levels, in
16 order to promote a greater understanding of the
17 effects on permafrost, river flows, grasslands
18 and desertification, and the monsoon cycle;

19 (B) engage with the Government of China,
20 the Central Tibetan Administration, and non-
21 governmental organizations to encourage the
22 participation of Tibetan nomads and other Ti-
23 betan stakeholders in the development and im-
24 plementation of grassland management policies,
25 in order to utilize their indigenous experience in

1 mitigation and stewardship of the land, and to
2 assess policies on the forced resettlement of no-
3 mads; and

4 (C) encourage a regional framework on
5 water security or use existing frameworks, such
6 as the Lower Mekong Initiative, to facilitate co-
7 operative agreements among all riparian na-
8 tions that would promote transparency, sharing
9 of information, pollution regulation, and ar-
10 rangements on impounding and diversion of
11 waters that originate on the Tibetan Plateau.

12 (3) TIBETAN WATER RESOURCES AND NA-
13 TIONAL SECURITY.—Section 1202(b) of the National
14 Defense Authorization Act of 2000 (Public Law
15 106–65; 10 U.S.C. 113 note) is amended by adding
16 at the end the following:

17 “(29) Tibet’s strategic importance and the stra-
18 tegic importance of water resources from the Ti-
19 betan Plateau in regional and territorial disputes.”.

20 (e) DEMOCRACY IN THE TIBETAN EXILE COMMU-
21 NITY.—

22 (1) FINDINGS.—Congress makes the following
23 findings:

24 (A) The 14th Dalai Lama has overseen a
25 process of democratization within the Tibetan

1 policy, beginning in Tibet in the 1950s and con-
2 tinuing in exile from the 1960s to the present.

3 (B) The first representative body in Ti-
4 betan history, formed on September 2, 1960,
5 was the precursor of the Tibetan Parliament-in-
6 Exile, the legislative branch within the Central
7 Tibetan Administration.

8 (C) The first direct election for the chief
9 executive of the Central Tibetan Administration
10 was held on July 29, 2001, with the election of
11 Professor Samdhong Rinpoche.

12 (D) On March 10, 2011, the 14th Dalai
13 Lama announced that he would relinquish his
14 political responsibilities and on August 8, 2011,
15 he transferred full political power to the elected
16 leadership of the Central Tibetan Administra-
17 tion.

18 (E) On March 20, 2011, members of the
19 Tibetan exile community across some 30 coun-
20 tries held elections, monitored by international
21 observers and assessed to be free and fair, to
22 select the next parliament and chief executive.

23 (F) As a result of the codification of the
24 transfer of political power from the Dalai
25 Lama, the Kalon Tripa, or Chief of the Cabi-

1 net, assumed full executive authority and the
2 Tibetan Parliament-in-Exile assumed full legis-
3 lative authority within the Central Tibetan Ad-
4 ministration.

5 (G) As a result of the 2011 elections, the
6 15th Tibetan Parliament was seated and
7 Lobsang Sangay was chosen as Kalon Tripa, a
8 title changed to Sikyong in 2012.

9 (H) Approximately 6,000,000 Tibetans in
10 Tibet do not enjoy a democratic form of govern-
11 ment or the ability to elect their political rep-
12 resentatives.

13 (I) Section 355 of the Foreign Relations
14 Authorization Act, Fiscal Years 1992 and 1993
15 (Public Law 102–138; 105 Stat 713), expressed
16 the sense of Congress that Tibet’s true rep-
17 resentatives are the Dalai Lama and the Ti-
18 betan government-in-exile as recognized by the
19 Tibetan people and that Tibet has maintained
20 throughout its history a distinctive and sov-
21 eraign national, cultural, and religious identity
22 separate from that of China and, except during
23 periods of illegal Chinese occupation, has main-
24 tained a separate and sovereign political and
25 territorial identity.

1 (J) The Middle Way Approach, the official
2 policy of the Central Tibetan Administration,
3 seeks genuine autonomy for the 6,000,000 Ti-
4 betans in Tibet.

5 (2) SENSE OF CONGRESS.—It is the sense of
6 Congress that—

7 (A) Tibetan exile communities around the
8 world should be commended for the successful
9 adoption of a system of self-governance with
10 democratic institutions and free elections to
11 choose their leaders;

12 (B) the Dalai Lama should be commended
13 for his decision to transfer political authority to
14 elected leaders in accordance with democratic
15 principles;

16 (C) the Central Tibetan Administration le-
17 gitimately represents and reflects the aspira-
18 tions of Tibetan people around the world, and
19 the Sikyong is the President of the Central Ti-
20 betan Administration;

21 (D) consistent with section 621(d)(3) of
22 the Tibetan Policy Act of 2002 (22 U.S.C.
23 6901 note), the United States Special Coordi-
24 nator for Tibetan Issues should continue to
25 maintain close contact with the religious, cul-

1 tural, and elected leaders of the Tibetan people;
2 and

3 (E) the adoption of democracy within the
4 Tibetan exile community can serve as an exam-
5 ple to other exiled, subnational, or nonsovereign
6 communities around the world.

7 (f) SUSTAINABILITY IN TIBETAN COMMUNITIES
8 SEEKING TO PRESERVE THEIR CULTURE, RELIGION,
9 AND LANGUAGE.—

10 (1) FINDINGS.—Congress makes the following
11 findings:

12 (A) Following the flight into exile of the
13 Dalai Lama and tens of thousands of fellow Ti-
14 betans, the Government of India graciously
15 granted land on which the Tibetan refugees
16 could settle.

17 (B) Under the leadership of the Dalai
18 Lama, Tibetan refugees established settlements
19 in Indian, Nepalese, and Bhutanese monastic,
20 cultural, and educational institutions for the
21 purpose of preserving their religion, culture,
22 and language until the time that they could re-
23 turn to Tibet.

24 (C) Many of the Tibetan settlements are
25 more than 50 years old, with aging infrastruc-

1 ture, challenging the capacity to absorb new
2 refugees and provide modern services and gain-
3 ful employment.

4 (D) The threats to Tibetan culture, reli-
5 gion, and language in the People’s Republic of
6 China justify support for efforts by Tibetans
7 outside China to preserve their heritage.

8 (E) Many long-staying Tibetans in Nepal
9 have not received documentation that would
10 provide legal resident status and allow them
11 fuller access to educational opportunities and
12 sustainable participation in the economy and
13 society of Nepal.

14 (F) It is United States policy to promote
15 the human rights of the Tibetan people and the
16 preservation of the distinct Tibetan cultural, re-
17 ligious, and linguistic heritage.

18 (G) The Dalai Lama has said that the
19 Central Tibetan Administration will cease to
20 exist once a negotiated settlement has been
21 achieved that allows Tibetans to freely enjoy
22 their culture, religion, and language in Tibet.

23 (2) DEVELOPMENT ASSISTANCE.—Of the
24 amount authorized to be appropriated for develop-
25 ment assistance for fiscal year 2020, such sums as

1 may be necessary are authorized to be available to
2 support the preservation of Tibetan cultural, reli-
3 gious, and linguistic heritage, as well as the edu-
4 cation, skills development, and entrepreneurship of
5 Tibetans residing in settlements in South Asia, sub-
6 ject to review and approval of the United States
7 Special Coordinator for Tibetan Issues.

8 (3) TIBETANS IN NEPAL.—The Secretary of
9 State shall urge the Government of Nepal to provide
10 legal documentation to long-staying Tibetan resi-
11 dents in Nepal who fled a credible threat of persecu-
12 tion in Tibet, in order to allow them to more fully
13 participate in the economy and society of Nepal.

14 (4) SENSE OF CONGRESS.—It is the sense of
15 Congress that the Office of Tibet in Washington,
16 DC, is the representative office in the United States
17 of the Dalai Lama and the Central Tibetan Admin-
18 istration.

19 (5) SUNSET.—This section shall terminate on
20 the date that is one year after the date on which the
21 Secretary of State certifies to Congress that a nego-
22 tiated settlement between the Government of China
23 and the Dalai Lama or his representatives or Cen-
24 tral Tibetan Administration representatives on Tibet
25 has been concluded.

1 (g) AUTHORIZATION OF APPROPRIATIONS.—

2 (1) OFFICE OF THE UNITED STATES SPECIAL
3 COORDINATOR FOR TIBETAN ISSUES.—Of the
4 amounts authorized to be appropriated to the De-
5 partment of State for administration of foreign af-
6 fairs, not less than \$1,000,000 is authorized to be
7 appropriated for fiscal year 2021 and each subse-
8 quent fiscal year for the Office of the United States
9 Special Coordinator for Tibetan Issues.

10 (2) TIBETAN SCHOLARSHIP PROGRAM AND
11 “NGWANG CHOEPHEL EXCHANGE PROGRAMS”.—Of
12 the amounts authorized to be appropriated for edu-
13 cational and cultural exchange programs for fiscal
14 year 2021 and each subsequent fiscal year—

15 (A) not less than \$750,000 is authorized
16 to be appropriated to carry out the Tibetan
17 scholarship program established under section
18 103(b)(1) of the Human Rights, Refugee, and
19 Other Foreign Relations Provisions Act of 1996
20 (Public Law 104–319; 110 Stat. 3865); and

21 (B) not less than \$650,000 is authorized
22 to be appropriated to carry out the “Ngwang
23 Choepel Exchange Programs” (formerly known
24 as “programs of educational and cultural ex-
25 change between the United States and the peo-

1 ple of Tibet”) under section 103(a) of the
2 Human Rights, Refugee, and Other Foreign
3 Relations Provisions Act of 1996.

4 (3) HUMANITARIAN ASSISTANCE TO TIBETAN
5 REFUGEES IN SOUTH ASIA.—Of the amounts author-
6 ized to be appropriated for migration and refugee
7 assistance for fiscal year 2021 and each subsequent
8 fiscal year, such sums as may be necessary are au-
9 thorized to be appropriated for humanitarian assist-
10 ance, including food, medicine, clothing, and medical
11 and vocational training, to Tibetan refugees in
12 South Asia who have fled facing a credible threat of
13 persecution in the People’s Republic of China.

14 (4) DEVELOPMENT ASSISTANCE.—Of the funds
15 appropriated under the heading “Economic Support
16 Fund” for fiscal year 2021 and each subsequent fis-
17 cal year, not less than \$6,000,000 is authorized for
18 programs to promote and preserve Tibetan culture
19 and language both in the refugee and diaspora Ti-
20 betan communities, development, and the resilience
21 of Tibetan communities and the Central Tibetan Ad-
22 ministration in India and Nepal, and to assist in the
23 education and development of the next generation of
24 Tibetan leaders from such communities.

1 (5) TIBETAN GOVERNANCE.—Of the funds ap-
2 propriated under the heading “Economic Support
3 Fund” for fiscal year 2021 and each subsequent fis-
4 cal year, not less than \$3,000,000 is authorized for
5 programs to strengthen the capacity of Central Ti-
6 betan Administration institutions and strengthen de-
7 mocracy, governance, information and international
8 outreach, and research.

9 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS FOR PRO-**
10 **MOTION OF DEMOCRACY IN HONG KONG.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated \$50,000,000 for fiscal year
13 2021 for the Bureau of Democracy, Human Rights, and
14 Labor of the Department of State to promote democracy
15 in Hong Kong.

16 (b) ADMINISTRATION.—The Secretary of State shall
17 designate an office with the Department of State to ad-
18 minister and coordinate the provision of such funds de-
19 scribed in subsection (a) within the Department of State
20 and across the United States Government.

21 **SEC. 304. HONG KONG SPECIAL IMMIGRANT VISA ACCESS**
22 **AND CIVIL SOCIETY SUPPORT.**

23 (a) DESIGNATION OF CERTAIN RESIDENTS OF HONG
24 KONG AS PRIORITY 2 REFUGEES.—

1 (1) IN GENERAL.—The Secretary of State, in
2 consultation with the Secretary of Homeland Secu-
3 rity, shall designate, as Priority 2 refugees of special
4 humanitarian concern—

5 (A) individuals who are residents of the
6 Hong Kong Special Administrative Region who
7 suffered persecution or have a well-founded fear
8 of persecution on account of their peaceful ex-
9 pression of political opinions or peaceful partici-
10 pation in political activities or associations;

11 (B) individuals who have been charged, de-
12 tained, or convicted on account of their peaceful
13 actions (as described in section 206(b)(2) of the
14 United States-Hong Kong Policy Act of 1992
15 (22 U.S.C. 5726(b)(2)); and

16 (C) the spouses, children, and parents (as
17 such terms are defined in subsections (a) and
18 (b) of section 101 of the Immigration and Na-
19 tionality Act (8 U.S.C. 1101)) of individuals de-
20 scribed in subparagraph (A) or (B).

21 (2) PROCESSING OF HONG KONG REFUGEES.—
22 The processing of individuals described in paragraph
23 (1) for classification as refugees may occur in Hong
24 Kong or in a third country.

1 (3) ELIGIBILITY FOR ADMISSION AS REFUGEEES.—An alien may not be denied the opportunity
2 to apply for admission as a refugee under this section because such alien—
3
4

5 (A) qualifies as an immediate relative of a
6 citizen of the United States; or

7 (B) is eligible for admission to the United
8 States under any other immigrant classification.

9 (4) FACILITATION OF ADMISSIONS.—An applicant for admission to the United States from the
10 Hong Kong Special Administrative Region may not
11 be denied solely on the basis of a politically motivated arrest, detention, or other adverse government
12 action taken against such applicant as a result of
13 the participation by such applicant in protest activities.
14
15
16

17 (5) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided refugee status under this
18 subsection shall not be counted against any numerical limitation under section 201, 202, 203, or 207
19 of the Immigration and Nationality Act (8 U.S.C.
20 1151, 1152, 1153, and 1157).
21
22

23 (6) REPORTING REQUIREMENTS.—

24 (A) IN GENERAL.—Not later than 180
25 days after the date of the enactment of this

1 Act, and every 90 days thereafter, the Secretary
2 of State and the Secretary of Homeland Security
3 shall submit a report on the matters described
4 in subparagraph (B) to—

5 (i) the Committee on the Judiciary of
6 the Senate;

7 (ii) the Committee on Foreign Relations
8 of the Senate;

9 (iii) the Select Committee on Intelligence
10 of the Senate;

11 (iv) the Committee on the Judiciary of
12 the House of Representatives;

13 (v) the Committee on Foreign Affairs
14 of the House of Representatives; and

15 (vi) the Permanent Select Committee
16 on Intelligence of the House of Representatives.
17

18 (B) MATTERS TO BE INCLUDED.—Each
19 report required under subparagraph (A) shall
20 include—

21 (i) of the applications pending at the
22 end of the reporting period, the number of
23 applications in which—

24 (I) eligibility for the Priority 2
25 refugee program has been confirmed;

1 (II) a prescreening interview with
2 a resettlement support center has
3 been completed;

4 (III) an interview with U.S. Citi-
5 zenship and Immigration Services has
6 been completed;

7 (IV) the required security checks
8 have been completed; or

9 (V) final adjudication has been
10 made;

11 (ii) the average wait-times for all
12 pending applications until—

13 (I) eligibility for the Priority 2
14 refugee program is confirmed;

15 (II) a prescreening interview with
16 a resettlement support center is com-
17 pleted;

18 (III) an interview with U.S. Citi-
19 zenship and Immigration Services is
20 completed;

21 (IV) the required security checks
22 are completed; and

23 (V) final adjudication is made;

1 (iii) the number of denials of applica-
2 tions for refugee status, disaggregated by
3 the reason for each such denial; and

4 (iv) the circuit rides—

5 (I) completed in the prior quar-
6 ter, listed by date, location, and num-
7 ber of interviews completed; and

8 (II) planned for the upcoming 2
9 quarters, listed by anticipated date,
10 location, and number of interviews to
11 be completed.

12 (C) FORM.—Each report required under
13 subparagraph (A) shall be submitted in unclas-
14 sified form, but may include a classified annex.

15 (D) PUBLIC REPORTS.—Not later than 7
16 days after the submission of each report under
17 this paragraph, the Secretary of State shall
18 make the report available to the public on the
19 website of the Department of State.

20 (7) SATISFACTION OF OTHER REQUIRE-
21 MENTS.—Aliens granted status under this subsection
22 as Priority 2 refugees of special humanitarian con-
23 cern under the refugee resettlement priority system
24 shall be considered to satisfy the requirements under

1 section 207 of the Immigration and Nationality Act
2 (8 U.S.C. 1157) for admission to the United States.

3 (b) WAIVER OF IMMIGRANT STATUS PRESUMP-
4 TION.—

5 (1) IN GENERAL.—The presumption under the
6 first sentence of section 214(b) of the Immigration
7 and Nationality Act (8 U.S.C. 1184(b)) that every
8 alien is an immigrant until the alien establishes that
9 the alien is entitled to nonimmigrant status shall not
10 apply to an alien described in paragraph (2).

11 (2) ALIEN DESCRIBED.—An alien described in
12 this paragraph is an alien who—

13 (A) was a resident of the Hong Kong Spe-
14 cial Administrative Region as of June 18, 2020;

15 (B) is seeking entry to the United States
16 to apply for asylum under section 208 of the
17 Immigration and Nationality Act (8 U.S.C.
18 1158); and

19 (C)(i) had a leadership role in civil society
20 organizations supportive of the protests in 2019
21 and 2020 relating to the Hong Kong extra-
22 dition bill and the encroachment on the auton-
23 omy of Hong Kong by the People’s Republic of
24 China;

1 (ii) had an organizing role for such pro-
2 tests;

3 (iii) acted as a first aid responder for such
4 protests;

5 (iv) suffered harm while covering such pro-
6 tests as a journalist;

7 (v) provided paid or pro bono legal services
8 to 1 or more individuals arrested for partici-
9 pating in such protests; or

10 (vi) during the 1-year period beginning on
11 June 9, 2019, was formally charged, detained,
12 or convicted for his or her participation in such
13 protests.

14 (c) REFUGEE AND ASYLUM DETERMINATIONS
15 UNDER THE IMMIGRATION AND NATIONALITY ACT.—

16 (1) PERSECUTION ON ACCOUNT OF POLITICAL
17 OPINION.—

18 (A) IN GENERAL.—For purposes of ref-
19 ugee determinations under this section in ac-
20 cordance with section 207 of the Immigration
21 and Nationality Act (8 U.S.C. 1157), an indi-
22 vidual whose citizenship, nationality, or resi-
23 dency is revoked for having submitted to any
24 United States Government agency a nonfrivo-
25 lous application for refugee status, asylum, or

1 any other immigration benefit under the immi-
2 gration laws (as defined in section 101(a) of
3 such Act (8 U.S.C. 1101(a)) shall be considered
4 to have suffered persecution on account of polit-
5 ical opinion.

6 (B) NATIONALS OF THE PEOPLE'S REPUB-
7 LIC OF CHINA.—For purposes of refugee deter-
8 minations under this section in accordance with
9 section 207 of the Immigration and Nationality
10 Act (8 U.S.C. 1157), a national of the People's
11 Republic of China whose residency in the Hong
12 Kong Special Administrative region, or any
13 other area within the jurisdiction of the Peo-
14 ple's Republic of China, as determined by the
15 Secretary of State, is revoked for having sub-
16 mitted to any United States Government agen-
17 cy a nonfrivolous application for refugee status,
18 asylum, or any other immigration benefit under
19 the immigration laws shall be considered to
20 have suffered persecution on account of political
21 opinion.

22 (2) CHANGED CIRCUMSTANCES.—For purposes
23 of asylum determinations under this section in ac-
24 cordance with section 208 of the Immigration and
25 Nationality Act (8 U.S.C. 1158), the revocation of

1 the citizenship, nationality, or residency of an indi-
2 vidual for having submitted to any United States
3 Government agency a nonfrivolous application for
4 refugee status, asylum, or any other immigration
5 benefit under the immigration laws shall be consid-
6 ered to be a changed circumstance under subsection
7 (a)(2)(D) of such section.

8 (d) STATEMENT OF POLICY ON ENCOURAGING AL-
9 LIES AND PARTNERS TO MAKE SIMILAR ACCOMMODA-
10 TIONS.—It is the policy of the United States to encourage
11 allies and partners of the United States to make accom-
12 modations similar to the accommodations made under this
13 section for residents of the Hong Kong Special Adminis-
14 trative Region who are fleeing oppression by the Govern-
15 ment of China.

16 (e) TERMINATION.—This section shall cease to have
17 effect on the date that is 5 years after the date of the
18 enactment of this Act.

19 **SEC. 305. UYGHUR SPECIAL IMMIGRANT VISA ACCESS AND**
20 **CIVIL SOCIETY SUPPORT FOR GROUPS IN**
21 **THE XINJIANG UYGHUR AUTONOMOUS RE-**
22 **GION.**

23 (a) DESIGNATION OF CERTAIN RESIDENTS OF
24 XINJIANG AS PRIORITY 2 REFUGEES.—

1 (1) IN GENERAL.—The Secretary of State, in
2 consultation with the Secretary of Homeland Secu-
3 rity, shall designate, as Priority 2 refugees of special
4 humanitarian concern—

5 (A) Uyghurs, ethnic Kazakhs, Kyrgyz, and
6 members of other Muslim minority groups in
7 the Xinjiang Uyghur Autonomous Region who
8 have been arbitrarily detained in internment
9 camps, suffered persecution, or have a well-
10 founded fear of persecution on account of their
11 ethnicity or religious beliefs;

12 (B) the spouses, children, and parents (as
13 such terms are defined in subsections (a) and
14 (b) of section 101 of the Immigration and Na-
15 tionality Act (8 U.S.C. 1101)) of individuals de-
16 scribed in subparagraph (A).

17 (2) PROCESSING OF XINJIANG REFUGEES.—
18 The processing of individuals described in paragraph
19 (1) for classification as refugees may occur in Hong
20 Kong or in another country.

21 (3) ELIGIBILITY FOR ADMISSION AS REFU-
22 GEES.—An alien may not be denied the opportunity
23 to apply for admission as a refugee under this sec-
24 tion because such alien—

1 (A) qualifies as an immediate relative of a
2 citizen of the United States; or

3 (B) is eligible for admission to the United
4 States under any other immigrant classification.

5 (4) FACILITATION OF ADMISSIONS.—An appli-
6 cant for admission to the United States from the
7 Xinjiang Uyghur Autonomous Region may not be
8 denied primarily on the basis of an arbitrary arrest,
9 detention, or other adverse government action taken
10 against such applicant as a result of his or her eth-
11 nicity or religious beliefs.

12 (5) EXCLUSION FROM NUMERICAL LIMITA-
13 TIONS.—Aliens provided refugee status under this
14 section shall not be counted against any numerical
15 limitation under section 201, 202, 203, or 207 of
16 the Immigration and Nationality Act (8 U.S.C.
17 1151, 1152, 1153, and 1157).

18 (6) REPORTING REQUIREMENTS.—

19 (A) IN GENERAL.—Not later than 180
20 days after the date of the enactment of this
21 Act, and every 90 days thereafter, the Secretary
22 of State and the Secretary of Homeland Secu-
23 rity shall submit a report on the matters de-
24 scribed in subparagraph (B) to—

- 1 (i) the Committee on the Judiciary of
- 2 the Senate;
- 3 (ii) the Committee on Foreign Rela-
- 4 tions of the Senate;
- 5 (iii) the Select Committee on Intel-
- 6 ligence of the Senate;
- 7 (iv) the Committee on the Judiciary of
- 8 the House of Representatives;
- 9 (v) the Committee on Foreign Affairs
- 10 of the House of Representatives; and
- 11 (vi) the Permanent Select Committee
- 12 on Intelligence of the House of Represent-
- 13 atives.

14 (B) MATTERS TO BE INCLUDED.—Each
15 report required under subparagraph (A) shall
16 include—

- 17 (i) of the applications pending at the
- 18 end of the reporting period, the number of
- 19 applications in which—

20 (I) eligibility for the Priority 2
21 refugee program has been confirmed;

22 (II) a prescreening interview with
23 a resettlement support center has
24 been completed;

1 (III) an interview with U.S. Citi-
2 zenship and Immigration Services has
3 been completed;

4 (IV) the required security checks
5 have been completed; or

6 (V) final adjudication has been
7 made;

8 (ii) the average wait-times for all
9 pending applications until—

10 (I) eligibility for the Priority 2
11 refugee program is confirmed;

12 (II) a prescreening interview with
13 a resettlement support center is com-
14 pleted;

15 (III) an interview with U.S. Citi-
16 zenship and Immigration Services is
17 completed;

18 (IV) the required security checks
19 are completed; and

20 (V) final adjudication is made;

21 (iii) the number of denials of applica-
22 tions for refugee status, disaggregated by
23 the reason for each such denial; and

24 (iv) the circuit rides—

1 (I) completed in the prior quar-
2 ter, listed by date, location, and num-
3 ber of interviews completed; and

4 (II) planned for the upcoming 2
5 quarters, listed by anticipated date,
6 location, and number of interviews to
7 be completed.

8 (C) FORM.—Each report required under
9 subparagraph (A) shall be submitted in unclas-
10 sified form, but may include a classified annex.

11 (D) PUBLIC REPORTS.—Not later than 7
12 days after the submission of each report under
13 this paragraph, the Secretary of State shall
14 make the report available to the public on the
15 internet website of the Department of State.

16 (7) SATISFACTION OF OTHER REQUIRE-
17 MENTS.—Aliens granted status under this subsection
18 as Priority 2 refugees of special humanitarian con-
19 cern under the refugee resettlement priority system
20 shall be considered to satisfy the requirements under
21 section 207 of the Immigration and Nationality Act
22 (8 U.S.C. 1157) for admission to the United States.

23 (b) WAIVER OF IMMIGRANT STATUS PRESUMP-
24 TION.—

1 (1) IN GENERAL.—The presumption under the
2 first sentence of section 214(b) (8 U.S.C. 1184(b))
3 that every alien is an immigrant until the alien es-
4 tablishes that the alien is entitled to nonimmigrant
5 status shall not apply to an alien described in para-
6 graph (2).

7 (2) ALIEN DESCRIBED.—An alien described in
8 this paragraph is an alien who—

9 (A) was a resident of the Xinjiang Uyghur
10 Autonomous Region as of August 11, 2020;

11 (B) is seeking entry to the United States
12 to apply for asylum under section 208 of the
13 Immigration and Nationality Act (8 U.S.C.
14 1158); and

15 (C)(i) was arbitrarily detained or impris-
16 oned in an internment camp in Xinjiang;

17 (ii) suffered harm while covering the situa-
18 tion in Xinjiang as a journalist; or

19 (iii) provided paid or pro bono legal serv-
20 ices to 1 or more individuals arrested or de-
21 tained in Xinjiang.

22 (c) REFUGEE AND ASYLUM DETERMINATIONS
23 UNDER THE IMMIGRATION AND NATIONALITY ACT.—

24 (1) PERSECUTION ON ACCOUNT OF POLITICAL
25 OPINION.—

1 (A) IN GENERAL.—For purposes of ref-
2 ugee determinations under this section in ac-
3 cordance with section 207 of the Immigration
4 and Nationality Act (8 U.S.C. 1157), an indi-
5 vidual whose citizenship, nationality, or resi-
6 dency is revoked for having submitted to any
7 United States Government agency a nonfrivo-
8 lous application for refugee status, asylum, or
9 any other immigration benefit under the immi-
10 gration laws (as defined in section 101(a) of
11 such Act (8 U.S.C. 1101(a)) shall be considered
12 to have suffered persecution on account of polit-
13 ical opinion.

14 (B) NATIONALS OF THE PEOPLE’S REPUB-
15 LIC OF CHINA.—For purposes of refugee deter-
16 minations under this section in accordance with
17 section 207 of the Immigration and Nationality
18 Act (8 U.S.C. 1157), a national of the People’s
19 Republic of China whose residency in the
20 Xinjiang Uyghur Autonomous region, or any
21 other area within the jurisdiction of the Peo-
22 ple’s Republic of China, as determined by the
23 Secretary of State, is revoked for having sub-
24 mitted to any United States Government agen-
25 cy a nonfrivolous application for refugee status,

1 asylum, or any other immigration benefit under
2 the immigration laws shall be considered to
3 have suffered persecution on account of political
4 opinion.

5 (2) CHANGED CIRCUMSTANCES.—For purposes
6 of asylum determinations under this section in ac-
7 cordance with section 208 of the Immigration and
8 Nationality Act (8 U.S.C. 1158), the revocation of
9 the citizenship, nationality, or residency of an indi-
10 vidual for having submitted to any United States
11 Government agency a nonfrivolous application for
12 refugee status, asylum, or any other immigration
13 benefit under the immigration laws shall be consid-
14 ered to be a changed circumstance under subsection
15 (a)(2)(D) of such section.

16 (d) STATEMENT OF POLICY ON ENCOURAGING AL-
17 LIES AND PARTNERS TO MAKE SIMILAR ACCOMMODA-
18 TIONS.—It is the policy of the United States to encourage
19 allies and partners of the United States to make accom-
20 modations similar to the accommodations made under this
21 section for residents of the Xinjiang Uyghur Autonomous
22 Region who are fleeing oppression by the Government of
23 China.

1 (e) TERMINATION.—This section shall cease to have
2 effect on the date that is 5 years after the date of the
3 enactment of this Act.

4 **SEC. 306. IMPOSITION OF SANCTIONS RELATING TO**
5 **FORCED LABOR.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) The Government of China continues to use
9 forced labor in prisons and has established a system
10 of extrajudicial mass internment camps arbitrarily
11 detaining as many as 1,800,000 Uyghurs, Kazakhs,
12 Kyrgyz, and members of other Muslim minority
13 groups in the Xinjiang Uyghur Autonomous Region,
14 who have been subjected to forced labor and severe
15 human rights abuses.

16 (2) More than 80,000 Uyghurs were trans-
17 ferred out of Xinjiang to work in factories across the
18 People’s Republic of China between 2017 and 2019,
19 and some of them were sent directly from detention
20 camps, according to public reports.

21 (3) Based on International Labour Organiza-
22 tion indicators of forced labor, Uyghur workers are
23 subject to intimidation and threats, are placed in po-
24 sitions of dependency and vulnerability, face severe

1 movement restrictions, are isolated, face abusive
2 working conditions, and work excessive hours.

3 (b) REPORT REQUIRED.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, and not
6 less frequently than annually thereafter, the Presi-
7 dent shall submit to the appropriate congressional
8 committees a report that identifies—

9 (A) each foreign person, including any offi-
10 cial of the Government of China, that the Presi-
11 dent determines—

12 (i) knowingly, on or after such date of
13 enactment, engages in, is responsible for,
14 or facilitates forced labor in the People’s
15 Republic of China, including by Uyghurs,
16 Kazakhs, Kyrgyz, and members of other
17 Muslim minority groups from the Xinjiang
18 Uyghur Autonomous Region and other re-
19 gions of the People’s Republic of China; or

20 (ii) knowingly, on or after such date
21 of enactment, engages in, contributes to,
22 assists, or provides financial, material, or
23 technological support for, the importation
24 into the United States of goods produced

1 with forced labor in the People’s Republic
2 of China;

3 (B) each Chinese entity that, on or after
4 such date of enactment—

5 (i) directly or indirectly uses forced
6 labor in the People’s Republic of China, in-
7 cluding in the Xinjiang Uyghur Autono-
8 mous Region; or

9 (ii) acts as an agent of an entity de-
10 scribed in clause (i) to import goods into
11 the United States;

12 (C) goods made wholly or in part by forced
13 labor in the People’s Republic of China, includ-
14 ing in the Xinjiang Uyghur Autonomous Re-
15 gion; and

16 (D) each person that, on or after such date
17 of enactment, sells such goods in the United
18 States.

19 (2) FORM.—The report required by paragraph
20 (1) shall be submitted in unclassified form but may
21 include a classified annex.

22 (c) IMPOSITION OF SANCTIONS.—The President shall
23 impose the following sanctions with respect to each foreign
24 person identified under subsection (b)(1):

1 (1) ASSET BLOCKING.—The President shall ex-
2 ercise all of the powers granted to the President
3 under the International Emergency Economic Pow-
4 ers Act (50 U.S.C. 1701 et seq.) to the extent nec-
5 essary to block and prohibit all transactions in prop-
6 erty and interests in property of the foreign person
7 if such property and interests in property are in the
8 United States, come within the United States, or are
9 or come within the possession or control of a United
10 States person.

11 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR
12 PAROLE.—

13 (A) VISAS, ADMISSION, OR PAROLE.—An
14 alien described in subsection (b)(1) is—

15 (i) inadmissible to the United States;

16 (ii) ineligible to receive a visa or other
17 documentation to enter the United States;
18 and

19 (iii) otherwise ineligible to be admitted
20 or paroled into the United States or to re-
21 ceive any other benefit under the Immigra-
22 tion and Nationality Act (8 U.S.C. 1101 et
23 seq.).

24 (B) CURRENT VISAS REVOKED.—

1 (i) IN GENERAL.—An alien described
2 in subsection (b)(1) is subject to revocation
3 of any visa or other entry documentation
4 regardless of when the visa or other entry
5 documentation is or was issued.

6 (ii) IMMEDIATE EFFECT.—A revoca-
7 tion under clause (i) shall—

8 (I) take effect immediately; and

9 (II) automatically cancel any
10 other valid visa or entry documenta-
11 tion that is in the alien's possession.

12 (d) DESIGNATION OF ADDITIONAL ENTITIES FOR IM-
13 POSITION OF SANCTIONS.—

14 (1) IN GENERAL.—Not later than 60 days after
15 the date of the enactment of this Act, the President
16 shall submit to the appropriate congressional com-
17 mittees a report that includes the following:

18 (A) A determination with respect to wheth-
19 er reasonable grounds exist to issue a withhold
20 release order pursuant to section 307 of the
21 Tariff Act of 1930 (19 U.S.C. 1307) for each
22 of the following:

23 (i) Yili Zhou Wan Garment Manufac-
24 turing Company.

1 (ii) Zhihui Haipai Internet of Things
2 Technology Company.

3 (iii) Urumqi Shengshi Hua'er Culture
4 Technology Limited Company.

5 (iv) Litai Textiles, Huafu Fashion
6 Company.

7 (v) Esquel Group headquartered in
8 Hong Kong.

9 (vi) Cofco Tunhe Company.

10 (B) If the President determines under sub-
11 paragraph (A) that reasonable grounds do not
12 exist to issue a withhold release order with re-
13 spect to an entity specified in that subpara-
14 graph, an explanation of the reasons for that
15 determination.

16 (2) FORM OF REPORT.—The report required by
17 paragraph (1) shall be submitted in unclassified
18 form but may include a classified annex.

19 (e) IMPLEMENTATION; PENALTIES.—

20 (1) IMPLEMENTATION.—The President may ex-
21 ercise all authorities provided under sections 203
22 and 205 of the International Emergency Economic
23 Powers Act (50 U.S.C. 1702 and 1704) to the ex-
24 tent necessary to carry out this section.

1 (2) PENALTIES.—A person that violates, at-
2 tempts to violate, conspires to violate, or causes a
3 violation of subsection (c)(1) or any regulation, li-
4 cense, or order issued to carry out that subsection
5 shall be subject to the penalties set forth in sub-
6 sections (b) and (c) of section 206 of the Inter-
7 national Emergency Economic Powers Act (50
8 U.S.C. 1705) to the same extent as a person that
9 commits an unlawful act described in subsection (a)
10 of that section.

11 (f) WAIVER.—The President may waive the applica-
12 tion of sanctions under this section with respect to a per-
13 son if the President determines and certifies to the appro-
14 priate congressional committees that such a waiver is in
15 the national interest of the United States.

16 (g) EXCEPTION RELATING TO IMPORTATION OF
17 GOODS.—

18 (1) IN GENERAL.—The authorities and require-
19 ments to impose sanctions under this section shall
20 not include the authority or a requirement to impose
21 sanctions on the importation of goods.

22 (2) GOOD DEFINED.—In this subsection, the
23 term “good” means any article, natural or manmade
24 substance, material, supply or manufactured prod-

1 uct, including inspection and test equipment, and ex-
2 cluding technical data.

3 (h) DEFINITIONS.—In this section:

4 (1) CHINESE ENTITY.—The term “Chinese en-
5 tity” means an entity organized under the laws of or
6 otherwise subject to the jurisdiction of the People’s
7 Republic of China.

8 (2) ENTITY.—The term “entity” means a part-
9 nership, association, trust, joint venture, corpora-
10 tion, group, subgroup, or other organization.

11 (3) FORCED LABOR.—The term “forced labor”
12 has the meaning given that term in section 307 of
13 the Tariff Act of 1930 (19 U.S.C. 1307).

14 (4) FOREIGN PERSON.—The term “foreign per-
15 son” means any person that is not a United States
16 person.

17 (5) KNOWINGLY.—The term “knowingly”, with
18 respect to conduct, a circumstance, or a result,
19 means that a person has actual knowledge, or should
20 have known, of the conduct, the circumstance, or the
21 result.

22 (6) PERSON.—The term “person” means an in-
23 dividual or entity.

24 (7) UNITED STATES PERSON.—The term
25 “United States person” means—

1 (A) a United States citizen or an alien law-
2 fully admitted for permanent residence to the
3 United States; or

4 (B) an entity organized under the laws of
5 the United States or of any jurisdiction within
6 the United States, including a foreign branch of
7 such an entity.

8 **SEC. 307. INVESTIGATIONS OF ALLEGATIONS OF GOODS**
9 **PRODUCED WITH FORCED LABOR.**

10 Section 307 of the Tariff Act of 1930 (19 U.S.C.
11 1307) is amended—

12 (1) by striking “All” and inserting the fol-
13 lowing:

14 “(a) IN GENERAL.—All”;

15 (2) by striking “‘Forced labor’, as herein
16 used,” and inserting the following:

17 “(c) FORCED LABOR DEFINED.—In this section, the
18 term ‘forced labor’”; and

19 (3) by inserting after subsection (a), as des-
20 ignated by paragraph (1), the following:

21 “(b) FORCED LABOR DIVISION.—

22 “(1) IN GENERAL.—There is established in the
23 Office of Trade of U.S. Customs and Border Protec-
24 tion a Forced Labor Division, which shall—

1 “(A) receive and investigate allegations of
2 goods, wares, articles, or merchandise mined,
3 produced, or manufactured using forced labor;
4 and

5 “(B) coordinate with other agencies to en-
6 force the prohibition under subsection (a).

7 “(2) PRIORITIZATION OF INVESTIGATIONS.—In
8 prioritizing investigations under paragraph (1)(A),
9 the Forced Labor Division shall—

10 “(A) consult closely with the Bureau of
11 International Labor Affairs of the Department
12 of Labor and the Office to Monitor and Combat
13 Trafficking in Persons of the Department of
14 State; and

15 “(B) take into account—

16 “(i) the complicity of—

17 “(I) the government of the for-
18 eign country in which the instance of
19 forced labor is alleged to have oc-
20 curred; and

21 “(II) the government of any
22 other country that has facilitated the
23 use of forced labor in the country de-
24 scribed in subclause (I);

1 “(ii) the ranking of the governments
2 described in clause (i) in the most recent
3 report on trafficking in persons required
4 by section 110(b)(1) of the Trafficking
5 Victims Protection Act of 2000 (22 U.S.C.
6 7107(b)(1));

7 “(iii) whether the good involved in the
8 alleged instance of forced labor is included
9 in the most recent list of goods produced
10 by child labor or forced labor required by
11 section 105(b)(1)(2)(C) of the Trafficking
12 Victims Protection Reauthorization Act of
13 2005 (22 U.S.C. 7112(b)(2)(C)); and

14 “(iv) the effect taking action with re-
15 spect to the alleged instance of forced
16 labor would have in eradicating forced
17 labor from the supply chain of the United
18 States.”.

19 **SEC. 308. RESTRICTIONS ON EXPORT, REEXPORT, AND IN-**
20 **COUNTRY TRANSFERS OF CERTAIN ITEMS**
21 **THAT PROVIDE A CRITICAL CAPABILITY TO**
22 **THE GOVERNMENT OF CHINA TO SUPPRESS**
23 **INDIVIDUAL PRIVACY, FREEDOM, AND OTHER**
24 **BASIC HUMAN RIGHTS.**

25 (a) DEFINITIONS.—In this section:

1 (1) COMMERCE CONTROL LIST.—The term
2 “Commerce Control List” means the list set forth in
3 Supplement No. 1 to part 774 of the Export Admin-
4 istration Regulations under subchapter C of chapter
5 VII of title 15, Code of Federal Regulations.

6 (2) EXPORT; IN-COUNTRY TRANSFER; ITEM; RE-
7 EXPORT.—The terms “export”, “in-country trans-
8 fer”, “item”, and “reexport” have the meaning given
9 such terms in section 1742 of the Export Control
10 Reform Act of 2018 (50 U.S.C. 4801).

11 (b) LIST OF COVERED ITEMS.—

12 (1) IN GENERAL.—Not later than 120 days
13 after the date of the enactment of this Act, and as
14 appropriate thereafter, the President shall—

15 (A) identify any items that provide a crit-
16 ical capability to the Government of China, or
17 any person acting on behalf of such govern-
18 ment, to suppress individual privacy, freedom of
19 movement, and other basic human rights, spe-
20 cifically through—

21 (i) surveillance, interception, and re-
22 striction of communications;

23 (ii) monitoring of individual location
24 or movement or restricting individual
25 movement;

1 (iii) monitoring or restricting access
2 to and use of the internet;

3 (iv) monitoring or restricting use of
4 social media;

5 (v) identification of individuals
6 through facial recognition, voice recogni-
7 tion, or biometric indicators;

8 (vi) detention of individuals who are
9 exercising basic human rights; and

10 (vii) forced labor in manufacturing;
11 and

12 (B) pursuant to the Export Control Re-
13 form Act of 2018 (50 U.S.C. 4801 et seq.), in-
14 clude items identified pursuant to subparagraph
15 (A) on the Commerce Control List in a category
16 separate from other items, as appropriate, on
17 the Commerce Control List.

18 (2) SUPPORT AND COOPERATION.—Upon re-
19 quest, the head of a Federal agency shall provide
20 full support and cooperation to the President in car-
21 rying out this subsection.

22 (3) CONSULTATION.—In carrying out this sub-
23 section, the President shall consult with the relevant
24 technical advisory committees of the Department of
25 Commerce to ensure that the composition of items

1 identified under paragraph (1)(A) and included on
2 the Commerce Control List does not unnecessarily
3 restrict commerce between the United States and
4 the People's Republic of China, consistent with the
5 purposes of this subsection.

6 (c) SPECIAL LICENSE; OTHER AUTHORIZATIONS.—

7 (1) IN GENERAL.—Beginning not later than
8 180 days after the date of the enactment of this Act,
9 the President shall, pursuant to the Export Control
10 Reform Act of 2018 (50 U.S.C. 4801 et seq.), re-
11 quire a license or other authorization for the export,
12 reexport, or in-country transfer to or within the Peo-
13 ple's Republic of China of an item identified pursu-
14 ant to subsection (b)(1)(A) and included on the
15 Commerce Control List.

16 (2) PRESUMPTION OF DENIAL.—An application
17 for a license or other authorization described in
18 paragraph (1) shall be subject to a presumption of
19 denial.

20 (3) PUBLIC NOTICE AND COMMENT.—The
21 President shall provide for notice and an opportunity
22 for public comment, in accordance with section 553
23 of title 5, United States Code, with respect to action
24 necessary to carry out this subsection.

1 (d) INTERNATIONAL COORDINATION AND MULTILAT-
2 ERAL CONTROLS.—It shall be the policy of the United
3 States to seek to harmonize United States export control
4 regulations with international export control regimes with
5 respect to the items identified pursuant to subsection
6 (b)(1)(A), including through the Wassenaar Arrangement
7 on Export Controls for Conventional Arms and Dual-Use
8 Goods and Technologies, done at The Hague December
9 1995, and other bilateral and multilateral mechanisms in-
10 volving countries that export such items.

11 (e) TERMINATION OF SUSPENSION OF CERTAIN
12 OTHER PROGRAMS AND ACTIVITIES.—Section 902(b)(1)
13 of the Foreign Relations Authorization Act, Fiscal Years
14 1990 and 1991 (Public Law 101–246; 22 U.S.C. 2151
15 note) is amended—

16 (1) in the matter preceding subparagraph (A),
17 by inserting “and Xinjiang Uyghur Autonomous Re-
18 gion” after “Tibet”;

19 (2) in subparagraph (D), by striking “and” at
20 the end;

21 (3) in subparagraph (E), by striking “or” after
22 the semicolon and inserting “and”; and

23 (4) by adding the following:

24 “(F) the ending of mass internment of eth-
25 nic Uyghurs and other Turkic Muslims in the

1 Xinjiang Uyghur Autonomous Region, including
2 the intrusive system of high-tech surveillance
3 and policing in the region; or”.

4 **SEC. 309. REPORT ON USE AND APPLICABILITY OF SANCTIONS TO CHINESE OFFICIALS COMPLICIT IN**
5 **HUMAN RIGHTS VIOLATIONS.**
6

7 (a) IN GENERAL.—Not later than one year after the
8 date of the enactment of this Act, the Secretary of State,
9 in consultation with the Secretary of the Treasury, shall
10 submit to the appropriate congressional committees a re-
11 port on the use and applicability of sanctions, including
12 financial sanctions and the denial of visas to enter the
13 United States, with respect to officials of the Government
14 of China complicit in human rights violations, including
15 severe religious freedom restrictions and human traf-
16 ficking.

17 (b) ELEMENTS.—The report required by subsection
18 (a) shall include—

19 (1) a list of all relevant authorities under stat-
20 utes or Executive orders for imposing sanctions de-
21 scribed in subsection (a);

22 (2) an assessment of where, if at all, such au-
23 thorities may conflict, overlap, or otherwise require
24 clarification;

1 (3) a list of all instances in which designations
2 for the imposition of sanctions described in sub-
3 section (a) were made during the one-year period
4 preceding submission of the report; and

5 (4) an assessment of the effectiveness of those
6 designations in changing desired behavior and rec-
7 ommendations for increasing the effectiveness of
8 such designations.

9 (c) FORM OF REPORT.—The report required by sub-
10 section (a) shall be submitted in unclassified form but may
11 include a classified annex.

12 **SEC. 310. RECIPROCITY FOR MEDIA ORGANIZATIONS.**

13 (a) STATEMENT OF POLICY.—It shall be the policy
14 of the United States to insist that the People’s Republic
15 of China afford representatives of United States media
16 seeking entry into the People’s Republic of China the same
17 treatment afforded representatives of Chinese media seek-
18 ing entry into the United States.

19 (b) ANNUAL REPORT.—

20 (1) IN GENERAL.—Not later than one year
21 after the date of the enactment of this Act, and an-
22 nually thereafter, the Secretary of Homeland Secu-
23 rity shall submit to the appropriate committees of
24 Congress a report on foreign information media visa

1 applications submitted by nationals of the People's
2 Republic of China.

3 (2) ELEMENTS.—Each report required by para-
4 graph (1) shall include the following for the pre-
5 ceding calendar year:

6 (A) The number of such visa applications
7 received.

8 (B) The number of such applications
9 granted, disaggregated by visa category.

10 (C) The name and information regarding
11 the ownership of the news organization spon-
12 soring each such application.

13 (3) APPROPRIATE COMMITTEES OF CONGRESS
14 DEFINED.—In this section, the term “appropriate
15 committees of Congress” means—

16 (A) the Committee on Foreign Relations
17 and the Committee on the Judiciary of the Sen-
18 ate; and

19 (B) the Committee on Foreign Affairs and
20 the Committee on the Judiciary of the House of
21 Representatives.

1 **SEC. 311. REPORT ON CORRUPT ACTIVITIES OF SENIOR OF-**
2 **FICIALS OF GOVERNMENT OF CHINA.**

3 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
4 FINED.—In this section, the term “appropriate commit-
5 tees of Congress” means—

6 (1) the Committee on Foreign Relations, the
7 Committee on Banking, Housing, and Urban Af-
8 fairs, the Committee on Finance, and the Select
9 Committee on Intelligence of the Senate; and

10 (2) the Committee on Foreign Affairs, the
11 Committee on Financial Services, the Committee on
12 Ways and Means, and the Permanent Select Com-
13 mittee on Intelligence of the House of Representa-
14 tives.

15 (b) ANNUAL REPORT REQUIRED.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of the enactment of this Act, and an-
18 nually thereafter through 2025, the Director of the
19 Central Intelligence Agency, in consultation with the
20 Secretary of State, shall submit to the appropriate
21 committees of Congress a report on the corruption
22 and corrupt activities of senior officials of the Gov-
23 ernment of China.

24 (2) ELEMENTS.—

25 (A) IN GENERAL.—Each report under
26 paragraph (1) shall include the following:

1 (i) A description of the wealth of, and
2 corruption and corrupt activities among,
3 senior officials of the Government of
4 China.

5 (ii) A description of any recent actions
6 of the officials described in clause (i) that
7 could be considered a violation, or potential
8 violation, of United States law.

9 (iii) A description and assessment of
10 targeted financial measures, including po-
11 tential targets for designation of the offi-
12 cials described in clause (i) for the corrup-
13 tion and corrupt activities described in that
14 clause and for the actions described in
15 clause (ii).

16 (B) SCOPE OF REPORTS.—The first report
17 under paragraph (1) shall include comprehen-
18 sive information on the matters described in
19 subparagraph (A). Any succeeding report under
20 paragraph (1) may consist of an update or sup-
21 plement to the preceding report under that sub-
22 section.

23 (3) COORDINATION.—In preparing each report,
24 update, or supplement under this subsection, the Di-

1 rector of the Central Intelligence Agency and the
2 Secretary of State shall coordinate as follows:

3 (A) In preparing the description required
4 by clause (i) of paragraph (2)(A), the Director
5 of the Central Intelligence Agency and the Sec-
6 retary of State shall coordinate with the head
7 of the Office of Intelligence and Analysis of the
8 Department of Treasury and the Director of
9 the Federal Bureau of Investigation.

10 (B) In preparing the descriptions required
11 by clauses (ii) and (iii) of such paragraph, the
12 Director of the Central Intelligence Agency and
13 the Secretary of State shall coordinate with the
14 head of the Office of Intelligence and Analysis
15 of the Department of the Treasury.

16 (4) FORM.—Each report under paragraph (1)
17 shall include an unclassified executive summary, and
18 may include a classified annex.

19 (c) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that the United States should undertake every effort
21 and pursue every opportunity to expose the corruption and
22 illicit practices of senior officials of the Government of
23 China, including President Xi Jinping.

1 **SEC. 312. REVIEW TO INCREASE AWARENESS OF INFLU-**
2 **ENCE OPERATIONS OF THE GOVERNMENT OF**
3 **CHINA IN THE UNITED STATES AND**
4 **STRENGTHENING TRUST OF LAW ENFORCE-**
5 **MENT IN COMMUNITIES.**

6 (a) UPDATES TO ANNUAL REPORTS ON INFLUENCE
7 OPERATIONS AND CAMPAIGNS IN THE UNITED STATES BY
8 THE GOVERNMENT OF CHINA.—Section 1107(b) of the
9 National Security Act of 1947 (50 U.S.C. 3237(b)) is
10 amended—

11 (1) by redesignating paragraph (8) as para-
12 graph (9); and

13 (2) by inserting after paragraph (7) the fol-
14 lowing:

15 “(8) An identification of influence activities and
16 operations, including the use of social media, em-
17 ployed by the Chinese Communist Party against the
18 United States science and technology sectors, spe-
19 cifically employees of the United States Government,
20 researchers, scientists, and students in the science
21 and technology sector in the United States, includ-
22 ing specific examples and data that demonstrates
23 the scope of such activities and operations.”.

24 (b) PLAN FOR FEDERAL BUREAU OF INVESTIGATION
25 TO INCREASE PUBLIC AWARENESS AND DETECTION OF

1 INFLUENCE ACTIVITIES BY THE GOVERNMENT OF THE
2 PEOPLE'S REPUBLIC OF CHINA.—

3 (1) PLAN REQUIRED.—Not later than 90 days
4 after the date of the enactment of this Act, the Di-
5 rector of the Federal Bureau of Investigation shall
6 submit to the congressional intelligence committees a
7 plan—

8 (A) to increase public awareness of influ-
9 ence activities by the Government of the Peo-
10 ple's Republic of China; and

11 (B) to publicize mechanisms that members
12 of the public can use—

13 (i) to detect such activities; and

14 (ii) to report such activities to the Bu-
15 reau.

16 (2) CONSULTATION.—In carrying out para-
17 graph (1), the Director shall consult with the fol-
18 lowing:

19 (A) The Director of the Office of Science
20 and Technology Policy.

21 (B) Such other stakeholders outside the in-
22 telligence community, including professional as-
23 sociations, institutions of higher education, and
24 businesses, as the Director determines relevant.

1 (c) RECOMMENDATIONS OF THE FEDERAL BUREAU
2 OF INVESTIGATION TO STRENGTHEN RELATIONSHIPS
3 AND BUILD TRUST WITH COMMUNITIES OF INTEREST.—

4 (1) IN GENERAL.—The Director of the Federal
5 Bureau of Investigation shall, in consultation with
6 the Assistant Attorney General for the Civil Rights
7 Division and the Chief Privacy and Civil Liberties
8 Officer of the Department of Justice, develop rec-
9 ommendations to strengthen relationships with com-
10 munities targeted by influence activities of the Gov-
11 ernment of the People’s Republic of China, to pro-
12 tect due process, civil rights, and civil liberties, and
13 to build trust with such communities through local
14 and regional grassroots outreach, drawing from les-
15 sons learned in the aftermath of September 11,
16 2001, relating to Muslim, Arab, Sikh, and South
17 Asian communities.

18 (2) SUBMITTAL TO CONGRESS.—Not later than
19 1 year after the date of the enactment of this Act,
20 the Director shall submit to Congress the rec-
21 ommendations developed under paragraph (1).

22 (d) TECHNICAL CORRECTIONS.—The National Secu-
23 rity Act of 1947 (50 U.S.C. 3001 et seq.) is amended—

24 (1) in section 1107 (50 U.S.C. 3237)—

1 (A) in the section heading, by striking
 2 “**COMMUNIST PARTY OF CHINA**” and insert-
 3 ing “**CHINESE COMMUNIST PARTY**”; and

4 (B) by striking “Communist Party of
 5 China” both places it appears and inserting
 6 “Chinese Communist Party”; and

7 (2) in the table of contents before section 2 (50
 8 U.S.C. 3002), by striking the item relating to sec-
 9 tion 1107 and inserting the following new item:

“Sec. 1107. Annual reports on influence operations and campaigns in the
 United States by the Chinese Communist Party.”.

10 **SEC. 313. CONFRONTING ANTI-ASIAN RACISM IN THE**
 11 **UNITED STATES.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
 13 gress that—

14 (1) in the wake of the COVID–19 pandemic,
 15 the United States has seen an alarming rise in the
 16 number of incidents of hate crimes, harassment, and
 17 discrimination targeted at the Asian American com-
 18 munity;

19 (2) the United States should actively oppose
 20 racism and intolerance in all its forms, including
 21 within the Government of the United States, by re-
 22 fraining from using unofficial terms for COVID–19
 23 that exacerbate prejudice and discrimination, such
 24 as “Chinese virus” and “Wuhan virus”; and

1 (3) the United States is strongest when it lives
2 up to its guiding principles, including the embrace of
3 equality and diversity.

4 (b) REQUIREMENTS FOR FEDERAL LAW ENFORCE-
5 MENT AGENCIES.—

6 (1) DEFINITIONS.—In this subsection:

7 (A) FEDERAL LAW ENFORCEMENT AGEN-
8 CY.—The term “Federal law enforcement agen-
9 cy” means any agency of the United States au-
10 thorized to engage in or supervise the preven-
11 tion, detection, investigation, or prosecution of
12 any violation of Federal criminal law.

13 (B) RACIAL PROFILING.—

14 (i) IN GENERAL.—The term “racial
15 profiling” means the practice of a law en-
16 forcement agent or agency relying, to any
17 degree, on actual or perceived race, eth-
18 nicity, national origin, religion, gender,
19 gender identity, or sexual orientation in se-
20 lecting which individual to subject to rou-
21 tine or spontaneous investigatory activities
22 or in deciding upon the scope and sub-
23 stance of law enforcement activity fol-
24 lowing the initial investigatory procedure,
25 except when there is trustworthy informa-

1 tion, relevant to the locality and time-
2 frame, that links a person with a par-
3 ticular characteristic described in this
4 paragraph to an identified criminal inci-
5 dent or scheme.

6 (ii) EXCEPTION.—For purposes of
7 clause (i), a Tribal law enforcement officer
8 exercising law enforcement authority with-
9 in Indian country, as that term is defined
10 in section 1151 of title 18, United States
11 Code, is not considered to be racial
12 profiling with respect to making key juris-
13 dictional determinations that are nec-
14 essarily tied to reliance on actual or per-
15 ceived race, ethnicity, or tribal affiliation.

16 (2) REQUIREMENT TO ESTABLISH POLICIES TO
17 ELIMINATE AND PROHIBIT RACIAL PROFILING.—The
18 head of each Federal law enforcement agency
19 shall—

20 (A) maintain adequate policies and proce-
21 dures designed to eliminate racial profiling; and

22 (B) cease any practices in effect on the
23 date of enactment of this Act that authorize ra-
24 cial profiling.

1 (3) REQUIREMENTS.—The policies and proce-
2 dures described in paragraph (2)(A) shall include—

3 (A) a prohibition on racial profiling;

4 (B) training on racial profiling issues as
5 part of Federal law enforcement training;

6 (C) the collection of data in accordance
7 with the regulations issued by the Attorney
8 General;

9 (D) procedures for receiving, investigating,
10 and responding meaningfully to complaints al-
11 leging racial profiling by law enforcement
12 agents; and

13 (E) any other policies and procedures the
14 Attorney General determines to be necessary to
15 eliminate racial profiling by Federal law en-
16 forcement agencies.

17 **TITLE IV—INVESTING IN OUR**
18 **ECONOMIC STATECRAFT**

19 **SEC. 401. APPROPRIATE CONGRESSIONAL COMMITTEES**

20 **DEFINED.**

21 In this title, the term “appropriate congressional
22 committees” means—

23 (1) the Committee on Foreign Relations, the
24 Committee on Banking, Housing, and Urban Af-
25 fairs, the Committee on Finance, the Committee on

1 Health, Education, Labor, and Pensions, and the
2 Committee on Appropriations of the Senate; and

3 (2) the Committee on Foreign Affairs, the
4 Committee on Financial Services, the Committee on
5 Ways and Means, the Committee on Energy and
6 Commerce, and the Committee on Appropriations of
7 the House of Representatives.

8 **SEC. 402. AUTHORIZATION OF ADDITIONAL APPROPRIA-**
9 **TIONS.**

10 There are authorized to be appropriated to the Com-
11 mittee on Foreign Investment in the United States Fund
12 established under section 721(p) of the Defense Produc-
13 tion Act of 1950 (50 U.S.C. 4565(p)), the United States
14 Trade Representative, the Secretary of Commerce, the
15 Secretary of the Treasury, the Federal Trade Commission,
16 and the Commissioner of U.S. Customs and Border Pro-
17 tection such sums as may be necessary for each such enti-
18 ty to carry out the responsibilities of the entity under this
19 title.

20 **Subtitle A—Trade Enforcement**

21 **SEC. 411. AUTHORITY TO REVIEW INBOUND AND OUT-**
22 **BOUND INVESTMENT.**

23 (a) IN GENERAL.—The Trade Act of 1974 (19
24 U.S.C. 2102 et seq.) is amended by adding at the end
25 the following:

1 **“TITLE X—AUTHORITY TO RE-**
2 **VIEW INBOUND AND OUT-**
3 **BOUND INVESTMENT**

4 **“SEC. 1001. DEFINITIONS.**

5 “In this title:

6 “(1) COMMITTEE.—The term ‘Committee’
7 means the Committee on Production Integrity in the
8 United States established under section 1002.

9 “(2) CONTROL.—The term ‘control’ means the
10 power, whether direct or indirect and whether or not
11 exercised, to make decisions or cause or direct deci-
12 sions to be made with respect to important matters
13 affecting an entity, through—

14 “(A) the ownership of a majority or a
15 dominant minority of the total outstanding vot-
16 ing interest in the entity;

17 “(B) representation on the board of direc-
18 tors of the entity;

19 “(C) proxy voting on the board of directors
20 of the entity;

21 “(D) a special share in the entity;

22 “(E) a contractual arrangement with the
23 entity;

24 “(F) a formal or informal arrangement to
25 act in concert with the entity; or

1 “(G) any other means.

2 “(3) COVERED BUSINESS.—The term ‘covered
3 business’ means—

4 “(A) a publicly traded United States busi-
5 ness conducting business activities in non-
6 market economy countries or with state-owned
7 enterprises through direct investments, joint
8 ventures, partnerships, or substantial purchase
9 or service contracts valued at more than
10 \$100,000,000 per year in the aggregate; and

11 “(B) any other United States business that
12 produces or imports into the United States
13 more than 5 percent of the total quantity of
14 covered products sold in the United States in a
15 year.

16 “(4) COVERED PRODUCT.—The term ‘covered
17 product’ means a supply identified by the Committee
18 under section 1003(1)(A).

19 “(5) CRISIS PREPAREDNESS.—The term ‘crisis
20 preparedness’ means preparedness for national cri-
21 ses, including public health emergencies or natural
22 disasters.

23 “(6) NONMARKET ECONOMY COUNTRY.—The
24 term ‘nonmarket economy country’ has the meaning

1 given that term in section 771(18) of the Tariff Act
2 of 1930 (19 U.S.C. 1677(18)).

3 “(7) PUBLICLY TRADED.—

4 “(A) IN GENERAL.—The term ‘publicly
5 traded’, with respect to an entity, means that
6 the entity is an issuer of securities that are list-
7 ed on an exchange registered under section 6 of
8 the Securities Exchange Act of 1934 (15
9 U.S.C. 78f).

10 “(B) ISSUER; SECURITIES.—For purposes
11 of subparagraph (A), the terms ‘issuer’ and ‘se-
12 curity’ have the meanings given those terms in
13 section 3(a) of the Securities Exchange Act of
14 1934 (15 U.S.C. 78c).

15 “(8) STATE-OWNED ENTERPRISE.—The term
16 ‘state-owned enterprise’ means—

17 “(A) an entity that is owned by, controlled
18 by, or under the influence of, a national, provin-
19 cial, or local government in a foreign country or
20 an agency of such a government; or

21 “(B) an individual acting under the direc-
22 tion or the influence of a government or agency
23 described in subparagraph (A).

1 “(9) UNITED STATES BUSINESS.—The term
2 ‘United States business’ means a person engaged in
3 interstate commerce in the United States.

4 **“SEC. 1002. COMMITTEE ON PRODUCTION INTEGRITY IN**
5 **THE UNITED STATES.**

6 “(a) ESTABLISHMENT.—There is established a com-
7 mittee, to be known as the ‘Committee on Production In-
8 tegrity in the United States’.

9 “(b) MEMBERSHIP.—The Committee shall be com-
10 posed of the following:

11 “(1) The United States Trade Representative,
12 who shall serve as the chairperson of the Committee.

13 “(2) The Secretary of Commerce.

14 “(3) The Secretary of Defense.

15 “(4) The Secretary of the Treasury.

16 “(5) The Secretary of Homeland Security.

17 “(6) The Secretary of State.

18 “(7) The Attorney General.

19 “(8) The Secretary of Energy.

20 “(9) The Secretary of Labor.

21 “(10) The Secretary of Health and Human
22 Services.

23 “(11) The Secretary of Agriculture.

24 “(12) The Administrator of the Federal Emer-
25 gency Management Agency.

1 “(13) The Administrator of the Environmental
2 Protection Agency.

3 “(14) The heads of such other agencies as the
4 United States Trade Representative considers appro-
5 priate.

6 “(c) DUTIES.—The Committee shall—

7 “(1) conduct a review and issue a regular re-
8 port on domestic manufacturing and supply chain
9 resilience in accordance with section 1003;

10 “(2) review annual reports submitted by cov-
11 ered businesses under section 1004;

12 “(3) review outbound investments related to
13 nonmarket economy countries or involving state-
14 owned enterprises under section 1005; and

15 “(4) review inbound investments for economic
16 effect and certain supply chain concerns under sec-
17 tion 1006.

18 **“SEC. 1003. REPORT ON DOMESTIC MANUFACTURING AND**
19 **SUPPLY CHAIN RESILIENCE FOR CRITICAL**
20 **SUPPLIES.**

21 “Not later than one year after the date of the enact-
22 ment of this title, and not less frequently than every 3
23 years thereafter, the Committee shall submit to Congress
24 a report—

25 “(1) identifying—

1 “(A) supplies critical to the crisis pre-
2 paredness of the United States, such as medical
3 supplies, personal protective equipment, disaster
4 response necessities, electrical generation tech-
5 nology, materials essential to infrastructure re-
6 pair and renovation, and other supplies identi-
7 fied by the Committee; and

8 “(B) industries that produce such supplies;
9 “(2) describing—

10 “(A) the current domestic manufacturing
11 base and supply chains for those supplies, in-
12 cluding raw materials and other goods essential
13 to the production of those supplies; and

14 “(B) the ability of the United States to
15 maintain readiness and to surge production of
16 those supplies in response to an emergency;

17 “(3) identifying defense, intelligence, homeland,
18 economic, natural, geopolitical, or other contin-
19 gencies that may disrupt, strain, compromise, or
20 eliminate the supply chain for those supplies;

21 “(4) assessing the resiliency and capacity of the
22 domestic manufacturing base and supply chains to
23 support the need for those supplies, including any
24 single points of failure in those supply chains;

1 “(5) assessing flexible manufacturing capacity
2 available in the United States in cases of emergency;
3 and

4 “(6) making specific recommendations to im-
5 prove the security and resiliency of domestic manu-
6 facturing capacity and supply chains, including the
7 development of sector-based plans for reshoring
8 manufacturing and for supply chain optimization de-
9 signed to help manufacturers build domestic supply
10 chains in critical supplies by—

11 “(A) developing long-term strategies;

12 “(B) increasing visibility throughout mul-
13 tiple supplier tiers;

14 “(C) identifying and mitigating risks;

15 “(D) identifying enterprise resource plan-
16 ning systems that are compatible across supply
17 chain tiers and are affordable for small- and
18 medium-sized enterprises;

19 “(E) understanding the total cost of own-
20 ership, total value contribution, and other best
21 practices that encourage strategic partnerships
22 throughout the supply chain;

23 “(F) understanding Federal procurement
24 opportunities to fulfill requirements for buying

1 domestically sourced goods and services and fill
2 gaps in domestic purchasing;

3 “(G) understanding how advanced digital
4 technology, including artificial intelligence, ro-
5 botics, 3D printing, and cloud computing, can
6 improve the security and resiliency of domestic
7 manufacturing capacity and supply chains; and

8 “(H) identifying such other services as the
9 Committee considers necessary.

10 **“SEC. 1004. RESPONSIBLE INVESTMENT REPORTING RE-**
11 **QUIREMENT.**

12 “(a) REQUIREMENT FOR REPORTS.—

13 “(1) IN GENERAL.—A covered business shall,
14 not less frequently than annually, submit to the
15 Committee a report that—

16 “(A) identifies—

17 “(i) patented technology and processes
18 and any other proprietary information of
19 the business that was sold or disclosed,
20 during the year preceding submission of
21 the report, to another entity in the course
22 of business activities in a nonmarket econ-
23 omy country or with a state-owned enter-
24 prise;

1 “(ii) any instances of the forced trans-
2 fer of technology or related processes or in-
3 formation or intellectual property theft or
4 suspected intellectual property theft, dur-
5 ing the year preceding submission of the
6 report, in the course of business activities
7 in a nonmarket economy country or related
8 to a state-owned enterprise; and

9 “(iii) corporate policies of and meas-
10 ures taken by the business to avoid inad-
11 vertent disclosure or theft of intellectual
12 property or the forced transfer of tech-
13 nology or related processes or information;
14 “(B) identifies—

15 “(i) censorship required, directly or
16 indirectly, by the government of a non-
17 market economy country in which the busi-
18 ness conducts business activities or by a
19 government that owns, controls, or influ-
20 ences a state-owned enterprise with which
21 the business conducts such activities, for
22 the business to conduct business activities
23 in that country or with that enterprise;
24 and

1 “(ii) corporate policies on providing
2 information about censorship activity or
3 the activity of its customers or users to a
4 government described in clause (i); and

5 “(C) includes a summary of human rights,
6 worker rights, forced labor supply chain,
7 anticorruption, and environmental policies of
8 the business related to the business operations
9 and supply chains of the business in nonmarket
10 economy countries or with state-owned enter-
11 prises.

12 “(2) TREATMENT OF BUSINESS CONFIDENTIAL
13 INFORMATION.—A covered business shall submit
14 each report required by paragraph (1) to the Com-
15 mittee—

16 “(A) in a form that includes business con-
17 fidential information; and

18 “(B) in a form that omits business con-
19 fidential information and is appropriate for dis-
20 closure to the public.

21 “(b) REVIEW BY COMMITTEE.—The Committee shall
22 review the reports submitted by covered businesses under
23 subsection (a).

1 **“SEC. 1005. REVIEW OF OUTBOUND INVESTMENT.**

2 “(a) MANDATORY NOTIFICATION.—A covered busi-
3 ness that engages in a transaction described in subsection
4 (b) shall submit a written notification of the transaction
5 to the Committee.

6 “(b) TRANSACTIONS DESCRIBED.—A transaction de-
7 scribed in this subsection is a transaction proposed or
8 pending on or after the date of the enactment of this title
9 that—

10 “(1)(A) is a merger with, acquisition or take-
11 over of, joint venture with, or investment in, an enti-
12 ty in a nonmarket economy country; or

13 “(B) results in the establishment of a new enti-
14 ty in such a country; and

15 “(2)(A) in the case of a transaction involving a
16 state-owned enterprise, is valued at \$50,000,000 or
17 more; or

18 “(B) in the case of any other transaction, is
19 valued at \$1,000,000,000 or more.

20 “(c) REVIEW.—

21 “(1) IN GENERAL.—Not later than 60 days
22 after receiving written notification under subsection
23 (a) of a transaction described in subsection (b), the
24 Committee shall—

25 “(A) review the transaction to determine if
26 the transaction is likely to result in the reloca-

1 tion or concentration of production of covered
2 products or inputs for covered products in a
3 manner that poses a risk with respect to the
4 national security and crisis preparedness of the
5 United States or the supply of covered products
6 for the United States, considering factors speci-
7 fied in subsection (d); and

8 “(B) if the Committee determines under
9 subparagraph (A) that the transaction poses a
10 risk described in that subparagraph, rec-
11 ommend to the President that appropriate ac-
12 tion be taken to address or mitigate that risk,
13 such as—

14 “(i) procurement by the Federal Gov-
15 ernment of covered products produced in
16 the United States;

17 “(ii) use of authorities under the De-
18 fense Production Act of 1950 (50 U.S.C.
19 4501 et seq.) to increase the production of
20 covered products in the United States;

21 “(iii) the use or establishment of Fed-
22 eral programs to provide subsidies or in-
23 vestments for the production of covered
24 products in the United States;

1 “(iv) the conduct of an investigation
2 under section 232 of the Trade Expansion
3 Act of 1962 (19 U.S.C. 1862) with respect
4 to covered products; or

5 “(v) such other actions as the Com-
6 mittee considers appropriate.

7 “(2) UNILATERAL INITIATION OF REVIEW.—
8 The Committee may initiate a review under para-
9 graph (1) of a transaction described in subsection
10 (b) for which written notification is not submitted
11 under subsection (a).

12 “(3) INITIATION OF REVIEW BY REQUEST FROM
13 CONGRESS.—The Committee shall initiate a review
14 under paragraph (1) of a transaction described in
15 subsection (b) (determined without regard to the
16 value of the transaction under subparagraph (A) or
17 (B) of subsection (b)(2)) if the chairperson and the
18 ranking member of the Committee on Finance of the
19 Senate or the Committee on Ways and Means of the
20 House of Representatives request the Committee to
21 review the transaction.

22 “(d) FACTORS TO BE CONSIDERED.—In reviewing
23 and making a determination with respect to a transaction
24 under subsection (c)(1), the Committee shall consider any
25 factors relating to the economy, national security, or crisis

1 preparedness of the United States that the Committee
2 considers relevant, including—

3 “(1) the long-term strategic economic, national
4 security, and crisis preparedness interests of the
5 United States;

6 “(2) the history of distortive trade practices in
7 each country in which a foreign party to the trans-
8 action is domiciled;

9 “(3) control and beneficial ownership (as deter-
10 mined in accordance with section 847 of the Na-
11 tional Defense Authorization Act for Fiscal Year
12 2020 (Public Law 116–92)) of each foreign person
13 that is a party to the transaction;

14 “(4) impact on the domestic industry and re-
15 sulting resiliency, taking into consideration any pat-
16 tern of foreign investment in the domestic industry;
17 and

18 “(5) any other factors the Committee considers
19 appropriate.

20 “(e) REPORT TO CONGRESS.—The Committee shall,
21 not less frequently than annually, submit to the Com-
22 mittee on Finance of the Senate and the Committee on
23 Ways and Means of the House of Representatives a re-
24 port—

1 “(1) describing, for the year preceding submis-
2 sion of the report—

3 “(A) the notifications received under sub-
4 section (a) and reviews conducted pursuant to
5 such notifications;

6 “(B) reviews initiated under paragraph (2)
7 or (3) of subsection (c);

8 “(C) actions recommended by the Com-
9 mittee under subsection (c)(1)(B) as a result of
10 such reviews; and

11 “(D) reviews during which the Committee
12 determined no action was required; and

13 “(2) assessing the overall impact of such re-
14 views on the economy, national security, and crisis
15 preparedness of the United States.

16 **“SEC. 1006. REVIEW OF INBOUND INVESTMENT.**

17 “(a) MANDATORY NOTIFICATION BY PARTIES.—
18 Each party to a transaction described in subsection (b)
19 shall submit a written notification of the transaction to
20 the Committee.

21 “(b) TRANSACTIONS DESCRIBED.—A transaction de-
22 scribed in this subsection is any transaction, by or with
23 any person, proposed or pending after the date of the en-
24 actment of this title that—

1 “(1)(A) is a merger with, acquisition or take-
2 over of, or investment in, an entity; or

3 “(B) results in the establishment of a new enti-
4 ty; and

5 “(2) could result in foreign control of any cov-
6 ered business; and

7 “(3)(A) in the case of a transaction involving a
8 state-owned enterprise, is valued at \$50,000,000 or
9 more; or

10 “(B) in the case of any other transaction, is
11 valued at \$1,000,000,000 or more.

12 “(c) REVIEW.—

13 “(1) IN GENERAL.—Upon receiving written no-
14 tification under subsection (a) of a transaction de-
15 scribed in subsection (b), the Committee shall—

16 “(A) review the transaction to determine—

17 “(i) the economic effect of the trans-
18 action on the United States, based on the
19 factors described in subsection (e); and

20 “(ii) whether the transaction creates a
21 risk with respect to the crisis preparedness
22 of the United States or the supply of cov-
23 ered products for the United States; and

1 “(B) based on the results of the review,
2 take appropriate action under subsection (d)
3 with respect to the transaction.

4 “(2) UNILATERAL INITIATION OF REVIEW.—
5 The Committee may initiate a review under para-
6 graph (1) of a transaction described in subsection
7 (b) for which written notification is not submitted
8 under subsection (a).

9 “(3) INITIATION OF REVIEW BY REQUEST FROM
10 CONGRESS.—The Committee shall initiate a review
11 under paragraph (1) of a transaction described in
12 subsection (b) (determined without regard to the
13 value of the transaction under subparagraph (A) or
14 (B) of subsection (b)(3)) if the chairperson and the
15 ranking member of the Committee on Finance of the
16 Senate or the Committee on Ways and Means of the
17 House of Representatives request the Committee to
18 review the transaction.

19 “(d) ACTION.—

20 “(1) ACTION AFTER INITIAL REVIEW.—Not
21 later than 15 days after receiving a written notifica-
22 tion of a transaction under subsection (a) or initi-
23 ating a review of a transaction under paragraph (2)
24 or (3) of subsection (b), as the case may be, the
25 Committee shall—

1 “(A) approve the transaction; or

2 “(B) inform the parties to the transaction
3 that the Committee requires additional time to
4 conduct a more thorough review of the trans-
5 action.

6 “(2) ACTION AFTER EXTENDED REVIEW.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (B), if the Committee informs the parties
9 to a transaction under paragraph (1)(B) that
10 the Committee requires additional time to con-
11 duct a more thorough review, the Committee
12 shall, not later than 45 days after receiving the
13 written notification of the transaction under
14 subsection (a) or initiating a review of the
15 transaction under paragraph (2) or (3) of sub-
16 section (c), as the case may be—

17 “(i) complete that review; and

18 “(ii) approve the transaction, prohibit
19 the transaction, or require the parties to
20 the transaction to modify the transaction
21 and resubmit the modified transaction to
22 the Committee for review under this sec-
23 tion.

24 “(B) EXTENSION OF DEADLINE.—The
25 Committee may extend the deadline under sub-

1 paragraph (A) with respect to the review of a
2 transaction by not more than 15 days.

3 “(3) CASES OF INACCURATE OR INADEQUATE
4 INFORMATION.—The Committee may prohibit a
5 transaction under this subsection if the Committee
6 determines that any party to the transaction pro-
7 vides to the Committee inaccurate or inadequate in-
8 formation in response to inquiries of the Committee
9 as part of a review of the transaction under sub-
10 section (c).

11 “(4) PUBLIC AVAILABILITY OF DECISION.—
12 Each decision under this subsection to approve, pro-
13 hibit, or allow for modification of a transaction, and
14 a justification for each such decision, shall be made
15 available to the public.

16 “(e) FACTORS TO BE CONSIDERED.—In taking ac-
17 tion with respect to a transaction under subsection (d),
18 the Committee shall consider any economic and crisis pre-
19 paredness factors the Committee considers relevant, in-
20 cluding—

21 “(1) the long-term strategic economic and crisis
22 preparedness interests of the United States;

23 “(2) the history of distortive trade practices in
24 each country in which a foreign party to the trans-
25 action is domiciled;

1 “(3) control and beneficial ownership (as deter-
2 mined in accordance with section 847 of the Na-
3 tional Defense Authorization Act for Fiscal Year
4 2020 (Public Law 116–92)) of each foreign person
5 that is a party to the transaction;

6 “(4) impact on the domestic industry, taking
7 into consideration any pattern of foreign investment
8 in the domestic industry; and

9 “(5) any other factors the Committee considers
10 appropriate.

11 “(f) PUBLIC COMMENTS.—The Committee shall—

12 “(1) make available to the public each written
13 notification submitted under subsection (a) with re-
14 spect to a transaction described in subsection (b)
15 and notify the public if the Committee initiates a re-
16 view under paragraph (2) or (3) of subsection (c)
17 with respect to a transaction; and

18 “(2) in the case of a transaction that the Com-
19 mittee determines under subsection (d)(1)(B) re-
20 quires additional time for review, provide a period
21 for public comment on the transaction of not more
22 than 10 days.

23 “(g) COORDINATION WITH COMMITTEE ON FOREIGN
24 INVESTMENT IN THE UNITED STATES.—

1 “(1) IN GENERAL.—In the case of a transaction
2 undergoing review under this section and section
3 721 of the Defense Production Act of 1950 (50
4 U.S.C. 4565), the Committee shall coordinate with
5 the Secretary of the Treasury with respect to those
6 reviews.

7 “(2) REVIEW OF NATIONAL SECURITY CON-
8 CERNS.—Review of any threat posed by a trans-
9 action to the national security of the United States
10 shall be conducted by the Committee on Foreign In-
11 vestment in the United States under section 721 of
12 the Defense Production Act of 1950 and not under
13 this section.

14 “(h) REPORT TO CONGRESS.—The Committee shall,
15 not less frequently than annually, submit to the Com-
16 mittee on Finance of the Senate and the Committee on
17 Ways and Means of the House of Representatives a re-
18 port—

19 “(1) describing, for the year preceding submis-
20 sion of the report—

21 “(A) the notifications received under sub-
22 section (a) with respect to transactions de-
23 scribed in subsection (b) and reviews conducted
24 pursuant to such notifications;

1 ments and other practices that have systemic, diffuse im-
2 pacts on the economy and workers of the United States.

3 (b) ESTABLISHMENT OF SPECIAL INVESTIGATIONS
4 UNIT.—Section 141 of the Trade Act of 1974 (19 U.S.C.
5 2171) is amended by adding at the end the following:

6 “(i) SPECIAL INVESTIGATIONS UNIT.—

7 “(1) IN GENERAL.—There is established in the
8 Office of the United States Trade Representative a
9 Special Investigations Unit, which shall report to the
10 general counsel of the Office.

11 “(2) INVESTIGATIONS.—

12 “(A) IN GENERAL.—The Special Investiga-
13 tions Unit shall be responsible for inves-
14 tigating—

15 “(i) potential violations of trade
16 agreements to which the United States is
17 a party; and

18 “(ii) other acts, policies, or practices
19 of a foreign government that are unjustifi-
20 able, unreasonable, or discriminatory and
21 burden or restrict United States commerce
22 as described in section 301.

23 “(B) PRIORITIZATION.—The Special Inves-
24 tigation Unit shall prioritize investigations
25 under subparagraph (A) involving—

1 “(i) countries that are major trading
2 partners of the United States; or

3 “(ii) violations described in clause (i)
4 of subparagraph (A) or acts, policies, or
5 practices described in clause (ii) of that
6 subparagraph that have a systemic or dif-
7 fuse impact on the economy of the United
8 States across industries.

9 “(3) AUTHORITIES.—

10 “(A) IN GENERAL.—The Special Investiga-
11 tions Unit shall have the power—

12 “(i) subject to subparagraph (B), to
13 require by subpoena the production of all
14 information, documents, reports, answers,
15 records, accounts, papers, and other data
16 in any medium (including electronically
17 stored information), as well as any tangible
18 thing and documentary evidence necessary
19 in the performance of the functions as-
20 signed by this subsection, which subpoena,
21 in the case of contumacy or refusal to
22 obey, shall be enforceable by order of any
23 appropriate United States district court;
24 and

1 “(ii) to request such information or
 2 assistance as may be necessary for car-
 3 rying out the duties and responsibilities
 4 provided by this subsection from any Fed-
 5 eral, State, or local governmental agency
 6 or unit thereof.

7 “(B) INFORMATION FROM FEDERAL AGEN-
 8 CIES.—The Special Investigations Unit shall
 9 use procedures other than subpoenas to obtain
 10 documents and information from Federal agen-
 11 cies.”.

12 **SEC. 413. ESTABLISHMENT OF INSPECTOR GENERAL OF**
 13 **THE OFFICE OF THE UNITED STATES TRADE**
 14 **REPRESENTATIVE.**

15 (a) DEFINITIONS.—Section 12 of the Inspector Gen-
 16 eral Act of 1978 (5 U.S.C. App.) is amended—

17 (1) in paragraph (1), by striking “or the Direc-
 18 tor of the National Reconnaissance Office” and in-
 19 serting “the Director of the National Reconnaiss-
 20 sance Office; or the United States Trade Represent-
 21 ative”; and

22 (2) in paragraph (2), by striking “or the Na-
 23 tional Reconnaissance Office” and inserting “the
 24 National Reconnaissance Office, or the Office of the
 25 United States Trade Representative,”.

1 (b) APPOINTMENT OF INSPECTOR GENERAL.—Not
2 later than 120 days after the date of the enactment of
3 this Act, the President shall appoint an individual to serve
4 as the Inspector General of the Office for the United
5 States Trade Representative in accordance with section
6 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.).

7 **SEC. 414. AUDIT OF PROCESS FOR SEEKING EXCLUSIONS**
8 **FROM CERTAIN DUTIES.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, the Inspector General
11 of the Office of the United States Trade Representative
12 shall commence conducting an audit of the process estab-
13 lished by the United States Trade Representative for ex-
14 cluding articles from duties imposed under section 301 of
15 the Trade Act of 1974 (19 U.S.C. 2411) with respect to
16 articles imported from the People’s Republic of China.

17 (b) ELEMENTS.—In conducting the audit required by
18 subsection (a), the Inspector General shall assess wheth-
19 er—

20 (1) all information used to make determinations
21 with respect to requests for or objections to exclu-
22 sions described in that subsection was included in
23 the official record; and

24 (2) officials of the Office of the United States
25 Trade Representative—

1 (A) uniformly applied the criteria used to
2 review such requests or objections to all persons
3 that submitted such requests or objections, as
4 the case may be;

5 (B) changed the criteria used to review
6 such requests or objections while such requests
7 or objections, as the case may be, were pending;

8 (C) met with any interested parties to dis-
9 cuss such requests or objections while such re-
10 quests or objections, as the case may be, were
11 pending;

12 (D) at any time permitted the resubmis-
13 sion of a previously submitted request or objec-
14 tion after the submission deadline; and

15 (E) uniformly allowed persons that sub-
16 mitted such requests or objections to submit ad-
17 ditional information at any time while such re-
18 quests or objections, as the case may be, were
19 under review.

20 **SEC. 415. IDENTIFICATION OF AND ACCOUNTABILITY WITH**
21 **RESPECT TO GOVERNMENT-COERCED CEN-**
22 **SORSHIP.**

23 (a) IN GENERAL.—Chapter 8 of title I of the Trade
24 Act of 1974 is amended by adding at the end the fol-
25 lowing:

1 **“SEC. 183. IDENTIFICATION OF COUNTRIES THAT DISRUPT**
2 **DIGITAL TRADE.**

3 “(a) IN GENERAL.—By not later than the date that
4 is 30 days after the date on which the annual report is
5 submitted to congressional committees under section
6 181(b), the United States Trade Representative (in this
7 section referred to as the ‘Trade Representative’) shall
8 identify, in accordance with subsection (b), foreign coun-
9 tries that are trading partners of the United States that
10 engage in acts, policies, or practices that disrupt digital
11 trade activities, including—

12 “(1) coerced censorship in their own markets or
13 extraterritorially; and

14 “(2) other eCommerce and digital practices
15 with the goal, or substantial effect, of promoting
16 censorship or extrajudicial data access that dis-
17 advantage United States persons.

18 “(b) REQUIREMENTS FOR IDENTIFICATIONS.—In
19 identifying countries under subsection (a), the Trade Rep-
20 resentative shall identify only foreign countries that—

21 “(1) disrupt digital trade in a discriminatory or
22 trade distorting manner with the goal, or substantial
23 effect, of promoting censorship or extrajudicial data
24 access;

25 “(2) deny fair and equitable market access to
26 United States digital service providers with the goal,

1 or substantial effect, of promoting censorship or
2 extrajudicial data access; or

3 “(3) engage in coerced censorship or extra-judi-
4 cial data access so as to harm the integrity of serv-
5 ices or products provided by United States persons
6 in the market of that country, the United States
7 market, or other markets.

8 “(c) DESIGNATION OF PRIORITY FOREIGN COUN-
9 TRIES.—

10 “(1) IN GENERAL.—The Trade Representative
11 shall designate as priority foreign countries the for-
12 eign countries identified under subsection (a) that—

13 “(A) engage in the most onerous or egre-
14 gious acts, policies, or practices, that have the
15 greatest impact on the United States; and

16 “(B) are not negotiating or otherwise mak-
17 ing progress to end those acts, policies, or prac-
18 tices.

19 “(2) REVOCATIONS AND ADDITIONAL IDENTI-
20 FICATIONS.—

21 “(A) IN GENERAL.—The Trade Represent-
22 ative may at any time, if information available
23 to the Trade Representative indicates that such
24 action is appropriate—

1 “(i) revoke the identification of any
2 foreign country as a priority foreign coun-
3 try under paragraph (1); or

4 “(ii) identify any foreign country as a
5 priority foreign country under that para-
6 graph.

7 “(B) REPORT ON REASONS FOR REVOCA-
8 TION.—The Trade Representative shall include
9 in the semiannual report submitted to Congress
10 under section 309(3) a detailed explanation of
11 the reasons for the revocation under subpara-
12 graph (A) of the identification of any foreign
13 country as a priority foreign country under
14 paragraph (1).

15 “(d) REFERRAL TO ATTORNEY GENERAL OR INVES-
16 TIGATION.—If the Trade Representative identifies an in-
17 stance in which a foreign country designated as a priority
18 foreign country under subsection (c) has pressured online
19 service providers to inhibit free speech in the United
20 States, the Trade Representative shall—

21 “(1) refer the instance to the Attorney General;

22 or

23 “(2) initiate an investigation under section 302
24 and, if appropriate, consider a remedy of barring
25 such providers and similar entities of that foreign

1 country from operating in the United States until
2 the issue is resolved.

3 “(e) PUBLICATION.—The Trade Representative shall
4 publish in the Federal Register a list of foreign countries
5 identified under subsection (a) and foreign countries des-
6 ignated as priority foreign countries under subsection (c)
7 and shall make such revisions to the list as may be re-
8 quired by reason of action under subsection (c)(2).

9 “(f) ANNUAL REPORT.—Not later than 30 days after
10 the date on which the Trade Representative submits the
11 National Trade Estimate under section 181(b), the Trade
12 Representative shall submit to the Committee on Ways
13 and Means of the House of Representatives and the Com-
14 mittee on Finance of the Senate a report on actions taken
15 under this section during the 12 months preceding such
16 report, and the reasons for such actions, including—

17 “(1) a list of any foreign countries identified
18 under subsection (a); and

19 “(2) a description of progress made in decreas-
20 ing disruptions to digital trade.”.

21 (b) INVESTIGATIONS UNDER TITLE III OF THE
22 TRADE ACT OF 1974.—Section 302(b)(2) of the Trade
23 Act of 1974 (19 U.S.C. 2412(b)(2)) is amended—

24 (1) in subparagraph (A), in the matter pre-
25 ceding clause (i), by inserting “or designated as a

1 priority foreign country under section 183(c)” after
2 “section 182(a)(2)”;

3 (2) in subparagraph (D), by striking “by reason
4 of subparagraph (A)” and inserting “with respect to
5 a country identified under section 182(a)(2)”.

6 (c) CLERICAL AMENDMENT.—The table of contents
7 for the Trade Act of 1974 is amended by inserting after
8 the item relating to section 182 the following:

“Sec. 183. Identification of countries that disrupt digital trade.”.

9 **SEC. 416. REPORTS ON AGREEMENTS TO RESOLVE DIS-**
10 **PUTES UNDER SECTION 301 OF THE TRADE**
11 **ACT OF 1974.**

12 Section 301 of the Trade Act of 1974 (19 U.S.C.
13 2411) is amended by adding at the end the following:

14 “(e) REPORTS ON AGREEMENTS TO RESOLVE DIS-
15 PUTES UNDER THIS SECTION.—

16 “(1) REPORTS ON AGREEMENTS WITH THE
17 PEOPLE’S REPUBLIC OF CHINA.—Not later than 90
18 days after the date of the enactment of this sub-
19 section, and every 90 days thereafter, the United
20 States International Trade Commission shall submit
21 to the Committee on Finance of the Senate, the
22 Committee on Ways and Means of the House of
23 Representatives, and the President a report on the
24 compliance of the People’s Republic of China with
25 each provision of—

1 “(A) the Economic and Trade Agreement
2 Between the Government of the United States
3 of America and the Government of China, dated
4 January 15, 2020 (commonly referred to as the
5 ‘Phase I Trade Deal’); and

6 “(B) any other agreement entered into
7 with the People’s Republic of China to resolve
8 a dispute relating to a matter under investiga-
9 tion under this title.

10 “(2) REPORTS ON OTHER AGREEMENTS.—

11 “(A) IN GENERAL.—Not later than 180
12 days after the United States enters into any
13 agreement with a foreign country to settle or
14 resolve a trade dispute relating to a matter
15 under investigation under this title, the United
16 States International Trade Commission shall
17 submit to the Committee on Finance of the
18 Senate, the Committee on Ways and Means of
19 the House of Representatives, and the Presi-
20 dent a report assessing—

21 “(i) whether the parties to the agree-
22 ment are complying with the agreement;
23 and

24 “(ii) whether the agreement is effec-
25 tive at resolving the dispute.

1 “(B) ADDITIONAL REPORTS.—If the Com-
 2 mission determines under subparagraph (A)(ii)
 3 that an agreement is not effective at resolving
 4 a dispute described in subparagraph (A), the
 5 Commission shall review the matter and submit
 6 to the Committee on Finance of the Senate, the
 7 Committee on Ways and Means of the House of
 8 Representatives, and the President a report on
 9 the matter every 180 days after that determina-
 10 tion until the matter is resolved.”.

11 **SEC. 417. TECHNICAL AND LEGAL SUPPORT FOR ADDRESS-**
 12 **ING INTELLECTUAL PROPERTY RIGHTS IN-**
 13 **FRINGEMENT CASES.**

14 (a) IN GENERAL.—The head of any Federal agency
 15 may provide support, as requested and appropriate, to
 16 United States persons seeking technical, legal, or other
 17 support in addressing intellectual property rights infringe-
 18 ment cases regarding the People’s Republic of China.

19 (b) UNITED STATES PERSON DEFINED.—In this sec-
 20 tion, the term “United States person” means—

21 (1) a United States citizen or an alien lawfully
 22 admitted for permanent residence to the United
 23 States; or

24 (2) an entity organized under the laws of the
 25 United States or of any jurisdiction within the

1 United States, including a foreign branch of such an
2 entity.

3 **SEC. 418. IMPROVEMENT OF ANTI-COUNTERFEITING MEAS-**
4 **URES.**

5 (a) REPORT ON SEIZURES OF COUNTERFEIT
6 GOODS.—Not later than one year after the date of the
7 enactment of this Act, and annually thereafter, the Com-
8 missioner of U.S. Customs and Border Protection shall
9 submit to the Committee on Finance of the Senate and
10 the Committee on Ways and Means of the House of Rep-
11 resentatives a report on seizures by U.S. Customs and
12 Border Protection of counterfeit goods during the year
13 preceding submission of the report, including the number
14 of such seizures disaggregated by category of good, source
15 country, and mode of transport.

16 (b) INCREASED INSPECTIONS OF GOODS FROM CER-
17 TAIN COUNTRIES.—The Commissioner shall increase in-
18 spections of imports of goods from each source country
19 identified in the report required by subsection (a) as one
20 of the top source countries of counterfeit goods, as deter-
21 mined by the Commissioner.

22 (c) PUBLICATION OF CRITERIA FOR NOTORIOUS
23 MARKETS LIST.—Not later than 2 years after the date
24 of the enactment of this Act, and not less frequently than
25 every 5 years thereafter, the United States Trade Rep-

1 representative shall publish in the Federal Register criteria
2 for determining that a market is a notorious market for
3 purposes of inclusion of that market in the Notorious Mar-
4 kets List developed by the Trade Representative pursuant
5 to section 182 of the Trade Act of 1974 (19 U.S.C. 2242).

6 **Subtitle B—Financial Services**

7 **SEC. 431. FINDINGS ON TRANSPARENCY AND DISCLOSURE;**

8 **SENSE OF CONGRESS.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) More than 2,000,000 corporations and lim-
11 ited liability companies are formed under the laws of
12 the States each year and some of those entities are
13 formed by persons outside of the United States, in-
14 cluding by persons in the People’s Republic of
15 China.

16 (2) Most or all States do not require informa-
17 tion about the beneficial owners of the corporations,
18 limited liability companies, or other similar entities
19 formed under the laws of the State.

20 (3) Malign actors seek to conceal their owner-
21 ship of corporations, limited liability companies, or
22 other similar entities in the United States to facili-
23 tate illicit activity, including money laundering, the
24 financing of terrorism, proliferation financing, seri-
25 ous tax fraud, human and drug trafficking, counter-

1 feiting, piracy, securities fraud, financial fraud, eco-
2 nomic espionage, theft of intellectual property, and
3 acts of foreign corruption, which harm the national
4 security interests of the United States and allies of
5 the United States.

6 (4) National security, intelligence, and law en-
7 forcement investigations have consistently been im-
8 peded by an inability to reliably and promptly obtain
9 information identifying the persons that ultimately
10 own corporations, limited liability companies, or
11 other similar entities suspected of engaging in illicit
12 activity, as documented in reports and testimony by
13 officials from the Department of Justice, the De-
14 partment of Homeland Security, the Department of
15 the Treasury, the Government Accountability Office,
16 and other agencies.

17 (5) In the National Strategy for Combating
18 Terrorist and Other Illicit Financing, issued in
19 2020, the Department of the Treasury found the fol-
20 lowing: “Misuse of legal entities to hide a criminal
21 beneficial owner or illegal source of funds continues
22 to be a common, if not the dominant, feature of il-
23 licit finance schemes, especially those involving
24 money laundering, predicate offences, tax evasion,
25 and proliferation financing.”.

1 (6) Federal legislation providing for the collec-
2 tion of beneficial ownership information by the Fi-
3 nancial Crimes Enforcement Network of the Depart-
4 ment of the Treasury (referred to in this section as
5 “FinCEN”) with respect to corporations, limited li-
6 ability companies, or other similar entities formed
7 under the laws of the States is needed to—

8 (A) set a clear, Federal standard for incor-
9 poration practices;

10 (B) protect vital United States national se-
11 curity interests;

12 (C) protect interstate and foreign com-
13 merce;

14 (D) better enable critical national security,
15 intelligence, and law enforcement efforts to
16 identify and counter money laundering, the fi-
17 nancing of terrorism, and other illicit activity;
18 and

19 (E) bring the United States into compli-
20 ance with international standards with respect
21 to anti-money laundering and countering the fi-
22 nancing of terrorism.

23 (7) Providing beneficial ownership information
24 to FinCEN is especially important in cases in
25 which—

1 (A) foreign firms, including those in the
2 People’s Republic of China or subject to the ju-
3 risdiction of the People’s Republic of China,
4 seek to acquire United States firms and the val-
5 uable intellectual property of those firms; and

6 (B) the acquisitions described in subpara-
7 graph (A) pose a threat to the economic or na-
8 tional security of the United States.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that, before the end of the 116th Congress, Congress
11 should enact comprehensive beneficial ownership legisla-
12 tion that includes strong transparency and disclosure re-
13 quirements ensuring that complete beneficial ownership
14 information is provided by all domestic and foreign cor-
15 porations, limited liability companies, and similar entities
16 formed in the United States.

17 **SEC. 432. DISCLOSURE OF PRIVATE BUSINESS TRANS-**
18 **ACTIONS WITH FOREIGN PERSONS.**

19 Section 721 of the Defense Production Act of 1950
20 (50 U.S.C. 4565) is amended by adding at the end the
21 following:

22 “(r) DISCLOSURE OF PRIVATE BUSINESS TRANS-
23 ACTIONS WITH FOREIGN PERSONS.—

24 “(1) IN GENERAL.—Not less frequently than
25 every 90 days, each covered officer shall disclose to

1 the public any covered private business transaction
2 during the preceding 90 days between—

3 “(A)(i) the covered officer;

4 “(ii) the spouse of the covered officer;

5 “(iii) a child of the covered officer; or

6 “(iv) a covered private business with re-
7 spect to the covered officer; and

8 “(B) a foreign person.

9 “(2) MATTERS TO BE INCLUDED.—For any
10 covered private business transaction disclosed under
11 paragraph (1), the covered officer shall include in
12 the disclosure the following:

13 “(A) The name of the foreign person with
14 which the transaction was conducted.

15 “(B) The amount of any funds received
16 from or owed to the foreign person.

17 “(C) The date of the transaction.

18 “(D) A detailed summary of the purpose of
19 the transaction.

20 “(E) The name of any United States enti-
21 ty through which the transaction was processed
22 or funds relating to the transaction were trans-
23 ferred.

24 “(3) PUBLICATION.—Any disclosure made
25 under paragraph (1) shall be made available on the

1 publicly available internet website of the Department
2 of the Treasury.

3 “(4) DEFINITIONS.—In this subsection:

4 “(A) COVERED OFFICER.—The term ‘cov-
5 ered officer’ means the President, the Vice
6 President, and each member of the Committee.

7 “(B) COVERED PRIVATE BUSINESS.—The
8 term ‘covered private business’—

9 “(i) means—

10 “(I) a sole proprietorship or busi-
11 ness entity in which a covered officer,
12 the spouse of the covered officer, or a
13 child of the covered officer holds an
14 ownership interest; and

15 “(II) an entity in which—

16 “(aa) a covered officer holds
17 a position required to be reported
18 under section 102(a)(6) of the
19 Ethics in Government Act of
20 1978 (5 U.S.C. App.); or

21 “(bb) the spouse or a child
22 of the covered officer holds a po-
23 sition that would be required to
24 be reported under section
25 102(a)(6) of the Ethics in Gov-

1 ernment Act of 1978 (5 U.S.C.
2 App.) if it were a position held by
3 the covered officer;

4 “(ii) includes any private entity for
5 which—

6 “(I) the covered officer is re-
7 quired to report an ownership interest
8 of the covered officer under section
9 102(a)(3) of the Ethics in Govern-
10 ment Act of 1978 (5 U.S.C. App.); or

11 “(II) the spouse or a child of the
12 covered officer would be required to
13 report an ownership interest under
14 section 102(a)(3) of the Ethics in
15 Government Act of 1978 (5 U.S.C.
16 App.) if it were an ownership interest
17 held by the covered officer; and

18 “(iii) does not include—

19 “(I) a publicly traded entity; or

20 “(II) an entity described in
21 clause (i)(I) or (ii) if the ownership
22 interest is held in a qualified blind
23 trust, as defined in section 101(f)(3)
24 of the Ethics in Government Act of
25 1978 (5 U.S.C. App.).

1 “(C) COVERED PRIVATE BUSINESS TRANS-
2 ACTION.—The term ‘covered private business
3 transaction’ means—

4 “(i) the exchange of anything with a
5 value of more than \$200; and

6 “(ii) incurring a liability that would
7 be required to be reported under section
8 102(a)(4) of the Ethics in Government Act
9 of 1978 (5 U.S.C. App.) if it were a liabil-
10 ity of the covered officer.”.

11 **SEC. 433. CYBER THEFT DISCLOSURE.**

12 (a) DEFINITIONS.—In this section—

13 (1) the term “Commission” means the Securi-
14 ties and Exchange Commission;

15 (2) the terms “computer network intrusion”
16 and “intellectual property” have the meanings given
17 those terms by the Commission in carrying out sub-
18 section (b);

19 (3) the term “Form 8-K” means the form de-
20 scribed in section 249.308 of title 17, Code of Fed-
21 eral Regulations, or any successor regulation;

22 (4) the terms “issuer” and “securities” have
23 the meanings given those terms in section 3(a) of
24 the Securities Exchange Act of 1934 (15 U.S.C.
25 78c(a)); and

1 (5) the term “reporting company” means an
2 issuer—

3 (A) the securities of which are registered
4 under section 12 of the Securities Exchange
5 Act of 1934 (15 U.S.C. 78l); or

6 (B) that is required to file reports under
7 section 15(d) of the Securities Exchange Act of
8 1934 (15 U.S.C. 78o(d)).

9 (b) RULES.—Not later than 360 days after the date
10 of enactment of this Act, the Commission shall issue final
11 rules to require a reporting company to issue a timely pub-
12 lic disclosure, using Form 8-K, not later than 30 days
13 after the date on which the reporting company first sus-
14 pects that the intellectual property of the reporting com-
15 pany has been stolen through a computer network intru-
16 sion.

17 **SEC. 434. CYBERSECURITY EXPERTISE DISCLOSURE.**

18 The Securities Exchange Act of 1934 (15 U.S.C. 78a
19 et seq.) is amended by inserting after section 14B (15
20 U.S.C. 78n-2) the following:

21 **“SEC. 14C. CYBERSECURITY TRANSPARENCY.**

22 “(a) DEFINITIONS.—In this section—

23 “(1) the term ‘cybersecurity’ means any action,
24 step, or measure to detect, prevent, deter, mitigate,

1 or address any cybersecurity threat or any potential
2 cybersecurity threat;

3 “(2) the term ‘cybersecurity threat’—

4 “(A) means an action, not protected by the
5 First Amendment to the Constitution of the
6 United States, on or through an information
7 system that may result in an unauthorized ef-
8 fort to adversely impact the security, avail-
9 ability, confidentiality, or integrity of an infor-
10 mation system or information that is stored on,
11 processed by, or transiting an information sys-
12 tem; and

13 “(B) does not include any action that sole-
14 ly involves a violation of a consumer term of
15 service or a consumer licensing agreement;

16 “(3) the term ‘information system’—

17 “(A) has the meaning given the term in
18 section 3502 of title 44, United States Code;
19 and

20 “(B) includes industrial control systems,
21 such as supervisory control and data acquisition
22 systems, distributed control systems, and pro-
23 grammable logic controllers;

24 “(4) the term ‘NIST’ means the National Insti-
25 tute of Standards and Technology; and

1 “(5) the term ‘reporting company’ means any
2 company that is an issuer—

3 “(A) the securities of which are registered
4 under section 12; or

5 “(B) that is required to file reports under
6 section 15(d).

7 “(b) REQUIREMENT TO ISSUE RULES.—Not later
8 than 360 days after the date of enactment of this section,
9 the Commission shall issue final rules to require each re-
10 porting company, in the annual report of the reporting
11 company submitted under section 13 or section 15(d) or
12 in the annual proxy statement of the reporting company
13 submitted under section 14(a)—

14 “(1) to disclose whether any member of the
15 governing body, such as the board of directors or
16 general partner, of the reporting company has exper-
17 tise or experience in cybersecurity and in such detail
18 as necessary to fully describe the nature of the ex-
19 pertise or experience; and

20 “(2) if no member of the governing body of the
21 reporting company has expertise or experience in cy-
22 bersecurity, to describe what other aspects of the re-
23 porting company’s cybersecurity were taken into ac-
24 count by any person, such as an official serving on
25 a nominating committee, that is responsible for iden-

1 (1) Whether the Government of China has pro-
2 vided any financial support, including a direct sub-
3 sidy, a grant, a loan (including a below-market
4 loan), a loan guarantee, a tax concession, benefits
5 with respect to government procurement policy, or
6 any other form of governmental support, to the reg-
7 istrant.

8 (2) If the Government of China has provided fi-
9 nancial support described in paragraph (1), the con-
10 ditions under which that Government provided that
11 support, including whether that Government has re-
12 quired the registrant to—

13 (A) satisfy certain requirements with re-
14 spect to export performance;

15 (B) purchase items—

16 (i) from certain producers; or

17 (ii) that were produced using certain
18 intellectual property; or

19 (C) employ members of the Chinese Com-
20 munist Party or other employees of that Gov-
21 ernment.

22 (3) Whether there is any committee of the Chi-
23 nese Communist Party established within the reg-
24 istrant, which shall include the disclosure of—

1 (A) whether the registrant established that
2 committee;

3 (B) the standing of that committee within
4 the registrant;

5 (C) which employees of the registrant com-
6 prise that committee; and

7 (D) the roles played by the employees de-
8 scribed in subparagraph (C).

9 (4) Information regarding each individual who,
10 as of the date on which the disclosure is made, is
11 an officer or director of the registrant (or a United
12 States subsidiary or joint venture of the registrant
13 in the People's Republic of China) and holds, or pre-
14 viously held, a position with the Chinese Communist
15 Party or the Government of China, including the
16 title of that position and the geographic location in
17 which the individual holds, or held, the position.

18 (e) COMMISSION DISCRETION.—In addition to the
19 amendments required under subsection (b), the Commis-
20 sion may make any other amendments to the rules of the
21 Commission that the Commission determines necessary to
22 carry out the purposes of this section.

1 **SEC. 436. ESTABLISHMENT OF INTERAGENCY TASK FORCE**
2 **TO ADDRESS CHINESE MARKET MANIPULA-**
3 **TION IN THE UNITED STATES.**

4 (a) IN GENERAL.—The Department of Justice, the
5 Federal Trade Commission, and, as appropriate, other
6 Federal agencies shall establish a joint interagency task
7 force to investigate allegations of systemic market manipu-
8 lation and other potential violations of antitrust and com-
9 petition laws in the United States by companies estab-
10 lished in the People’s Republic of China, including inves-
11 tigation to illegally capture market share, fix prices, and
12 control the supply of goods in critical industries of the
13 United States, including—

14 (1) the pharmaceutical and medical devices in-
15 dustry;

16 (2) the green energy industry; and

17 (3) the steel and aluminum industries.

18 (b) REPORT.—Not later than 180 days after the date
19 of enactment of this Act, the President shall provide to
20 the Committee on Foreign Relations, the Committee on
21 Finance, and the Committee on Commerce, Science, and
22 Transportation of the Senate and the Committee on For-
23 eign Affairs, the Committee on Ways and Means, and the
24 Committee on Energy and Commerce of the House of
25 Representatives—

1 (1) a briefing on the progress of the inter-
2 agency task force and its findings as described in
3 subsection (a); and

4 (2) recommendations to the committees on po-
5 tential amendments to antitrust and competition
6 laws in the United States that would strengthen the
7 ability of United States antitrust enforcement agen-
8 cies to bring actions against anticompetitive business
9 practices by Chinese companies.

10 **SEC. 437. HOLDING FOREIGN COMPANIES ACCOUNTABLE.**

11 (a) DISCLOSURE REQUIREMENT.—Section 104 of the
12 Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214) is amended
13 by adding at the end the following:

14 “(i) DISCLOSURE REGARDING FOREIGN JURISDIC-
15 TIONS THAT PREVENT INSPECTIONS.—

16 “(1) DEFINITIONS.—In this subsection—

17 “(A) the term ‘covered issuer’ means an
18 issuer that is required to file reports under sec-
19 tion 13 or 15(d) of the Securities Exchange Act
20 of 1934 (15 U.S.C. 78m, 78o(d)); and

21 “(B) the term ‘non-inspection year’ means,
22 with respect to a covered issuer, a year—

23 “(i) during which the Commission
24 identifies the covered issuer under para-
25 graph (2)(A) with respect to every report

1 described in subparagraph (A) filed by the
2 covered issuer during that year; and

3 “(ii) that begins after the date of en-
4 actment of this subsection.

5 “(2) DISCLOSURE TO COMMISSION.—The Com-
6 mission shall—

7 “(A) identify each covered issuer that, with
8 respect to the preparation of the audit report
9 on the financial statement of the covered issuer
10 that is included in a report described in para-
11 graph (1)(A) filed by the covered issuer, retains
12 a registered public accounting firm that has a
13 branch or office that—

14 “(i) is located in a foreign jurisdic-
15 tion; and

16 “(ii) the Board is unable to inspect or
17 investigate completely because of a position
18 taken by an authority in the foreign jurisdic-
19 tion described in clause (i), as deter-
20 mined by the Board; and

21 “(B) require each covered issuer identified
22 under subparagraph (A) to, in accordance with
23 the rules issued by the Commission under para-
24 graph (4), submit to the Commission docu-
25 mentation that establishes that the covered

1 issuer is not owned or controlled by a govern-
2 mental entity in the foreign jurisdiction de-
3 scribed in subparagraph (A)(i).

4 “(3) TRADING PROHIBITION AFTER 3 YEARS OF
5 NON-INSPECTIONS.—

6 “(A) IN GENERAL.—If the Commission de-
7 termines that a covered issuer has 3 consecutive
8 non-inspection years, the Commission shall pro-
9 hibit the securities of the covered issuer from
10 being traded—

11 “(i) on a national securities exchange;

12 or

13 “(ii) through any other method that is
14 within the jurisdiction of the Commission
15 to regulate, including through the method
16 of trading that is commonly referred to as
17 the ‘over-the-counter’ trading of securities.

18 “(B) REMOVAL OF INITIAL PROHIBI-
19 TION.—If, after the Commission imposes a pro-
20 hibition on a covered issuer under subpara-
21 graph (A), the covered issuer certifies to the
22 Commission that the covered issuer has re-
23 tained a registered public accounting firm that
24 the Board has inspected under this section to

1 the satisfaction of the Commission, the Com-
2 mission shall end that prohibition.

3 “(C) RECURRENCE OF NON-INSPECTION
4 YEARS.—If, after the Commission ends a prohi-
5 bition under subparagraph (B) or (D) with re-
6 spect to a covered issuer, the Commission deter-
7 mines that the covered issuer has a non-inspec-
8 tion year, the Commission shall prohibit the se-
9 curities of the covered issuer from being trad-
10 ed—

11 “(i) on a national securities exchange;

12 or

13 “(ii) through any other method that is
14 within the jurisdiction of the Commission
15 to regulate, including through the method
16 of trading that is commonly referred to as
17 the ‘over-the-counter’ trading of securities.

18 “(D) REMOVAL OF SUBSEQUENT PROHIBI-
19 TION.—If, after the end of the 5-year period be-
20 ginning on the date on which the Commission
21 imposes a prohibition on a covered issuer under
22 subparagraph (C), the covered issuer certifies to
23 the Commission that the covered issuer will re-
24 tain a registered public accounting firm that

1 the Board is able to inspect under this section,
2 the Commission shall end that prohibition.

3 “(4) RULES.—Not later than 90 days after the
4 date of enactment of this subsection, the Commis-
5 sion shall issue rules that establish the manner and
6 form in which a covered issuer shall make a submis-
7 sion required under paragraph (2)(B).”.

8 (b) ADDITIONAL DISCLOSURE.—

9 (1) DEFINITIONS.—In this subsection—

10 (A) the term “audit report” has the mean-
11 ing given the term in section 2(a) of the Sar-
12 banes-Oxley Act of 2002 (15 U.S.C. 7201(a));

13 (B) the term “Commission” means the Se-
14 curities and Exchange Commission;

15 (C) the term “covered form”—

16 (i) means—

17 (I) the form described in section
18 249.310 of title 17, Code of Federal
19 Regulations, or any successor regula-
20 tion; and

21 (II) the form described in section
22 249.220f of title 17, Code of Federal
23 Regulations, or any successor regula-
24 tion; and

25 (ii) includes a form that—

1 (I) is the equivalent of, or sub-
2 stantially similar to, the form de-
3 scribed in subclause (I) or (II) of
4 clause (i); and

5 (II) a foreign issuer files with the
6 Commission under the Securities Ex-
7 change Act of 1934 (15 U.S.C. 78a et
8 seq.) or rules issued under that Act;

9 (D) the terms “covered issuer” and “non-
10 inspection year” have the meanings given the
11 terms in subsection (i)(1) of section 104 of the
12 Sarbanes-Oxley Act of 2002 (15 U.S.C. 7214),
13 as added by subsection (a) of this section; and

14 (E) the term “foreign issuer” has the
15 meaning given the term in section 240.3b-4 of
16 title 17, Code of Federal Regulations, or any
17 successor regulation.

18 (2) REQUIREMENT.—Each covered issuer that
19 is a foreign issuer and for which, during a non-in-
20 spection year with respect to the covered issuer, a
21 registered public accounting firm described in sub-
22 section (i)(2)(A) of section 104 of the Sarbanes-
23 Oxley Act of 2002 (15 U.S.C. 7214), as added by
24 subsection (a) of this section, has prepared an audit

1 report shall disclose in each covered form filed by
2 that issuer that covers such a non-inspection year—

3 (A) that, during the period covered by the
4 covered form, such a registered public account-
5 ing firm has prepared an audit report for the
6 issuer;

7 (B) the percentage of the shares of the
8 issuer owned by governmental entities in the
9 foreign jurisdiction in which the issuer is incor-
10 porated or otherwise organized;

11 (C) whether governmental entities in the
12 applicable foreign jurisdiction with respect to
13 that registered public accounting firm have a
14 controlling financial interest with respect to the
15 issuer;

16 (D) the name of each official of the Chi-
17 nese Communist Party who is a member of the
18 board of directors of—

19 (i) the issuer; or

20 (ii) the operating entity with respect
21 to the issuer; and

22 (E) whether the articles of incorporation of
23 the issuer (or equivalent organizing document)
24 contains any charter of the Chinese Communist
25 Party, including the text of any such charter.

1 **Subtitle C—Economic Security**

2 **SEC. 441. IMPOSITION OF SANCTIONS WITH RESPECT TO** 3 **THEFT OF TRADE SECRETS OF UNITED** 4 **STATES PERSONS.**

5 (a) REPORT REQUIRED.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, and not
8 less frequently than every 180 days thereafter, the
9 President shall submit to the appropriate congress-
10 sional committees a report—

11 (A) identifying, for the 180-day period pre-
12 ceding submission of the report—

13 (i) any foreign person that has know-
14 ingly engaged in, or benefitted from, sig-
15 nificant theft of trade secrets of United
16 States persons, if the theft of such trade
17 secrets is reasonably likely to result in, or
18 has materially contributed to, a significant
19 threat to the national security, foreign pol-
20 icy, or economic health or financial sta-
21 bility of the United States;

22 (ii) any foreign person that has pro-
23 vided significant financial, material, or
24 technological support for, or goods or serv-

1 ices in support of or to benefit significantly
2 from, such theft;

3 (iii) any entity owned or controlled by,
4 or that has acted or purported to act for
5 or on behalf of, directly or indirectly, any
6 foreign person identified under clause (i)
7 or (ii); and

8 (iv) any foreign person that is a chief
9 executive officer or member of the board of
10 directors of any foreign entity identified
11 under clause (i) or (ii); and

12 (B) describing the nature, objective, and
13 outcome of the theft of trade secrets each for-
14 eign person described in subparagraph (A)(i)
15 engaged in or benefitted from; and

16 (C) assessing whether any chief executive
17 officer or member of the board of directors de-
18 scribed in clause (iv) of subparagraph (A) en-
19 gaged in, or benefitted from, activity described
20 in clause (i) or (ii) of that subparagraph.

21 (2) FORM OF REPORT.—Each report required
22 by paragraph (1) shall be submitted in unclassified
23 form but may include a classified annex.

24 (b) AUTHORITY TO IMPOSE SANCTIONS.—

1 (1) SANCTIONS APPLICABLE TO ENTITIES.—In
2 the case of a foreign entity identified under subpara-
3 graph (A) of subsection (a)(1) in the most recent re-
4 port submitted under that subsection, the President
5 shall impose one of the following:

6 (A) BLOCKING OF PROPERTY.—The Presi-
7 dent may, pursuant to the International Emer-
8 gency Economic Powers Act (50 U.S.C. 1701 et
9 seq.), block and prohibit all transactions in all
10 property and interests in property of the entity
11 if such property and interests in property are in
12 the United States, come within the United
13 States, or are or come within the possession or
14 control of a United States person.

15 (B) INCLUSION ON ENTITY LIST.—The
16 President may include the entity on the entity
17 list maintained by the Bureau of Industry and
18 Security of the Department of Commerce and
19 set forth in Supplement No. 4 to part 744 of
20 the Export Administration Regulations, for ac-
21 tivities contrary to the national security or for-
22 eign policy interests of the United States.

23 (2) SANCTIONS APPLICABLE TO INDIVIDUALS.—
24 In the case of an individual identified under sub-
25 paragraph (A) of subsection (a)(1) in the most re-

1 cent report submitted under that subsection, the fol-
2 lowing shall apply:

3 (A) BLOCKING OF PROPERTY.—The Presi-
4 dent shall, pursuant to the International Emer-
5 gency Economic Powers Act (50 U.S.C. 1701 et
6 seq.), block and prohibit all transactions in all
7 property and interests in property of the indi-
8 vidual if such property and interests in property
9 are in the United States, come within the
10 United States, or are or come within the pos-
11 session or control of a United States person.

12 (B) VISA BAN; EXCLUSION.—The Sec-
13 retary of State shall deny a visa to the indi-
14 vidual and revoke, in accordance with section
15 221(i) of the Immigration and Nationality Act
16 (8 U.S.C. 1201(i)), any visa or other docu-
17 mentation of the individual, and the Secretary
18 of Homeland Security shall exclude the indi-
19 vidual from the United States.

20 (c) EXCEPTIONS.—

21 (1) INTELLIGENCE ACTIVITIES.—This section
22 shall not apply with respect to activities subject to
23 the reporting requirements under title V of the Na-
24 tional Security Act of 1947 (50 U.S.C. 3091 et seq.)

1 or any authorized intelligence activities of the United
2 States.

3 (2) LAW ENFORCEMENT ACTIVITIES.—Sanctions
4 tions under this section shall not apply with respect
5 to any authorized law enforcement activities of the
6 United States.

7 (3) EXCEPTION RELATING TO IMPORTATION OF
8 GOODS.—

9 (A) IN GENERAL.—The authority to im-
10 pose sanctions under this section shall not in-
11 clude the authority or a requirement to impose
12 sanctions on the importation of goods.

13 (B) GOOD DEFINED.—In this paragraph,
14 the term “good” means any article, natural or
15 manmade substance, material, supply, or manu-
16 factured product, including inspection and test
17 equipment, and excluding technical data.

18 (4) EXCEPTION TO COMPLY WITH INTER-
19 NATIONAL AGREEMENTS.—Subsection (b)(2)(B)
20 shall not apply with respect to the admission of an
21 individual to the United States if such admission is
22 necessary to comply with the obligations of the
23 United States under the Agreement regarding the
24 Headquarters of the United Nations, signed at Lake
25 Success June 26, 1947, and entered into force No-

1 vember 21, 1947, between the United Nations and
2 the United States, under the Convention on Con-
3 sular Relations, done at Vienna April 24, 1963, and
4 entered into force March 19, 1967, or under other
5 international agreements.

6 (d) NATIONAL SECURITY WAIVER.—The President
7 may waive the imposition of sanctions under subsection
8 (b) with respect to a person if the President—

9 (1) determines that such a waiver is in the na-
10 tional security interests of the United States; and

11 (2) not more than 15 days after issuing such a
12 waiver, submits to the appropriate congressional
13 committees a notification of the waiver and the rea-
14 sons for the waiver.

15 (e) TERMINATION OF SANCTIONS.—Sanctions im-
16 posed under subsection (b) with respect to a foreign per-
17 son identified in a report submitted under subsection (a)
18 shall terminate if the President certifies to the appropriate
19 congressional committees, before the termination takes ef-
20 fect, that the person is no longer engaged in the activity
21 identified in the report.

22 (f) IMPLEMENTATION; PENALTIES.—

23 (1) IMPLEMENTATION.—The President may ex-
24 ercise all authorities provided under sections 203
25 and 205 of the International Emergency Economic

1 Powers Act (50 U.S.C. 1702 and 1704) to carry out
2 this section.

3 (2) PENALTIES.—A person that violates, at-
4 tempts to violate, conspires to violate, or causes a
5 violation of paragraph (1)(A) or (2)(A) of subsection
6 (b) or any regulation, license, or order issued to
7 carry out that paragraph shall be subject to the pen-
8 alties set forth in subsections (b) and (c) of section
9 206 of the International Emergency Economic Pow-
10 ers Act (50 U.S.C. 1705) to the same extent as a
11 person that commits an unlawful act described in
12 subsection (a) of that section.

13 (g) DEFINITIONS.—In this section:

14 (1) EXPORT ADMINISTRATION REGULATIONS.—
15 The term “Export Administration Regulations”
16 means subchapter C of chapter VII of title 15, Code
17 of Federal Regulations.

18 (2) FOREIGN ENTITY.—The term “foreign enti-
19 ty” means an entity that is not a United States per-
20 son.

21 (3) FOREIGN PERSON.—The term “foreign per-
22 son” means a person that is not a United States
23 person.

1 (4) TRADE SECRET.—The term “trade secret”
2 has the meaning given that term in section 1839 of
3 title 18, United States Code.

4 (5) PERSON.—The term “person” means an in-
5 dividual or entity.

6 (6) UNITED STATES PERSON.—The term
7 “United States person” means—

8 (A) an individual who is a United States
9 citizen or an alien lawfully admitted for perma-
10 nent residence to the United States;

11 (B) an entity organized under the laws of
12 the United States or any jurisdiction within the
13 United States, including a foreign branch of
14 such an entity; or

15 (C) any person in the United States.

16 **SEC. 442. COUNTERING FOREIGN CORRUPT PRACTICES.**

17 (a) IN GENERAL.—The Secretary of State, working
18 through the Assistant Secretary of State for Economic
19 and Business Affairs and the Assistant Secretary of State
20 for International Narcotics and Law Enforcement Affairs,
21 shall offer to provide technical assistance to the govern-
22 ments of countries that are partners of the United States
23 to assist members of national legislatures and officials of
24 executive branches in those countries in establishing legis-

1 lative and regulatory frameworks that are similar to those
2 set forth in—

3 (1) section 30A of the Securities Exchange Act
4 of 1934 (15 U.S.C. 78dd-1); and

5 (2) section 104 of the Foreign Corrupt Prac-
6 tices Act of 1977 (15 U.S.C. 78dd-2).

7 (b) PURPOSES.—In carrying out subsection (a), the
8 Secretary of State shall actively encourage governments
9 described in that subsection—

10 (1) to adopt standards that deter fraudulent
11 business practices and increase government and pri-
12 vate sector accountability; and

13 (2) to strengthen the investigative and prosecu-
14 torial capacity of government institutions to combat
15 fraudulent business practices involving public offi-
16 cials.

17 (c) STRATEGY REQUIREMENT.—Not later than 90
18 days after the date of enactment of this Act, the Secretary
19 of State shall submit a strategy for carrying out the activi-
20 ties described in subsections (a) and (b) to—

21 (1) the Committee on Foreign Relations of the
22 Senate; and

23 (2) the Committee on Foreign Affairs of the
24 House of Representatives.

1 (d) CONSULTATION.—In formulating the strategy de-
2 scribed in subsection (c), the Secretary of State shall con-
3 sult with the Secretary of the Treasury and the Attorney
4 General.

5 (e) SEMIANNUAL BRIEFING REQUIREMENT.—Not
6 later than 180 days after the date of enactment of this
7 Act, and every 180 days thereafter, the Secretary of State
8 shall provide a briefing regarding the activities described
9 in subsections (a) and (b) and the strategy submitted
10 under subsection (c) to—

11 (1) the Committee on Foreign Relations of the
12 Senate; and

13 (2) the Committee on Foreign Affairs of the
14 House of Representatives.

15 **SEC. 443. DEBT RELIEF FOR COUNTRIES ELIGIBLE FOR AS-**
16 **SISTANCE FROM THE INTERNATIONAL DE-**
17 **VELOPMENT ASSOCIATION.**

18 (a) POLICY STATEMENT.—It is the policy of the
19 United States to coordinate with the international commu-
20 nity to provide debt relief for debt that is held by countries
21 eligible for assistance from the International Development
22 Association that request forbearance to respond to the
23 COVID–19 pandemic.

24 (b) DEBT RELIEF.—The Secretary of the Treasury,
25 in consultation with the Secretary of State, shall—

1 (1) engage with international financial institu-
2 tions and other bilateral official creditors to advance
3 policy discussions on restructuring, rescheduling, or
4 canceling the sovereign debt of countries eligible for
5 assistance from the International Development Asso-
6 ciation; and

7 (2) instruct the United States Executive Direc-
8 tor of the International Monetary Fund and the
9 United States Executive Director of the World Bank
10 to use the voice and vote of the United States to ad-
11 vance agreement on the efforts described in para-
12 graph (1).

13 (c) REPORTING REQUIREMENT.—Not later than 45
14 days after the date of the enactment of this Act, and every
15 90 days thereafter until the end of the COVID–19 pan-
16 demic, as determined by the World Health Organization,
17 the Secretary of the Treasury, in coordination with the
18 Secretary of State, shall submit to the committees speci-
19 fied in subsection (d) a report that describes—

20 (1) actions that have been taken to advance
21 debt relief for countries eligible for assistance from
22 the International Development Association that re-
23 quest forbearance to respond to the COVID–19 pan-
24 demic in coordination with international financial in-
25 stitutions, the Group of 7 (G7), the Group of 20

1 (G20), Paris Club members, and the Institute of
2 International Finance;

3 (2) mechanisms that have been utilized and
4 mechanisms that are under consideration to provide
5 the debt relief described in paragraph (1);

6 (3) any United States policy concerns regarding
7 debt relief to specific countries;

8 (4) the balance and status of repayments on all
9 loans from the People's Republic of China to coun-
10 tries eligible for assistance from the International
11 Development Association, including—

12 (A) loans provided as part of the Belt and
13 Road Initiative of the People's Republic of
14 China;

15 (B) loans made by the Export-Import
16 Bank of China;

17 (C) loans made by the China Development
18 Bank; and

19 (D) loans made by the Asian Infrastruc-
20 ture Investment Bank;

21 (5) the transparency measures established or
22 proposed to ensure that funds saved through the
23 debt relief described in paragraph (1) will be used
24 for activities—

1 (A) that respond to the health, economic,
2 and social consequences of the COVID–19 pan-
3 demic; and

4 (B) that are consistent with the interests
5 and values of the United States; and

6 (6) policy options available to the United States
7 Government to support and advance debt relief from
8 the official creditors of Sudan.

9 (d) COMMITTEES SPECIFIED.—The committees spec-
10 ified in this subsection are—

11 (1) the Committee on Appropriations, the Com-
12 mittee on Banking, Housing, and Urban Affairs,
13 and the Committee on Foreign Relations of the Sen-
14 ate; and

15 (2) the Committee on Appropriations, the Com-
16 mittee on Financial Services, and the Committee on
17 Foreign Affairs of the House of Representatives.

18 **SEC. 444. COLLECTION OF INFORMATION FROM UNITED**
19 **STATES ENTITIES CONCERNING REQUESTS**
20 **BY THE GOVERNMENT OF CHINA.**

21 (a) IN GENERAL.—The Secretary of Commerce shall
22 collect from each United States entity that does business
23 in the People’s Republic of China information concerning
24 requests from the Government of China relating to censor-

1 ship, surveillance, data transfers, and the establishment
2 of cells of that government within that entity.

3 (b) CLASSIFIED REPORT.—

4 (1) IN GENERAL.—Not later than one year
5 after the date of the enactment of this Act, and an-
6 nually thereafter, the Secretary shall submit to Con-
7 gress a classified report on the information collected
8 under subsection (a) during the period covered by
9 the report.

10 (2) ELEMENTS.—The information included in
11 each report submitted under paragraph (1)—

12 (A) shall not identify any particular United
13 States entity; and

14 (B) shall be disaggregated by industry sec-
15 tor.

16 **SEC. 445. REPORT ON MANNER AND EXTENT TO WHICH THE**
17 **GOVERNMENT OF CHINA EXPLOITS HONG**
18 **KONG TO CIRCUMVENT UNITED STATES**
19 **LAWS AND PROTECTIONS.**

20 Title III of the United States-Hong Kong Policy Act
21 of 1992 (22 U.S.C. 5731 et seq.) is amended by adding
22 at the end the following:

1 **“SEC. 303. REPORT ON MANNER AND EXTENT TO WHICH**
2 **THE GOVERNMENT OF CHINA EXPLOITS**
3 **HONG KONG TO CIRCUMVENT UNITED**
4 **STATES LAWS AND PROTECTIONS.**

5 “(a) IN GENERAL.—Not later than 180 days after
6 the date of the enactment of this section, the Secretary
7 of State shall submit to the appropriate congressional
8 committees a report on the manner and extent to which
9 the Government of China uses the status of Hong Kong
10 to circumvent the laws and protections of the United
11 States.

12 “(b) ELEMENTS.—The report required by subsection
13 (a) shall include the following:

14 “(1) In consultation with the Secretary of Com-
15 merce, the Secretary of Homeland Security, and the
16 Director of National Intelligence—

17 “(A) an assessment of how the Govern-
18 ment of China uses Hong Kong to circumvent
19 United States export controls; and

20 “(B) a list of all significant incidents in
21 which the Government of China used Hong
22 Kong to circumvent such controls during the re-
23 porting period.

24 “(2) In consultation with the Secretary of the
25 Treasury and the Secretary of Commerce—

1 “(A) an assessment of how the Govern-
2 ment of China uses Hong Kong to circumvent
3 duties on merchandise exported to the United
4 States from the People’s Republic of China; and

5 “(B) a list of all significant incidents in
6 which the Government of China used Hong
7 Kong to circumvent such duties during the re-
8 porting period.

9 “(3) In consultation with the Secretary of the
10 Treasury, the Secretary of Homeland Security, and
11 the Director of National Intelligence—

12 “(A) an assessment of how the Govern-
13 ment of China uses Hong Kong to circumvent
14 sanctions imposed by the United States or pur-
15 suant to multilateral regimes; and

16 “(B) a list of all significant incidents in
17 which the Government of China used Hong
18 Kong to circumvent such sanctions during the
19 reporting period.

20 “(4) In consultation with the Secretary of
21 Homeland Security and the Director of National In-
22 telligence—

23 “(A) an assessment of how the Govern-
24 ment of China uses formal or informal means
25 to extradite or coercively move foreign nation-

1 als, including United States persons, from
2 Hong Kong to the People’s Republic of China;
3 and

4 “(B) a list of foreign nationals, including
5 United States persons, who have been formally
6 or informally extradited or coercively moved
7 from Hong Kong to the People’s Republic of
8 China.

9 “(5) In consultation with the Secretary of De-
10 fense, the Director of National Intelligence, and the
11 Director of Homeland Security—

12 “(A) an assessment of how the intelligence,
13 security, and law enforcement agencies of the
14 Government of China, including the Ministry of
15 State Security, the Ministry of Public Security,
16 and the People’s Armed Police, use the Hong
17 Kong Security Bureau and other security agen-
18 cies in Hong Kong to conduct espionage on for-
19 eign nationals, including United States persons,
20 conduct influence operations, or violate civil lib-
21 erties guaranteed under the laws of Hong
22 Kong; and

23 “(B) a list of all significant incidents of
24 such espionage, influence operations, or viola-

1 tions of civil liberties during the reporting pe-
2 riod.

3 “(c) FORM OF REPORT; AVAILABILITY.—

4 “(1) FORM.—The report required by subsection
5 (a) shall be submitted in unclassified form, but may
6 include a classified index.

7 “(2) AVAILABILITY.—The unclassified portion
8 of the report required by subsection (a) shall be
9 posted on a publicly available internet website of the
10 Department of State.

11 “(d) DEFINITIONS.—In this section:

12 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term ‘appropriate congressional com-
14 mittees’ means—

15 “(A) the Committee on Foreign Relations,
16 the Committee on Banking, Housing, and
17 Urban Affairs, the Committee on Finance, and
18 the Select Committee on Intelligence of the
19 Senate; and

20 “(B) the Committee on Foreign Affairs,
21 the Committee on Financial Services, the Per-
22 manent Select Committee on Intelligence, and
23 the Committee on Ways and Means of the
24 House of Representatives.

1 “(2) FOREIGN NATIONAL.—The term ‘foreign
2 national’ means a person that is neither—

3 “(A) an individual who is a citizen or na-
4 tional of the People’s Republic of China; or

5 “(B) an entity organized under the laws of
6 the People’s Republic of China or of a jurisdic-
7 tion within the People’s Republic of China.

8 “(3) REPORTING PERIOD.—The term ‘reporting
9 period’ means the 5-year period preceding submis-
10 sion of the report required by subsection (a).

11 “(4) UNITED STATES PERSON.—The term
12 ‘United States person’ means—

13 “(A) a United States citizen or an alien
14 lawfully admitted for permanent residence to
15 the United States; or

16 “(B) an entity organized under the laws of
17 the United States or of any jurisdiction within
18 the United States, including a foreign branch of
19 such an entity.”.

20 **SEC. 446. MONITORING OVERCAPACITY OF INDUSTRIES IN**
21 **THE PEOPLE’S REPUBLIC OF CHINA.**

22 (a) REPORT ON OVERCAPACITY.—

23 (1) IN GENERAL.—Not later than one year
24 after the date of the enactment of this Act, and an-
25 nually thereafter, the Secretary of Commerce, in

1 consultation with the United States Trade Rep-
2 resentative, shall submit to the Committee on Fi-
3 nance of the Senate and the Committee on Ways
4 and Means of the House of Representatives a report
5 on overcapacity of industries in the People's Repub-
6 lic of China.

7 (2) ELEMENTS.—The report required by para-
8 graph (1) shall include—

9 (A) a determination on whether over-
10 capacity exists in any major industry in the
11 People's Republic of China; and

12 (B) a description of the effects of that
13 overcapacity on industry in the United States.

14 (b) MULTILATERAL NEGOTIATIONS.—

15 (1) IN GENERAL.—Not later than 180 days
16 after a positive determination of overcapacity under
17 subsection (a)(2)(A), the United States Trade Rep-
18 resentative shall enter into negotiations at an appro-
19 priate multilateral institution to which the United
20 States is a party, as determined by the Trade Rep-
21 resentative, to reduce that overcapacity.

22 (2) DETERMINATION OF SUBSTANTIAL REDUC-
23 TION.—Not later than one year after the start of ne-
24 gotiations under paragraph (1), and annually there-
25 after for the following 2 years, the Trade Represent-

1 **SEC. 448. REPORT ON EXPOSURE OF THE UNITED STATES**
2 **TO THE FINANCIAL SYSTEM OF THE PEO-**
3 **PLE'S REPUBLIC OF CHINA.**

4 Not later than 1 year after the date of enactment
5 of this Act, and annually thereafter, the Secretary of the
6 Treasury shall submit to Congress a report on the expo-
7 sure of the United States to the financial sector of the
8 People's Republic of China that includes—

9 (1) an assessment of the effects of reforms to
10 the financial sector of the People's Republic of
11 China on the United States and global financial sys-
12 tems;

13 (2) a description of the policies the United
14 States Government is adopting to protect the inter-
15 ests of the United States while the financial sector
16 of the People's Republic of China undergoes such re-
17 forms; and

18 (3) recommendations for additional actions the
19 United States Government should take to protect
20 such interests.

1 **SEC. 449. REPORT ON THE EXTENT TO WHICH UNITED**
2 **STATES ENTITIES ACROSS INDUSTRIAL SEC-**
3 **TORS SOURCE FROM THE PEOPLE'S REPUB-**
4 **LIC OF CHINA AND USE CHINESE-OPERATED**
5 **GLOBAL DISTRIBUTION NETWORKS.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, the Secretary of Commerce shall submit
8 to the appropriate congressional committees a report re-
9 garding the degree to which private entities in the United
10 States across industrial sectors source from the People's
11 Republic of China and use Chinese-operated global dis-
12 tribution networks.

13 **SEC. 450. REPORT ON ANTICOMPETITIVE BEHAVIOR BY**
14 **THE GOVERNMENT OF CHINA.**

15 Not later than 1 year after the date of enactment
16 of this Act, and annually thereafter, the Secretary of the
17 Treasury, in consultation with the Attorney General, the
18 Federal Trade Commission, and such other Federal offi-
19 cials as the Secretary considers appropriate, shall submit
20 to Congress a report on the economic effects of alleged
21 anticompetitive behavior by antitrust enforcers in the Peo-
22 ple's Republic of China.

1 **SEC. 451. REPORT ON INVESTMENT RECIPROCITY BE-**
2 **TWEEN THE UNITED STATES AND THE PEO-**
3 **PLE'S REPUBLIC OF CHINA.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the Secretary of the Treasury shall sub-
6 mit to Congress a report on legislative or administrative
7 action that would be necessary to permit the President to
8 condition the provision of access by Chinese investors to
9 the United States market on a reciprocal, sector-by-sector
10 basis to provide an equivalent level of market access as
11 there is for United States investors to the market of the
12 People's Republic of China.

13 **SEC. 452. STATEMENT OF POLICY TO ENCOURAGE THE DE-**
14 **VELOPMENT OF A CORPORATE CODE OF**
15 **CONDUCT FOR COUNTERING MALIGN INFLU-**
16 **ENCE IN THE PRIVATE SECTOR.**

17 It is the policy of the United States—

18 (1) to support business practices that are open,
19 transparent, respect workers' rights, and are envi-
20 ronmentally conscious;

21 (2) to reaffirm the commitment of the United
22 States to economic freedom, which is the bedrock of
23 the United States economy and enables anyone in
24 the United States to freely conduct business and
25 pursue the American dream;

1 (3) to support freedom of expression for all peo-
2 ple;

3 (4) to promote the security of United States
4 supply chains and United States businesses against
5 malign foreign influence;

6 (5) to welcome and commit to supporting busi-
7 ness people from the People's Republic of China who
8 are in the United States to pursue the American
9 dream, free from restrictions and surveillance, in-
10 cluding freedom of inquiry and freedom of expres-
11 sion, that may be proscribed or restricted in the
12 People's Republic of China;

13 (6) to condemn and oppose xenophobia and ra-
14 cial discrimination in any form, including against
15 Chinese businesspeople, entrepreneurs, and visitors
16 in the United States;

17 (7) to recognize the threats posed to economic
18 freedom and freedom of expression by the Govern-
19 ment of China, which are seeking to influence and
20 interfere with United States businesses and distort
21 United States markets for the gain of the People's
22 Republic of China, either directly or indirectly;

23 (8) to condemn the practice by the Government
24 of China of direct and indirect surveillance and cen-
25 sorship and acts of retaliation by officials of that

1 Government or their agents against businesspeople
2 or entrepreneurs, as well as harassment of their
3 family members in the People's Republic of China,
4 for the international business dealings of Chinese
5 students and scholars;

6 (9) to encourage United States businesses that
7 conduct substantial business with or in the People's
8 Republic of China to collectively develop and commit
9 to using best practices to ensure that their business
10 in or with the People's Republic of China is con-
11 sistent with the policies of the United States; and

12 (10) to specifically encourage United States
13 businesses to develop and agree to a code of conduct
14 for business with or in the People's Republic of
15 China, pursuant to which a United States business
16 would commit—

17 (A) to protect the free speech rights of its
18 employees to, in their personal capacities, ex-
19 press views on global issues without fear that
20 pressure from the Government of China would
21 result in them being retaliated against by the
22 business;

23 (B) to ensure that products and services
24 made by the business and sold in the People's
25 Republic of China do not enable the Govern-

1 ment of China to undermine fundamental rights
2 and freedoms, for example by facilitating re-
3 pression and censorship;

4 (C) to maintain robust due diligence pro-
5 grams to ensure that the business is not engag-
6 ing in business with—

7 (i) the military of the People’s Repub-
8 lic of China;

9 (ii) Chinese entities subject to United
10 States export controls; or

11 (iii) other Chinese actors that engage
12 in conduct prohibited by the law of the
13 United States;

14 (D) to disclose publicly any funding or
15 support received from Chinese diplomatic mis-
16 sions or other entities linked to the Government
17 of China;

18 (E) to help mentor and support business-
19 people and entrepreneurs from the People’s Re-
20 public of China to ensure that they can enjoy
21 full economic freedom;

22 (F) to ensure that employees of the busi-
23 ness in the People’s Republic of China are not
24 subject to undue influence by the Government
25 of China at their workplace; and

1 (G) to ensure that agreements and prac-
2 tices of the business in the People’s Republic of
3 China ensure the protection of intellectual prop-
4 erty.

5 **SEC. 453. ANALYSIS OF FOREIGN LAWS, POLICIES, AND**
6 **PRACTICES THAT HARM COMPETITION.**

7 Section 181(a) of the Trade Act of 1974 (19 U.S.C.
8 2241(a)) is amended—

9 (1) by redesignating paragraph (4) as para-
10 graph (5); and

11 (2) by inserting after paragraph (3) the fol-
12 lowing:

13 “(4) INCLUSION OF LAWS, POLICIES, AND PRAC-
14 TICES THAT HARM COMPETITION.—

15 “(A) IN GENERAL.—For calendar year
16 2021 and each succeeding calendar year, the
17 Trade Representative shall include in the anal-
18 yses and estimates under paragraph (1) an
19 identification and analysis of any laws, policies,
20 or practices of a foreign country that are mar-
21 ket-distorting so as to potentially harm com-
22 petition in the United States and violate anti-
23 trust laws of the United States.

24 “(B) REPORTING REQUIREMENT.—In each
25 report required by subsection (b), the Trade

1 Representative shall include a description and
2 estimate of the impact of each law, policy, or
3 practice identified under subparagraph (A) on
4 United States commerce.

5 “(C) INFORMATION SHARING.—The Trade
6 Representative shall provide a list of the laws,
7 policies, and practices identified under subpara-
8 graph (A), and any supporting information, to
9 the Attorney General and the Federal Trade
10 Commission to develop policy and research tools
11 to promote competition and inform the enforce-
12 ment of antitrust laws.”.

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