

118TH CONGRESS  
1ST SESSION

# S. 863

To establish a temporary commission to develop a consensus and actionable recommendations on a comprehensive grand strategy with respect to the United States relationship with the People's Republic of China for purposes of ensuring a holistic approach toward the People's Republic of China across all Federal departments and agencies.

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## IN THE SENATE OF THE UNITED STATES

MARCH 16, 2023

Mr. KING (for himself, Mr. CORNYN, Mr. KAINE, Mr. CRAMER, Mr. CARPER, Ms. HIRONO, Mr. TILLIS, Mr. YOUNG, Mrs. SHAHEEN, Ms. COLLINS, Mr. BLUMENTHAL, Mr. MANCHIN, Ms. ROSEN, Mr. ROUNDS, Ms. MURKOWSKI, and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To establish a temporary commission to develop a consensus and actionable recommendations on a comprehensive grand strategy with respect to the United States relationship with the People's Republic of China for purposes of ensuring a holistic approach toward the People's Republic of China across all Federal departments and agencies.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CHINA GRAND STRATEGY COMMISSION.**

2 (a) ESTABLISHMENT.—There is established a com-  
3 mission, to be known as the “China Grand Strategy Com-  
4 mission” (in this section referred to as the “Commis-  
5 sion”), to develop a consensus on a comprehensive grand  
6 strategy and whole-of-government approach with respect  
7 to the United States relationship with the People’s Repub-  
8 lic of China for purposes of—

9 (1) ensuring a holistic approach toward the  
10 People’s Republic of China across all Federal de-  
11 partments and agencies;

12 (2) defining specific steps necessary to build a  
13 stable international order that accounts for the Peo-  
14 ple’s Republic of China’s participation in that order;  
15 and

16 (3) providing actionable recommendations with  
17 respect to the United States relationship with the  
18 People’s Republic of China, which are aimed at pro-  
19 tecting and strengthening United States national se-  
20 curity interests.

21 (b) MEMBERSHIP.—

22 (1) COMPOSITION.—

23 (A) IN GENERAL.—The Commission shall  
24 be composed of the following members:

25 (i) The Deputy National Security Ad-  
26 visor.

1 (ii) The Deputy Secretary of Defense.

2 (iii) The Deputy Secretary of State.

3 (iv) The Deputy Secretary of the  
4 Treasury.

5 (v) The Deputy Secretary of Com-  
6 merce.

7 (vi) The Principal Deputy Director of  
8 National Intelligence.

9 (vii) Three members appointed by the  
10 majority leader of the Senate, in consulta-  
11 tion with the chairperson of the Committee  
12 on Armed Services of the Senate, one of  
13 whom shall be a Member of the Senate and  
14 two of whom shall not be.

15 (viii) Three members appointed by the  
16 minority leader of the Senate, in consulta-  
17 tion with the ranking member of the Com-  
18 mittee on Armed Services of the Senate,  
19 one of whom shall be a Member of the  
20 Senate and two of whom shall not be.

21 (ix) Three members appointed by the  
22 Speaker of the House of Representatives,  
23 in consultation with the chairperson of the  
24 Committee on Armed Services of the  
25 House of Representatives, one of whom

1 shall be a Member of the House of Rep-  
2 resentatives and two of whom shall not be.

3 (x) Three members appointed by the  
4 minority leader of the House of Represent-  
5 atives, in consultation with the ranking  
6 member of the Committee on Armed Serv-  
7 ices of the House of Representatives, one  
8 of whom shall be a Member of the House  
9 of Representatives and two of whom shall  
10 not be.

11 (B) QUALIFICATIONS.—The members de-  
12 scribed in clauses (vii) through (x) of subpara-  
13 graph (A) who are not Members of Congress  
14 shall be individuals who are nationally recog-  
15 nized and have well-documented expertise,  
16 knowledge, or experience in—

17 (i) the history, culture, economy, or  
18 national security policies of the People’s  
19 Republic of China;

20 (ii) the United States economy;

21 (iii) the use of intelligence information  
22 by national policymakers and military lead-  
23 ers;

1 (iv) the implementation, funding, or  
2 oversight of the foreign and national secu-  
3 rity policies of the United States; or

4 (v) the implementation, funding, or  
5 oversight of economic and trade policies of  
6 the United States.

7 (C) AVOIDANCE OF CONFLICTS OF INTER-  
8 EST.—An official who appoints members of the  
9 Commission may not appoint an individual as a  
10 member of the Commission if such individual  
11 possesses any personal or financial interest in  
12 the discharge of any of the duties of the Com-  
13 mission.

14 (2) CO-CHAIRPERSONS.—

15 (A) IN GENERAL.—The Commission shall  
16 have two co-chairpersons, selected from among  
17 the members of the Commission, of whom—

18 (i) one co-chairperson shall be a mem-  
19 ber of the Democratic Party; and

20 (ii) one co-chairperson shall be a  
21 member of the Republican Party.

22 (B) CONSENSUS.—The individuals selected  
23 to serve as the co-chairpersons of the Commis-  
24 sion shall be jointly agreed upon by the Presi-  
25 dent, the majority leader of the Senate, the mi-

1           nORITY leader of the Senate, the Speaker of the  
2           House of Representatives, and the minority  
3           leader of the House of Representatives.

4           (c) APPOINTMENT; INITIAL MEETING.—

5           (1) APPOINTMENT.—Members of the Commis-  
6           sion shall be appointed not later than 45 days after  
7           the date of the enactment of this Act.

8           (2) INITIAL MEETING.—The Commission shall  
9           hold its initial meeting on or before the date that is  
10          60 days after the date of the enactment of this Act.

11          (d) MEETINGS; QUORUM; VACANCIES.—

12          (1) IN GENERAL.—After its initial meeting, the  
13          Commission shall meet upon the call of the co-chair-  
14          persons of the Commission.

15          (2) QUORUM.—Ten members of the Commis-  
16          sion shall constitute a quorum for purposes of con-  
17          ducting business, except that two members of the  
18          Commission shall constitute a quorum for purposes  
19          of receiving testimony.

20          (3) VACANCIES.—Any vacancy on the Commis-  
21          sion shall not affect its powers, and shall be filled  
22          in the same manner in which the original appoint-  
23          ment was made.

24          (4) QUORUM WITH VACANCIES.—If vacancies  
25          on the Commission occur on any day after the date

1 that is 45 days after the date of the enactment of  
2 this Act, a quorum shall consist of a majority of the  
3 members of the Commission as of such day.

4 (e) ACTIONS OF COMMISSION.—

5 (1) IN GENERAL.—The Commission shall act by  
6 resolution agreed to by a majority of the members  
7 of the Commission voting and present.

8 (2) PANELS.—The Commission may establish  
9 panels composed of less than the full membership of  
10 the Commission for purposes of carrying out the du-  
11 ties of the Commission under this section. The ac-  
12 tions of any such panel shall be subject to the review  
13 and control of the Commission. Any findings and de-  
14 terminations made by such a panel shall not be con-  
15 sidered to be the findings and determinations of the  
16 Commission unless approved by the Commission.

17 (3) DELEGATION.—Any member, agent, or staff  
18 member of the Commission may, if authorized by the  
19 co-chairpersons of the Commission, take any action  
20 that the Commission is authorized to take pursuant  
21 to this section.

22 (f) DUTIES OF COMMISSION.—The duties of the  
23 Commission are as follows:

24 (1) To define the core objectives and priorities  
25 of the strategy described in subsection (a).

1           (2) To provide definitions of the terms “grand  
2 strategy” and “stable international order” as such  
3 terms relate to United States national security inter-  
4 ests and policy toward the People’s Republic of  
5 China.

6           (3) To recommend steps toward a stable inter-  
7 national order that includes the People’s Republic of  
8 China that accounts for the People’s Republic of  
9 China’s participation in that order.

10          (4) To consider the manner in which the United  
11 States and the allies and partners of the United  
12 States cooperate and compete with the People’s Re-  
13 public of China and to identify areas for such co-  
14 operation and competition.

15          (5) To consider methods for recalibrating eco-  
16 nomic ties with the People’s Republic of China, and  
17 any necessary modifications to such ties that may be  
18 undertaken by the United States Government.

19          (6) To consider methods for recalibrating addi-  
20 tional non-economic ties with the People’s Republic  
21 of China, and any necessary modifications to such  
22 ties to be undertaken by the United States Govern-  
23 ment, including research, political, and security ties.

24          (7) To understand the linkages across multiple  
25 levels of the Federal Government with respect to



1 United States policy toward the People’s Republic of  
2 China.

3 (8) To seek to protect and strengthen global de-  
4 mocracy and democratic norms.

5 (9) To understand the history, culture, and  
6 goals of the People’s Republic of China and to con-  
7 sider the manner in which the People’s Republic of  
8 China defines and seeks to implement its goals.

9 (10) To review—

10 (A) the strategies and intentions of the  
11 People’s Republic of China that affect United  
12 States national and global interests;

13 (B) the purpose and efficacy of current  
14 programs for the defense of the United States;  
15 and

16 (C) the capabilities of the Federal Govern-  
17 ment for understanding whether, and the man-  
18 ner in which, the People’s Republic of China is  
19 currently being deterred or thwarted in its aims  
20 and ambitions, including in cyberspace.

21 (11) To detail and evaluate current United  
22 States policy and strategic interests, including the  
23 pursuit of a free and open Indo-Pacific region, with  
24 respect to the People’s Republic of China, and the

1 manner in which United States policy affects the  
2 policy of the People's Republic of China.

3 (12) To assess the manner in which the inva-  
4 sion of Ukraine by the Russian Federation may have  
5 impacted the People's Republic of China's calcula-  
6 tions on an invasion of Taiwan and the implications  
7 of such impact on the prospects for short-term, me-  
8 dium-term, and long-term stability in the Taiwan  
9 Strait.

10 (13) In evaluating options for such strategy, to  
11 consider possible structures and authorities that  
12 need to be established, revised, or augmented within  
13 the Federal Government to maintain United States  
14 national security interests in relation to policy to-  
15 ward the People's Republic of China.

16 (g) POWERS OF COMMISSION.—

17 (1) HEARINGS AND EVIDENCE.—The Commis-  
18 sion or, as delegated by the co-chairpersons of the  
19 Commission, any panel or member thereof, may, for  
20 the purpose of carrying out this section—

21 (A) hold such hearings and sit and act at  
22 such times and places, take such testimony, re-  
23 ceive such evidence, and administer such oaths  
24 as the Commission, or such designated panel or  
25 designated member, considers necessary; and

1 (B) subject to paragraph (2), require, by  
2 subpoena or otherwise, the attendance and tes-  
3 timony of such witnesses and the production of  
4 such books, records, correspondence, memo-  
5 randa, papers, and documents, as the Commis-  
6 sion or such designated panel or designated  
7 member considers necessary.

8 (2) SUBPOENAS.—

9 (A) IN GENERAL.—Subpoenas may be  
10 issued under paragraph (1)(B) under the signa-  
11 ture of the co-chairpersons of the Commission,  
12 and may be served by any person designated by  
13 such co-chairpersons.

14 (B) FAILURE TO COMPLY.—The provisions  
15 of sections 102 through 104 of the Revised  
16 Statutes (2 U.S.C. 192–194) shall apply in the  
17 case of any failure of a witness to comply with  
18 any subpoena or to testify when summoned  
19 under authority of this section.

20 (3) CONTRACTS.—The Commission may, to  
21 such extent and in such amounts as are provided in  
22 advance in appropriations Acts, enter into contracts  
23 to enable the Commission to discharge its duties  
24 under this section.

25 (4) INFORMATION FROM FEDERAL AGENCIES.—

1 (A) IN GENERAL.—The Commission may  
2 secure directly from any executive department,  
3 agency, bureau, board, commission, office, inde-  
4 pendent establishment, or instrumentality of the  
5 Government information, suggestions, esti-  
6 mates, and statistics for the purposes of this  
7 section.

8 (B) FURNISHING INFORMATION.—Each  
9 such department, agency, bureau, board, com-  
10 mission, office, establishment, or instrumen-  
11 tality shall, to the extent authorized by law, fur-  
12 nish such information, suggestions, estimates,  
13 and statistics directly to the Commission, upon  
14 request made by a co-chairperson of the Com-  
15 mission.

16 (C) HANDLING OF CLASSIFIED INFORMA-  
17 TION.—The Commission shall handle and pro-  
18 tect all classified information provided to it  
19 under this section in accordance with applicable  
20 law.

21 (5) ASSISTANCE FROM FEDERAL AGENCIES.—

22 (A) SECRETARY OF DEFENSE.—The Sec-  
23 retary of Defense shall provide to the Commis-  
24 sion, on a nonreimbursable basis, such adminis-  
25 trative services, funds, staff, facilities, and

1 other support services as are necessary for the  
2 performance of the Commission's duties under  
3 this section.

4 (B) OTHER DEPARTMENTS AND AGEN-  
5 CIES.—Other Federal departments and agencies  
6 may provide the Commission such services,  
7 funds, facilities, staff, and other support as  
8 such departments and agencies consider advis-  
9 able and as may be authorized by law.

10 (C) COOPERATION.—The Commission shall  
11 receive the full and timely cooperation of any  
12 official, department, or agency of the Federal  
13 Government whose assistance is necessary, as  
14 jointly determined by the co-chairpersons of the  
15 Commission, for the fulfillment of the duties of  
16 the Commission, including the provision of full  
17 and current briefings and analyses.

18 (6) POSTAL SERVICES.—The Commission may  
19 use the United States mails in the same manner and  
20 under the same conditions as the departments and  
21 agencies of the Federal Government.

22 (7) GIFTS.—A member or staff of the Commis-  
23 sion may not receive a gift or benefit by reason of  
24 the service of such member or staff to the Commis-  
25 sion.

1 (h) STAFF AND COMPENSATION.—

2 (1) STAFF.—

3 (A) COMPENSATION.—The co-chairpersons  
4 of the Commission, in accordance with rules  
5 agreed upon by the Commission, shall appoint  
6 and fix the compensation of a staff director and  
7 such other personnel as may be necessary to en-  
8 able the Commission to carry out its duties,  
9 without regard to the provisions of title 5,  
10 United States Code governing appointments in  
11 the competitive service, and without regard to  
12 the provisions of chapter 51 and subchapter III  
13 of chapter 53 of such title, relating to classifica-  
14 tion and General Schedule pay rates, except  
15 that no rate of pay fixed under this paragraph  
16 may exceed the equivalent of that payable to a  
17 person occupying a position at level V of the  
18 Executive Schedule under section 5316 of such  
19 title.

20 (B) DETAIL OF GOVERNMENT EMPLOY-  
21 EES.—A Federal Government employee may be  
22 detailed to the Commission without reimburse-  
23 ment, and such detail shall retain the rights,  
24 status, and privileges of his or her regular em-  
25 ployment without interruption.

1 (2) COMMISSION MEMBERS.—

2 (A) COMPENSATION.—

3 (i) IN GENERAL.—Subject to clause  
4 (ii) and except as provided in subpara-  
5 graph (B), each member of the Commis-  
6 sion may be compensated at a rate not to  
7 exceed the daily equivalent of the annual  
8 rate of basic pay in effect for a position at  
9 level IV of the Executive Schedule under  
10 section 5315 of title 5, United States  
11 Code, for each day during which the mem-  
12 ber is engaged in the actual performance  
13 of the duties of the Commission under this  
14 section.

15 (ii) MEMBERS OF CONGRESS AND  
16 FEDERAL EMPLOYEES.—Members of the  
17 Commission who are Members of Congress  
18 or officers or employees of the Federal  
19 Government may not receive additional pay  
20 by reason of their service on the Commis-  
21 sion.

22 (B) TRAVEL EXPENSES.—While away from  
23 their homes or regular places of business in the  
24 performance of services for the Commission,  
25 members of the Commission may be allowed

1 travel expenses, including per diem in lieu of  
2 subsistence, in the same manner as persons em-  
3 ployed intermittently in Government service are  
4 allowed expenses under section 5703 of title 5,  
5 United States Code.

6 (3) CONSULTANT SERVICES.—The Commission  
7 may procure the services of experts and consultants  
8 in accordance with section 3109 of title 5, United  
9 States Code, but at rates not to exceed the daily rate  
10 paid a person occupying a position at level IV of the  
11 Executive Schedule under section 5315 of such title.

12 (4) SECURITY CLEARANCES FOR COMMISSION  
13 MEMBERS, STAFF, AND CONSULTANTS.—

14 (A) IN GENERAL.—The appropriate Fed-  
15 eral agencies or departments shall cooperate  
16 with the Commission in expeditiously providing  
17 to Commission members, staff, and consultants  
18 appropriate security clearances to the extent  
19 possible pursuant to existing procedures and re-  
20 quirements, except that no person shall be pro-  
21 vided access to classified information under this  
22 Act without the appropriate security clearances.

23 (B) EXPEDITED PROCESSING.—The Office  
24 of Senate Security and the Office of House Se-  
25 curity shall ensure the expedited processing of



1 appropriate security clearances for personnel  
2 appointed to the Commission by their respective  
3 Senate and House of Representatives offices  
4 under processes developed for the clearance of  
5 legislative branch employees.

6 (i) TREATMENT OF INFORMATION RELATING TO NA-  
7 TIONAL SECURITY.—

8 (1) IN GENERAL.—The Director of National In-  
9 telligence shall assume responsibility for the han-  
10 dling and disposition of any information related to  
11 the national security of the United States that is re-  
12 ceived, considered, or used by the Commission under  
13 this section.

14 (2) APPROVAL REQUIRED.—Information related  
15 to the national security of the United States that is  
16 provided to the Commission by the Select Committee  
17 on Intelligence of the Senate, the Permanent Select  
18 Committee on Intelligence of the House of Rep-  
19 resentatives, the Committee on Armed Services of  
20 the Senate, or the Committee on Armed Services of  
21 the House of Representatives may not be further  
22 provided or released without the approval of the  
23 chairperson of such committee.

24 (3) ACCESS AFTER TERMINATION OF COMMIS-  
25 SION.—Notwithstanding any other provision of law,

1 after the termination of the Commission under sub-  
2 section (k), only the members and designated staff  
3 of the Select Committee on Intelligence of the Sen-  
4 ate and the Permanent Select Committee on Intel-  
5 ligence of the House of Representatives, the Director  
6 of National Intelligence (and the designees of the  
7 Director), and such other officials of the executive  
8 branch as the President may designate shall have  
9 access to information related to the national security  
10 of the United States that is received, considered, or  
11 used by the Commission.

12 (j) REPORT.—

13 (1) IN GENERAL.—Not later than September 1,  
14 2025, the Commission shall submit to the appro-  
15 priate committees of Congress, the Assistant to the  
16 President for National Security Affairs, the Sec-  
17 retary of State, the Secretary of Defense, the Sec-  
18 retary of the Treasury, the Secretary of Commerce,  
19 and the Director of National Intelligence a final re-  
20 port on the findings and recommendations of the  
21 Commission.

22 (2) FORM.—The report required by paragraph  
23 (1) shall be submitted in unclassified form and shall  
24 include a classified annex.

25 (k) TERMINATION OF COMMISSION.—

1           (1) IN GENERAL.—The Commission, and all the  
2           authorities of this section, shall terminate at the end  
3           of the 120-day period beginning on the date on  
4           which the final report is submitted under subsection  
5           (j).

6           (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-  
7           MINATION.—The Commission may use the 120-day  
8           period referred to in paragraph (1) for the purpose  
9           of concluding its activities, including providing testi-  
10          mony to Congress concerning the final report re-  
11          quired by subsection (j) and disseminating such re-  
12          port.

13          (l) ASSESSMENTS OF FINAL REPORT.—Not later  
14          than 60 days after the date on which the final report re-  
15          quired by subsection (j) is submitted, the Secretary of  
16          State, the Secretary of Defense, the Secretary of the  
17          Treasury, the Secretary of Commerce, and the Director  
18          of National Intelligence shall each submit to the appro-  
19          priate committees of Congress an assessment of the final  
20          report that includes such comments on the findings and  
21          recommendations contained in the final report as the Di-  
22          rector or Secretary, as applicable, considers appropriate.

23          (m) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE  
24          PROVISIONS.—

1           (1) FEDERAL ADVISORY COMMITTEE ACT.—The  
2 provisions of the Federal Advisory Committee Act (5  
3 U.S.C. App.) shall not apply to the Commission.

4           (2) FREEDOM OF INFORMATION ACT.—The pro-  
5 visions of section 552 of title 5, United States Code  
6 (commonly referred to as the “Freedom of Informa-  
7 tion Act”), shall not apply to the activities, records,  
8 and proceedings of the Commission under this sec-  
9 tion.

10          (n) AUTHORIZATION OF APPROPRIATIONS.—Of the  
11 amounts authorized to be appropriated by this Act for fis-  
12 cal year 2023 for the Department of Defense, \$5,000,000  
13 shall be made available to carry out this section, to remain  
14 available until the termination of the Commission.

15          (o) APPROPRIATE COMMITTEES OF CONGRESS DE-  
16 FINED.—In this section, the term “appropriate commit-  
17 tees of Congress” means—

18           (1) the Select Committee on Intelligence, the  
19 Committee on Armed Services, the Committee on  
20 Appropriations, the Committee on Commerce,  
21 Science, and Transportation, the Committee on  
22 Homeland Security and Governmental Affairs, the  
23 Committee on Foreign Relations, and the Committee  
24 on Finance of the Senate; and

1           (2) the Permanent Select Committee on Intel-  
2           ligence, the Committee on Armed Services, the Com-  
3           mittee on Appropriations, the Committee on Energy  
4           and Commerce, the Committee on Science, Space,  
5           and Technology, the Committee on Homeland Secu-  
6           rity and Governmental Affairs, the Committee on  
7           Foreign Affairs, and the Committee on Financial  
8           Services of the House of Representatives.

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