

118TH CONGRESS
2D SESSION

S. 5131

To advance a competitive strategy against the People’s Republic of China,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2024

Mr. RISCH (for himself, Mr. RICKETTS, Mr. YOUNG, Mr. BARRASSO, Mr. CRAPO, Mr. CASSIDY, Mr. SULLIVAN, Mr. ROMNEY, Mr. CORNYN, Mr. GRASSLEY, and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To advance a competitive strategy against the People’s
Republic of China, and for other purposes.

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 “STRATEGIC Act of 2024”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—COUNTERING CHINESE COMMUNIST PARTY MALIGN
INFLUENCE

Subtitle A—Amendments to the Foreign Agents Registration Act of 1938

- Sec. 101. Definitions.
- Sec. 102. Treatment of certain exemptions under the Foreign Agents Registration Act of 1938.
- Sec. 103. Foreign agents registration criminal enforcement.
- Sec. 104. Foreign agents registration civil enforcement.
- Sec. 105. Authorizing the Attorney General to issue civil investigative demands to promote enforcement of disclosure requirements for agents of foreign principals.
- Sec. 106. Effective date.

Subtitle B—Other Actions To Counter CCP Malign Influence

- Sec. 111. Prohibition on certain gifts and contracts from the PRC to certain United States institutions.
- Sec. 112. Requirement for think tanks to disclose foreign funding.
- Sec. 113. Amendment to the Mutual Education and Cultural Exchange Act of 1961.
- Sec. 114. Establishment of Countering the People’s Republic of China Influence Fund.
- Sec. 115. Notification requirement for participation of Department of State and USAID officials in private events that include the participation of specially designated and blocked persons.
- Sec. 116. Determination with respect to imposition of sanctions with respect to United Front Work Department of Chinese Communist Party.
- Sec. 117. Department of State list of foreign talent recruitment programs of the PRC.
- Sec. 118. Oversight on climate cooperation with the PRC.
- Sec. 119. Restriction on issuance of visas.
- Sec. 120. Modifying information about countries exporting methamphetamine included in the annual international narcotics control strategy report.
- Sec. 121. Report on violations of American Diplomatic Corps privileges and immunities.
- Sec. 122. Annual report on the PRC’s diplomatic mission engagements.
- Sec. 123. Restrictions on foreign missions of the PRC in elementary and secondary schools in the United States.
- Sec. 124. Office of the Special Envoy for Critical and Emerging Technology.
- Sec. 125. Enhanced congressional notification regarding science and technology agreements with the PRC.

TITLE II—ADVANCING UNITED STATES AND PARTNER ECONOMIC PROSPERITY

- Sec. 201. Defined term.
- Sec. 202. Authorization of partnership for global infrastructure and investment.
- Sec. 203. Global Strategic Infrastructure Investment Fund.
- Sec. 204. Infrastructure transaction and assistance network.
- Sec. 205. Regulatory exchanges with allies and partners.
- Sec. 206. Authorization to assist United States companies with global supply chain diversification and management.
- Sec. 207. Investing in talent in Southeast Asia, the Pacific Islands, Sub-saharan Africa, and Latin America.
- Sec. 208. Pilot program to audit barriers to commerce in developing partner countries.

- Sec. 209. Promoting adoption of United Nations convention on the assignment of receivables in international trade.
- Sec. 210. Opposing the provision of assistance to the People's Republic of China by the multilateral development banks.
- Sec. 211. Prohibiting funding for the Montreal Protocol on substances that deplete the ozone layer and the United Nations framework convention on climate change until China is no longer defined as a developing country.

TITLE III—COUNTERING CHINA'S PREDATORY ECONOMIC PRACTICES

Subtitle A—Countering Economic Coercion

- Sec. 301. Short title.
- Sec. 302. Sense of Congress.
- Sec. 303. Definitions.
- Sec. 304. Determination of economic coercion.
- Sec. 305. Authorities to respond to economic coercion.
- Sec. 306. Coordination with allies and partners.
- Sec. 307. Expedited consideration of economic coercion response package.
- Sec. 308. Process for joint resolutions of disapproval.

Subtitle B—Other Matters To Counter Predatory Economic Practices by the People's Republic of China

- Sec. 311. Predatory pricing by entities owned, controlled, or directed by a foreign state.
- Sec. 312. Expansion of offense of theft of trade secrets to include unauthorized development of products and digital articles.
- Sec. 313. Review of petitions related to intellectual property theft and forced technology transfer.
- Sec. 314. Fostering energy development aligned with partner country needs.
- Sec. 315. Opposition of United States to an increase in weight of Chinese renminbi in Special Drawing Rights basket of International Monetary Fund.
- Sec. 316. Strengthening congressional oversight of Special Drawing Rights at International Monetary Fund.
- Sec. 317. Security and oversight for international landholdings.
- Sec. 318. Intellectual property violators list.
- Sec. 319. Annual review of the presence of Chinese companies in United States capital markets.
- Sec. 320. Prohibition on availability of funds for procurement of certain batteries.
- Sec. 321. Ending support for PRC contracts at the World Bank.
- Sec. 322. Report on United States development efforts to counter the PRC's Belt and Road Initiative.

TITLE IV—STRENGTHENING SECURITY ALLIANCES AND PARTNERSHIPS

Subtitle A—International Security Partners

- Sec. 401. Defined term.
- Sec. 402. Restriction on Track 1.5 dialogues with the People's Republic of China.
- Sec. 403. Refocusing international security efforts for strategic competition.

- Sec. 404. Report on diplomatic outreach with respect to PRC military installations overseas.
- Sec. 405. Limitation on assistance to countries hosting PRC military installations.
- Sec. 406. Amendment to the Stop Harboring Iranian Petroleum Act.
- Sec. 407. Missile Technology Control Regime provisions.
- Sec. 408. Strengthening extended nuclear deterrence in the Korean theater of operations.

Subtitle B—Indo-Pacific Allies and Partners

PART I—TAIWAN

- Sec. 411. Development of economic tools to deter aggression by People's Republic of China against Taiwan.
- Sec. 412. Treatment of the Government of Taiwan.
- Sec. 413. War reserve stock program for Taiwan.
- Sec. 414. Proper treatment of Taiwan government representatives.
- Sec. 415. American Institute in Taiwan.

PART II—SOUTH CHINA AND EAST CHINA SEA SANCTIONS

- Sec. 421. Short title.
- Sec. 422. Sanctions with respect to Chinese persons responsible for China's activities in the South China Sea and the East China Sea.
- Sec. 423. Sense of Congress regarding portrayals of the South China Sea or the East China Sea as part of China.
- Sec. 424. Sense of Congress on 2016 Permanent Court of Arbitration's tribunal ruling on arbitration case between the Philippines and the People's Republic of China.
- Sec. 425. Report on countries that recognize Chinese sovereignty over the South China Sea or the East China Sea.

PART III—PACIFIC ISLANDS

- Sec. 431. Establishing a senior official for the compacts of free association at the Department of State.
- Sec. 432. Enhancement of diplomatic support and economic engagement with Pacific island countries.

PART IV—INDIAN OCEAN REGION STRATEGIC REVIEW

- Sec. 441. Short title.
- Sec. 442. Findings.
- Sec. 443. Statement of policy.
- Sec. 444. Definitions.
- Sec. 445. Strategy and implementation plan relating to the Indian Ocean region.
- Sec. 446. Modification to United States-China Economic and Security Review Commission.

Subtitle C—Countering Espionage and Surveillance Entities in Cuba

- Sec. 451. Short titles.
- Sec. 452. Imposition of sanctions with respect to military and intelligence facilities of the People's Republic of China in Cuba.
- Sec. 453. Codification of Cuba restricted list.

Subtitle D—Countering China Globally

- Sec. 461. Sense of Congress regarding China’s support for Russia in Ukraine.
 Sec. 462. Enhancing United States-Africa trade and investment for prosperity.
 Sec. 463. Report on Horn of Africa.
 Sec. 464. Amendment to Jackson-Vanik amendment.

Subtitle E—United States Interests in International Organizations

- Sec. 471. Global peace operations initiative.
 Sec. 472. Office on Multilateral Strategy and Personnel.
 Sec. 473. Authorization of appropriations for Junior Professional Officer positions and United States candidates for leadership positions in multilateral institutions.
 Sec. 474. Safeguarding the integrity of the United Nations system.
 Sec. 475. Department of State report on the People’s Republic of China’s United Nations peacekeeping efforts.

TITLE V—INVESTING IN OUR VALUES THROUGH SANCTIONS AND UNITED NATIONS REFORMS

- Sec. 501. Imposition of sanctions with respects to systematic rape, coercive abortion, forced sterilization, or involuntary contraceptive implantation in the Xinjiang Uyghur Autonomous Region.
 Sec. 502. Removal of members of the United Nations Human Rights Council that commit human rights abuses.
 Sec. 503. United Nations policy and international engagement on the reincarnation of the Dalai Lama and religious freedom of Tibetan Buddhists.

TITLE VI—ADVANCING OVERSIGHT OF INTERNATIONAL LIFE SCIENCES RESEARCH

- Sec. 601. Short title.
 Sec. 602. Definitions.
 Sec. 603. Statement of policy.
 Sec. 604. Amendments to the Secretary of State’s authority under the Arms Control and Disarmament Act.
 Sec. 605. Report on threats related to specific dual use research of concern and other international life sciences research of concern.
 Sec. 606. Report on United States funding research with the PRC.
 Sec. 607. Biological and toxin weapons review conference.
 Sec. 608. Annual report by the United States Agency for International Development.
 Sec. 609. United Nations agencies, programs, and funds.
 Sec. 610. Rule of construction.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

- 3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 4 TEES.—Except as provided in sections 125(b), 210,
 5 211, 303, 313, 323, 411, and 452, part IV of sub-

1 title B of title IV, and title VI, the term “appro-
2 priate congressional committees” means—

3 (A) the Committee on Foreign Relations of
4 the Senate; and

5 (B) the Committee on Foreign Affairs of
6 the House of Representatives.

7 (2) PRC.—The term “PRC” means the Peo-
8 ple’s Republic of China.

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of State.

11 **TITLE I—COUNTERING CHINESE**
12 **COMMUNIST PARTY MALIGN**
13 **INFLUENCE**

14 **Subtitle A—Amendments to the**
15 **Foreign Agents Registration Act**
16 **of 1938**

17 **SEC. 101. DEFINITIONS.**

18 Section 1 of the Foreign Agents Registration Act of
19 1938, as amended (22 U.S.C. 611) is amended—

20 (1) by striking the matter preceding subsection

21 (a) and inserting the following: “In this Act:”;

22 (2) in each of subsections (a), (e), (f), (g), (h),
23 (i), (k), (l), (m), (n), and (o), by striking the semi-
24 colon at the end and inserting a period;

1 (3) in subsection (b), by redesignating para-
2 graphs (1), (2), and (3) as subparagraphs (A), (B),
3 and (C);

4 (4) by striking subsections (c) and (d);

5 (5) by redesignating subsections (a), (b), (e),
6 (f), (g), (h), (i), (k), (l), (m), (n), (o), and (p) as
7 paragraphs (11), (6), (7), (5), (16), (15), (8), (17),
8 (2), (18), (14), (12), and (13), respectively, arrang-
9 ing such paragraphs in numerical order, and moving
10 each such paragraph 2 ems to the right;

11 (6) by inserting before paragraph (2), as redес-
12 ignated, the following:

13 “(1) The term ‘agent of a foreign principal’—

14 “(A) means any person who—

15 “(i)(I) acts as an agent, representa-
16 tive, employee, servant, or in any other ca-
17 pacity at the order, request, or under the
18 direction or control, of—

19 “(aa) a foreign principal; or

20 “(bb) a person any of whose ac-
21 tivities are directly or indirectly super-
22 vised, directed, controlled, financed, or
23 subsidized in whole or in major part
24 by a foreign principal; and

1 “(II) directly or through any other
2 person—

3 “(aa) engages within the United
4 States in political activities for or in
5 the interests of such foreign principal;

6 “(bb) acts within the United
7 States as a public relations counsel,
8 publicity agent, information-service
9 employee, or political consultant for or
10 in the interests of such foreign prin-
11 cipal;

12 “(cc) within the United States,
13 solicits, collects, disburses, or dis-
14 penses contributions, loans, money, or
15 other things of value for or in the in-
16 terest of such foreign principal; or

17 “(dd) within the United States
18 represents the interests of such for-
19 eign principal before any agency or of-
20 ficial of the Government of the United
21 States; or

22 “(ii) agrees, consents, assumes or pur-
23 ports to act as, or who is or holds himself
24 or herself out to be, whether or not pursu-

1 ant to contractual relationship, a person
2 described in clause (i); and

3 “(B) does not include—

4 “(i) any news or press service or asso-
5 ciation organized under the laws of the
6 United States or of any State or other
7 place subject to the jurisdiction of the
8 United States if such entity—

9 “(I) is at least 80 percent bene-
10 ficially owned by, and its officers and
11 directors, if any, are, citizens of the
12 United States; and

13 “(II) is not owned, directed, su-
14 pervised, controlled, subsidized, or fi-
15 nanced, and none of its policies are
16 determined, by any foreign principal
17 or by any agent of a foreign principal
18 required to register under this Act; or

19 “(ii) any newspaper, magazine, peri-
20 odical, or other publication for which there
21 is on file with the United States Postal
22 Service information in compliance with sec-
23 tion 3685 of title 39, United States Code,
24 published in the United States, solely by
25 virtue of any bona fide news or journalistic

1 activities, including the solicitation or ac-
2 ceptance of advertisements, subscriptions,
3 or other compensation if it meets the con-
4 ditions set forth in subclause (I) and (II)
5 of clause (i).”;

6 (7) by inserting after paragraph (2), as redesign-
7 nated, the following:

8 “(3) The term ‘appropriate committees of Con-
9 gress’ means—

10 “(A) the Committee on the Judiciary of
11 the Senate;

12 “(B) the Committee on Foreign Relations
13 of the Senate;

14 “(C) the Committee on the Judiciary of
15 the House of Representatives; and

16 “(D) the Committee on Foreign Affairs of
17 the House of Representatives.

18 “(4) The term ‘documentary material’ includes
19 the original or any copy of any book, record, report,
20 memorandum, paper, communication, tabulation,
21 chart, or other document, or data compilations
22 stored in or accessible through computer or other in-
23 formation retrieval systems, together with instruc-
24 tions and all other materials necessary to use or in-

1 interpret such data compilations, and any product of
2 discovery.”;

3 (8) by inserting after paragraph (8), as redesignated,
4 the following:

5 “(9) The term ‘investigation’ means any inquiry
6 conducted for the purpose of ascertaining whether
7 any person is or has been engaged in any violation
8 of this Act.

9 “(10) The term ‘Lobbying Disclosure Act exemption’
10 means the exemption set forth in section
11 3(h).”.

12 **SEC. 102. TREATMENT OF CERTAIN EXEMPTIONS UNDER**
13 **THE FOREIGN AGENTS REGISTRATION ACT**
14 **OF 1938.**

15 (a) IN GENERAL.—Section 3 of the Foreign Agents
16 Registration Act of 1938, as amended (22 U.S.C. 613)
17 is amended—

18 (1) in the matter preceding subsection (a), by
19 inserting “, except as provided in subsection (i)”
20 after “principals”-; and

21 (2) by adding at the end the following:

22 “(i) LIMITATIONS.—

23 “(1) IN GENERAL.—The exemptions under sub-
24 sections (d)(1), (d)(2), and (h) shall not apply to
25 any agent of a foreign principal that is organized

1 under the law of or has its principal place of busi-
2 ness or residence in 1 of the identified countries list-
3 ed in paragraph (2).

4 “(2) IDENTIFIED COUNTRIES.—The countries
5 described in this paragraph are:

6 “(A) the People’s Republic of China.

7 “(B) the Russian Federation.

8 “(C) the Islamic Republic of Iran.”.

9 (b) MODIFICATION TO COUNTRIES.—

10 (1) IN GENERAL.—The Secretary, in consulta-
11 tion with the Attorney General of the United States,
12 may propose the addition or deletion of countries
13 listed in section 3(i)(2) of the Foreign Agents Reg-
14 istration Act of 1938, as amended, as added by sub-
15 section (a).

16 (2) SUBMISSION.—Any proposal described in
17 paragraph (1)—

18 (A) shall be submitted to the Chairman
19 and Ranking Member of the Committee on For-
20 eign Relations of the Senate and the Chairman
21 and Ranking Member of the Committee on the
22 Judiciary of the House of Representatives; and

23 (B) shall become effective upon enactment
24 of a joint resolution of approval as described in
25 subsection (c).

1 (c) JOINT RESOLUTION OF APPROVAL.—

2 (1) IN GENERAL.—For purposes of subsection
3 (b), the term “joint resolution of approval” only
4 means a joint resolution—

5 (A) that does not have a preamble;

6 (B) that includes in the matter after the
7 resolving clause the following: “That Congress
8 approves the modification of countries relating
9 to the treatment of certain exemptions under
10 the Foreign Agents Registration Act of 1938,
11 as amended, as submitted by the Secretary on
12 _____; and section 3(i) of the Foreign
13 Agents Registration Act of 1938, as amended
14 (22 U.S.C. 613) is amended by
15 _____.”, the blank spaces being appro-
16 priately filled in with the appropriate date and
17 the amendatory language required to add or de-
18 lete 1 or more countries from the list of coun-
19 tries described in section 3(i) of the Foreign
20 Agents Registration Act of 1938, as amended,
21 as added by subsection (a)(2), respectively; and
22 (C) the title of which is as follows: “Joint
23 resolution approving modifications to countries
24 relating to the treatment of certain exemptions

1 under the Foreign Agents Registration Act of
2 1938, as amended.”.

3 (2) REFERRAL.—

4 (A) SENATE.—A resolution described in
5 paragraph (1) that is introduced in the Senate
6 shall be referred to the Committee on Foreign
7 Relations of the Senate.

8 (B) HOUSE OF REPRESENTATIVES.—A
9 resolution described in paragraph (1) that is in-
10 troduced in the House of Representatives shall
11 be referred to the Committee on the Judiciary
12 of the House of Representatives.

13 (d) SUNSET.—This section and the amendments
14 made by this section shall terminate on October 1, 2028.

15 **SEC. 103. FOREIGN AGENTS REGISTRATION CRIMINAL EN-**
16 **FORCEMENT.**

17 (a) INCREASED CRIMINAL PENALTIES.—Section 8 of
18 the Foreign Agents Registration Act of 1938, as amended
19 (22 U.S.C. 618) is amended—

20 (1) in subsection (a)(2), by striking “\$10,000
21 or by imprisonment for not more than five years, or
22 both, except that in the case of a violation of sub-
23 section (b), (e), or (f) of section 4 or of subsection
24 (g) or (h) of this section the punishment shall be a
25 fine of not more than \$5,000 or imprisonment for

1 not more than six months” and inserting “\$200,000
 2 or by imprisonment for not more than 5 years, or
 3 both, except that in the case of a violation of sub-
 4 section (b), (e), or (f) of section 4 or of subsection
 5 (g), (h), or (i) of this section the punishment shall
 6 be a fine of not more than \$15,000 or imprisonment
 7 for not more than 6 months”; and

8 (2) by adding at the end the following:

9 “(i) CONGRESSIONAL NOTIFICATION.—It shall be un-
 10 lawful for any agent of a foreign principal registered under
 11 this Act to willfully fail to disclose before or during any
 12 meeting with a Member of Congress (as defined in section
 13 3 of the Lobbying and Disclosure Act of 1995 (2 U.S.C.
 14 1602) or a member of the staff of a Member or committee
 15 of Congress that such agent is registered under this Act.”.

16 **SEC. 104. FOREIGN AGENTS REGISTRATION CIVIL EN-**
 17 **FORCEMENT.**

18 Section 8 of the Foreign Agents Registration Act of
 19 1938, as amended (22 U.S.C. 618), as amended by section
 20 103, is further amended by adding at the end the fol-
 21 lowing:

22 “(j) CIVIL ENFORCEMENT.—

23 “(1) CIVIL PENALTIES.—

24 “(A) REGISTRATION STATEMENTS.—

1 “(i) IN GENERAL.—Any person who is
2 required to register under this Act and
3 fails to file a timely or complete registra-
4 tion statement in accordance with section
5 2(a) shall be subject to a civil fine of not
6 more than \$10,000 for each such violation,
7 without regard to the state of mind of such
8 person.

9 “(ii) NO FINES PAID BY FOREIGN
10 PRINCIPALS.—If a person is subject to a
11 civil fine under clause (i), the civil fine
12 may not be paid, directly or indirectly, by
13 a foreign principal.

14 “(B) SUPPLEMENTS.—Any person who is
15 required to file a supplement to a registration
16 statement under section 2(b) and fails to file a
17 timely or complete supplement in accordance
18 with such section shall be subject to a civil fine
19 of not more than \$1,000 for each such viola-
20 tion, without regard to the state of mind of
21 such person.

22 “(C) FAILURE TO REMEDY DEFICIENT FIL-
23 INGS.—Any person who is required to file a reg-
24 istration statement under this Act, receives no-
25 tice pursuant to subsection (g) that the reg-

1 istration statement filed by the person is defi-
 2 cient, and knowingly fails to remedy the defi-
 3 ciency within 60 days after receiving such no-
 4 tice shall, upon proof by a preponderance of the
 5 evidence of such knowing failure to remedy the
 6 deficiency, be subject to a civil fine of not more
 7 than \$200,000, depending on the extent and
 8 gravity of the violation.

9 “(D) OTHER VIOLATIONS.—Any person
 10 who knowingly fails to comply with any other
 11 provision of this Act shall, upon proof by a pre-
 12 ponderance of the evidence of such knowing
 13 failure to comply, be subject to a civil fine of
 14 not more than \$200,000, depending on the ex-
 15 tent and gravity of the violation.

16 “(2) USE OF FINES.—All fines collected under
 17 this subsection shall be used to defray the cost of
 18 enforcing this Act.”.

19 **SEC. 105. AUTHORIZING THE ATTORNEY GENERAL TO**
 20 **ISSUE CIVIL INVESTIGATIVE DEMANDS TO**
 21 **PROMOTE ENFORCEMENT OF DISCLOSURE**
 22 **REQUIREMENTS FOR AGENTS OF FOREIGN**
 23 **PRINCIPALS.**

24 The Foreign Agents Registration Act of 1938, as
 25 amended (22 U.S.C. 611 et seq.) is amended—

1 (1) by redesignating sections 9 through 14 (22
2 U.S.C. 619 through), as sections 10 through 15, re-
3 spectively; and

4 (2) by inserting after section 8, as amended by
5 sections 103 and 104, the following:

6 **“SEC. 9. CIVIL INVESTIGATIVE DEMANDS CONCERNING**
7 **REGISTRATION OF AGENTS OF FOREIGN**
8 **PRINCIPALS.**

9 “(a) AUTHORITY OF THE ATTORNEY GENERAL.—

10 “(1) AUTHORITY DESCRIBED.—Whenever the
11 Attorney General or the Attorney General’s designee
12 has reason to believe that any person may be in pos-
13 session, custody, or control of any documentary ma-
14 terial, or may have any information, relevant to an
15 investigation under this Act, the Attorney General or
16 such designee may, before instituting a civil or
17 criminal proceeding on behalf of the United States
18 with respect to such person, issue in writing, and
19 cause to be served upon such person, a civil inves-
20 tigative demand requiring such person—

21 “(A) to produce such documentary mate-
22 rial for inspection and copying or reproduction;

23 “(B) to provide written answers to written
24 interrogatories with respect to such documen-
25 tary material or information;

1 “(C) to give oral testimony concerning
2 such documentary material or information; or

3 “(D) to furnish any combination of such
4 material, answers, or testimony.

5 “(2) EXPRESS DEMANDS.—Whenever a civil in-
6 vestigative demand is an express demand for any
7 product of discovery, the Attorney General or the
8 Attorney General’s designee shall—

9 “(A) cause to be served, in any manner au-
10 thorized under this section, a copy of such de-
11 mand upon the person from whom the discovery
12 was obtained; and

13 “(B) notify the person to whom such de-
14 mand is issued of the date on which such copy
15 was served.

16 “(3) LIMITING INDIVIDUALS WHO MAY SERVE
17 AS DESIGNEES.—The Attorney General may not des-
18 ignate any individual other than the Assistant Attor-
19 ney General for National Security or a Deputy At-
20 torney General to carry out the authority provided
21 under this subsection.

22 “(b) CONTENTS AND DEADLINES.—

23 “(1) IN GENERAL.—Each demand issued pursu-
24 ant to subsection (a) shall—

1 “(A) state the nature of the conduct con-
2 stituting the alleged violation of this Act that is
3 under investigation and the provision of this
4 Act alleged to have been violated;

5 “(B) if such demand is for the production
6 of documentary material—

7 “(i) describe each class of documen-
8 tary material to be produced with such
9 definiteness and certainty as to permit
10 such material to be fairly identified;

11 “(ii) prescribe a return date for each
12 such class which will provide a reasonable
13 period of time within which the material so
14 demanded may be assembled and made
15 available for inspection and copying or re-
16 production; and

17 “(iii) identify the custodian to whom
18 such material shall be made available;

19 “(C) if such demand is for answers to writ-
20 ten interrogatories—

21 “(i) set forth with specificity the writ-
22 ten interrogatories to be answered;

23 “(ii) prescribe dates by when answers
24 to written interrogatories shall be sub-
25 mitted; and

1 “(iii) identify the custodian to whom
2 such answers shall be submitted; and

3 “(D) if such demand is for the giving of
4 oral testimony—

5 “(i) prescribe a date, time, and place
6 at which oral testimony shall be com-
7 menced;

8 “(ii) identify an investigator who shall
9 conduct the examination and the custodian
10 to whom the transcript of such examina-
11 tion shall be submitted;

12 “(iii) specify that such attendance and
13 testimony are necessary to the conduct of
14 the investigation;

15 “(iv) notify the person receiving the
16 demand of the right to be accompanied by
17 an attorney and any other representative;
18 and

19 “(v) describe the general purpose for
20 which the demand is being issued and the
21 general nature of the testimony, including
22 the primary areas of inquiry, which will be
23 taken pursuant to the demand.

24 “(2) PRODUCT OF DISCOVERY.—Any civil inves-
25 tigative demand issued pursuant to this section that

1 is an express demand for any product of discovery
2 may not be returned or returnable until 20 days
3 after a copy of such demand has been served upon
4 the person from whom the discovery was obtained.

5 “(3) DATE.—The date prescribed for the com-
6 mencement of oral testimony pursuant to a civil in-
7 vestigative demand issued under subsection (a) shall
8 be a date that is not earlier than 7 days after the
9 date on which demand is received, unless the Attor-
10 ney General or the Attorney General’s designee de-
11 termines that exceptional circumstances warrant
12 that such testimony commence sooner.

13 “(4) NOTIFICATION.—The Attorney General
14 may not authorize the issuance of more than 1 civil
15 investigative demand under this section for oral tes-
16 timony by the same person unless—

17 “(A) such person requests otherwise; or

18 “(B) the Attorney General, after investiga-
19 tion, notifies such person in writing that an ad-
20 ditional demand for oral testimony is necessary.

21 “(c) PROTECTED MATERIAL OR INFORMATION.—

22 “(1) IN GENERAL.—A civil investigative de-
23 mand issued pursuant to subsection (a) may not re-
24 quire the production of any documentary material,
25 the submission of any answers to written interro-

1 atories, or the giving of any oral testimony if such
2 material, answers, or testimony would be protected
3 from disclosure under—

4 “(A) the standards applicable to subpoenas
5 or subpoenas duces tecum issued by a court of
6 the United States in aid of a grand jury inves-
7 tigation; or

8 “(B) the standards applicable to discovery
9 requests under the Federal Rules of Civil Pro-
10 cedure, to the extent that the application of
11 such standards to any such demand is appro-
12 priate and consistent with the provisions and
13 purposes of this Act.

14 “(2) EFFECT ON OTHER ORDERS, RULES, AND
15 LAWS.—Any such demand that is an express de-
16 mand for any product of discovery supersedes any
17 inconsistent order, rule, or provision of law (other
18 than this Act) preventing or restraining disclosure of
19 such product of discovery to any person. Disclosure
20 of any product of discovery pursuant to any such ex-
21 press demand does not constitute a waiver of any
22 right or privilege, including without limitation any
23 right or privilege which may be invoked to resist dis-
24 covery of trial preparation materials, to which the
25 person making such disclosure may be entitled.

1 “(d) SERVICE; JURISDICTION.—

2 “(1) BY WHOM SERVED.—Any civil investiga-
3 tive demand issued pursuant to subsection (a) may
4 be served by an appropriate investigator, or by a
5 United States marshal or deputy marshal, at any
6 place within the territorial jurisdiction of any court
7 of the United States.

8 “(2) SERVICE IN FOREIGN NATIONS.—Any such
9 demand or petition filed pursuant to subsection (k)
10 may be served upon any person who is not to be
11 found within the territorial jurisdiction of any court
12 of the United States, in such manner as the Federal
13 Rules of Civil Procedure prescribe for service in a
14 foreign country. To the extent that the courts of the
15 United States can assert jurisdiction over any such
16 person consistent with due process, the United
17 States District Court for the District of Columbia
18 shall have the same jurisdiction to take any action
19 respecting compliance with this Act by any such per-
20 son that such court would have if such person were
21 personally within the jurisdiction of such court.

22 “(e) SERVICE UPON LEGAL ENTITIES AND NATURAL
23 PERSONS.—

24 “(1) LEGAL ENTITIES.—Service of any civil in-
25 vestigative demand issued pursuant to subsection (a)

1 or of any petition filed pursuant to subsection (k)
2 may be made upon a partnership, corporation, asso-
3 ciation, or other legal entity by—

4 “(A) delivering a duly executed copy of
5 such demand or petition to any partner, execu-
6 tive officer, managing agent, or general agent
7 of the partnership, corporation, association, or
8 entity, or to any agent thereof authorized by
9 appointment or by law to receive service of
10 process on behalf of such partnership, corpora-
11 tion, association, or entity;

12 “(B) delivering a duly executed copy of
13 such demand or petition to the principal office
14 or place of business of the partnership, corpora-
15 tion, association, or entity to be served; or

16 “(C) depositing an executed copy of such
17 demand or petition in the United States mails
18 by registered or certified mail, with a return re-
19 ceipt requested, duly addressed to such partner-
20 ship, corporation, association, or entity at its
21 principal office or place of business.

22 “(2) NATURAL PERSONS.—Service of any such
23 demand or petition may be made upon any natural
24 person by—

1 “(A) delivering a duly executed copy of
2 such demand or petition to the person to be
3 served; or

4 “(B) depositing an executed copy of such
5 demand or petition in the United States mails
6 by registered or certified mail, with a return re-
7 ceipt requested, duly addressed to such person
8 at the person’s residence or principal office or
9 place of business.

10 “(f) PROOF OF SERVICE.—A verified return by the
11 individual serving any civil investigative demand pursuant
12 to subsection (a) or any petition filed pursuant to sub-
13 section (k) setting forth the manner of such service shall
14 be proof of such service. In the case of service by reg-
15 istered or certified mail, such return shall be accompanied
16 by the return post office receipt of delivery of such de-
17 mand.

18 “(g) DOCUMENTARY MATERIAL.—

19 “(1) SWORN CERTIFICATES.—The production of
20 documentary material in response to a civil inves-
21 tigative demand served pursuant to this section shall
22 be made under a sworn certificate, in such form as
23 the demand designates, by—

24 “(A) in the case of a natural person, the
25 person to whom the demand is directed; or

1 “(B) in the case of a person other than a
2 natural person, a person having knowledge of
3 the facts and circumstances relating to such
4 production and authorized to act on behalf of
5 such person,

6 to the effect that all of the documentary material re-
7 quired by the demand and in the possession, cus-
8 tody, or control of the person to whom the demand
9 is directed has been produced and made available to
10 the custodian.

11 “(2) PRODUCTION OF MATERIALS.—Any person
12 upon whom any civil investigative demand for the
13 production of documentary material has been served
14 pursuant to this section shall make such material
15 available for inspection and copying to the investi-
16 gator identified in such demand at the principal
17 place of business of such person, or at such other
18 place as the investigator and the person thereafter
19 may agree and prescribe in writing, or as the court
20 may direct pursuant to subsection (k)(1). Such ma-
21 terial shall be made so available on the return date
22 specified in such demand, or on such later date as
23 the investigator may prescribe in writing. Such per-
24 son may, upon written agreement between the per-

1 son and the investigator, substitute copies for origi-
2 nals of all or any part of such material.

3 “(h) INTERROGATORIES.—

4 “(1) ANSWERS.—Each interrogatory in a civil
5 investigative demand served pursuant to this section
6 shall be—

7 “(A) answered separately and fully in writ-
8 ing under oath; and

9 “(B) submitted under a sworn certificate,
10 in such form as the demand designates, by—

11 “(i) in the case of a natural person,
12 the person to whom the demand is di-
13 rected; or

14 “(ii) in the case of a person other
15 than a natural person, the person or per-
16 sons responsible for answering each inter-
17 rogatory.

18 “(2) CONTENTS OF CERTIFICATES.—Each cer-
19 tificate submitted pursuant to paragraph (1)(B)
20 shall state that all information required by the de-
21 mand and in the possession, custody, control, or
22 knowledge of the person to whom the demand is di-
23 rected has been submitted. To the extent that any
24 information is not furnished, the information shall
25 be identified and reasons set forth with particularity

1 regarding the reasons why the information was not
2 furnished.

3 “(3) OBJECTIONS.—If any interrogatory is ob-
4 jected to, the reasons for the objection shall be stat-
5 ed in the certificate instead of an answer.

6 “(i) ORAL EXAMINATIONS.—

7 “(1) PROCEDURES.—The examination of any
8 person pursuant to a civil investigative demand for
9 oral testimony served pursuant to this section shall
10 be taken before an officer authorized to administer
11 oaths and affirmations by the laws of the United
12 States or of the place where the examination is held.
13 The officer before whom the testimony is to be taken
14 shall place the witness under oath or affirmation
15 and shall personally, or by someone acting under the
16 direction of the officer and in the officer’s presence,
17 record the testimony of the witness. The testimony
18 shall be taken stenographically and transcribed.
19 When the testimony is fully transcribed, the officer
20 before whom the testimony is taken shall promptly
21 transmit a copy of the transcript of the testimony to
22 the custodian. Nothing in this subsection may be
23 construed to preclude the taking of testimony by any
24 means authorized by, and in a manner consistent
25 with, the Federal Rules of Civil Procedure.

1 “(2) PERSONS PRESENT.—The investigator
2 conducting the examination shall exclude from the
3 place where the examination is held all persons ex-
4 cept the person giving the testimony, the attorney
5 for and any other representative of the person giving
6 the testimony, the attorney for the Government, any
7 person who may be agreed upon by the attorney for
8 the Government and the person giving the testi-
9 mony, the officer before whom the testimony is to be
10 taken, and any stenographer taking such testimony.

11 “(3) WHERE TESTIMONY TAKEN.—The oral
12 testimony of any person taken pursuant to a civil in-
13 vestigative demand served pursuant to this section
14 shall be taken in the judicial district of the United
15 States within which such person resides, is found, or
16 transacts business, or in such other place as may be
17 agreed upon by the investigator conducting the ex-
18 amination and such person.

19 “(4) TRANSCRIPT OF TESTIMONY.—When the
20 testimony is fully transcribed, the investigator or the
21 officer before whom the testimony is taken shall af-
22 ford the witness (who may be accompanied by coun-
23 sel) a reasonable opportunity to examine and read
24 the transcript, unless such examination and reading
25 are waived by the witness. Any changes in form or

1 substance which the witness desires to make shall be
2 entered and identified upon the transcript by the of-
3 ficer or the investigator with a statement of the rea-
4 sons given by the witness for making such changes.
5 The transcript shall be signed by the witness, unless
6 the witness in writing waives the signing, is ill, can-
7 not be found, or refuses to sign. If the transcript is
8 not signed by the witness within 30 days after being
9 afforded a reasonable opportunity to examine it, the
10 officer or the investigator shall sign it and state on
11 the record the fact of the waiver, illness, absence of
12 the witness, or the refusal to sign, together with the
13 reason, if any, given for such circumstance.

14 “(5) CERTIFICATION AND DELIVERY TO CUSTO-
15 DIAN.—The officer before whom the testimony is
16 taken shall certify on the transcript that the witness
17 was duly sworn by the officer and that the transcript
18 is a true record of the testimony given by the wit-
19 ness. The officer or investigator shall promptly de-
20 liver the transcript or send it by registered or cer-
21 tified mail to the custodian.

22 “(6) FURNISHING OR INSPECTION OF TRAN-
23 SCRIPT BY WITNESS.—Upon payment of reasonable
24 charges, the investigator shall furnish a copy of the
25 transcript to the witness only, except that the Attor-

1 ney General, or the Attorney General's designee
2 may, for good cause, limit such witness to inspection
3 of the official transcript of the witness's testimony.

4 “(7) CONDUCT OF ORAL TESTIMONY.—

5 “(A) IN GENERAL.—Any person compelled
6 to appear for oral testimony under a civil inves-
7 tigative demand issued pursuant to subsection
8 (a) may be accompanied, represented, and ad-
9 vised by counsel. Counsel may advise such per-
10 son, in confidence, with respect to any question
11 asked of such person. Such person or counsel
12 may object on the record to any question, in
13 whole or in part, and shall briefly state for the
14 record the reason for such objection. An objec-
15 tion may be made, received, and entered upon
16 the record when it is claimed that such person
17 is entitled to refuse to answer the question on
18 the grounds of any constitutional or other legal
19 right or privilege, including the privilege against
20 self-incrimination. Such person may not other-
21 wise object to or refuse to answer any question,
22 and may not directly or through counsel other-
23 wise interrupt the oral examination. If such
24 person refuses to answer any question, a peti-
25 tion may be filed in the district court of the

1 United States pursuant to subsection (k)(1) for
2 an order compelling such person to answer such
3 question.

4 “(B) COMPELLED TESTIMONY.—If a per-
5 son described in subparagraph (A) refuses to
6 answer any question on the grounds of the
7 privilege against self-incrimination, the testi-
8 mony of such person may be compelled in ac-
9 cordance with the provisions of part V of title
10 18, United States Code.

11 “(8) WITNESS FEES AND ALLOWANCES.—Any
12 person appearing for oral testimony under a civil in-
13 vestigative demand issued pursuant to subsection (a)
14 shall be entitled to the same fees and allowances
15 that are paid to witnesses in the district courts of
16 the United States.

17 “(j) CUSTODIANS OF DOCUMENTS, ANSWERS, AND
18 TRANSCRIPTS.—

19 “(1) DESIGNATION.—The Attorney General, or
20 the Attorney General’s designee shall designate—

21 “(A) an investigator to serve as custodian
22 of documentary material, answers to interroga-
23 tories, and transcripts of oral testimony re-
24 ceived under this section; and

1 “(B) such additional investigators as the
2 Attorney General or designee determines from
3 time to time to be necessary to serve as depu-
4 ties of the custodian.

5 “(2) RESPONSIBILITY FOR MATERIALS; DISCLO-
6 SURE.—

7 “(A) IN GENERAL.—An investigator who
8 receives any documentary material, answers to
9 interrogatories, or transcripts of oral testimony
10 under this section shall transmit such material
11 to the custodian, who—

12 “(i) shall take physical possession of
13 such material, answers, or transcripts; and

14 “(ii) shall be responsible for the use
15 made of them and for the return of docu-
16 mentary material in accordance with para-
17 graph (4).

18 “(B) PREPARATION.—The custodian may
19 cause the preparation of such copies of such
20 documentary material, answers to interroga-
21 tories, or transcripts of oral testimony as may
22 be required for official use by any investigator,
23 or other officer or employee of the Department
24 of Justice. Such material, answers, and tran-
25 scripts may be used by any such authorized in-

1 investigator or other officer or employee in con-
2 nection with the taking of oral testimony under
3 this section.

4 “(C) NO EXAMINATION.—Except as other-
5 wise provided in this subsection, no documen-
6 tary material, answers to interrogatories, or
7 transcripts of oral testimony, or copies thereof,
8 while in the possession of the custodian, may be
9 made available for examination by any indi-
10 vidual other than an investigator or other offi-
11 cer or employee of the Department of Justice
12 authorized under subparagraph (B). Such pro-
13 hibition on the availability of material, answers,
14 or transcripts shall not apply if consent is given
15 by the person who produced such material, an-
16 swers, or transcripts, or, in the case of any
17 product of discovery produced pursuant to an
18 express demand for such material, consent is
19 given by the person from whom the discovery
20 was obtained. Nothing in this subparagraph
21 may be construed to prevent disclosure to Con-
22 gress, including any congressional committee or
23 subcommittee, or to any other agency of the
24 United States for use by such agency in fur-
25 therance of its statutory responsibilities.

1 “(D) EXAMINATION BY CERTAIN PER-
2 SONS.—While in the possession of the custodian
3 and under such reasonable terms and conditions
4 as the Attorney General shall prescribe—

5 “(i) documentary material and an-
6 swers to interrogatories shall be available
7 for examination by the person who pro-
8 duced such material or answers, or by a
9 representative of that person authorized by
10 that person to examine such material and
11 answers; and

12 “(ii) transcripts of oral testimony
13 shall be available for examination by the
14 person who produced such testimony, or by
15 a representative of that person authorized
16 by that person to examine such transcripts.

17 “(3) USE OF MATERIAL, ANSWERS, OR TRAN-
18 SCRIPTS IN OTHER PROCEEDINGS.—Whenever any
19 attorney of the Department of Justice has been des-
20 ignated to appear before any court, grand jury, or
21 Federal agency in any case or proceeding, the custo-
22 dian of any documentary material, answers to inter-
23 rogatories, or transcripts of oral testimony received
24 under this section may deliver to such attorney such
25 material, answers, or transcripts for official use in

1 connection with any such case or proceeding as such
2 attorney determines to be required. Upon the com-
3 pletion of any such case or proceeding, such attorney
4 shall return to the custodian any such material, an-
5 swers, or transcripts so delivered that have not
6 passed into the control of such court, grand jury, or
7 agency through the introduction thereof into the
8 record of such case or proceeding.

9 “(4) CONDITIONS FOR RETURN OF MATE-
10 RIAL.—The custodian, upon written request of the
11 person who produced any documentary material in
12 the course of any investigation pursuant to a civil in-
13 vestigative demand under this section, shall return
14 to such person any such material (other than copies
15 furnished to the investigator pursuant to subsection
16 (g)(2) or made for the Department of Justice pursu-
17 ant to paragraph (2)(B)) that has not passed into
18 the control of any court, grand jury, or agency
19 through introduction into the record of such case or
20 proceeding if—

21 “(A) any case or proceeding before the
22 court or grand jury arising out of such inves-
23 tigation, or any proceeding before any Federal
24 agency involving such material, has been com-
25 pleted; or

1 “(B) no case or proceeding in which such
2 material may be used has been commenced
3 within a reasonable time after completion of the
4 examination and analysis of all documentary
5 material and other information assembled in
6 the course of such investigation.

7 “(5) APPOINTMENT OF SUCCESSOR
8 CUSTODIANS.—

9 “(A) IN GENERAL.—In the event of the
10 death, disability, or separation from service in
11 the Department of Justice of the custodian of
12 any documentary material, answers to interro-
13 gatories, or transcripts of oral testimony pro-
14 duced pursuant to a civil investigative demand
15 under this section, or in the event of the official
16 relief of such custodian from responsibility for
17 the custody and control of such material, an-
18 swers, or transcripts, the Attorney General or
19 the Attorney General’s designee shall prompt-
20 ly—

21 “(i) designate another investigator to
22 serve as custodian of such material, an-
23 swers, or transcripts; and

24 “(ii) transmit in writing to the person
25 who produced such material, answers, or

1 testimony notice of the identity and ad-
2 dress of the successor so designated.

3 “(B) SUCCESSOR.—Any person who is des-
4 igned to be a successor pursuant to this para-
5 graph shall have, with regard to such material,
6 answers, or transcripts, the same duties and re-
7 sponsibilities as were imposed by this section
8 upon the predecessor in office of such person,
9 except that the successor shall not be held re-
10 sponsible for any default or dereliction that oc-
11 curred before such designation.

12 “(k) JUDICIAL PROCEEDINGS.—

13 “(1) PETITION FOR ENFORCEMENT.—Whenever
14 any person fails to comply with any civil investiga-
15 tive demand issued pursuant to subsection (a), or
16 whenever satisfactory copying or reproduction of any
17 material requested in such demand cannot be done
18 and such person refuses to surrender such material,
19 the Attorney General may file, in the district court
20 of the United States for any judicial district in
21 which such person resides, is found, or transacts
22 business, and serve upon such person a petition for
23 an order of such court for the enforcement of such
24 civil investigative demand.

1 “(2) PETITION TO MODIFY OR SET ASIDE DE-
2 MAND.—

3 “(A) IN GENERAL.—Any person who has
4 received a civil investigative demand issued pur-
5 suant to subsection (a) may file, in the district
6 court of the United States for the judicial dis-
7 trict in which such person resides, is found, or
8 transacts business, and serve upon the investi-
9 gator identified in such demand a petition for
10 an order of the court to modify or set aside
11 such demand. In the case of a petition ad-
12 dressed to an express demand for any product
13 of discovery, a petition to modify or set aside
14 such demand may be brought only in the dis-
15 trict court of the United States for the judicial
16 district in which the proceeding in which such
17 discovery was obtained is or was last pending.
18 Any petition under this subparagraph shall be
19 filed—

20 “(i) not later than the earlier of—

21 “(I) the date that is 20 days
22 after the date of service of the civil in-
23 vestigative demand; or

24 “(II) at any time before the re-
25 turn date specified in the demand; or

1 “(ii) within such longer period as may
2 be prescribed in writing by any investigator
3 identified in the demand.

4 “(B) GROUNDS FOR RELIEF.—Each peti-
5 tion filed pursuant to subparagraph (A) shall
6 specify each ground upon which the petitioner
7 relies in seeking relief, and may be based upon
8 any failure of the demand to comply with the
9 provisions of this section or upon any constitu-
10 tional or other legal right or privilege of such
11 person. During the pendency of the petition in
12 the court, the court may stay, as it deems prop-
13 er, the running of the time allowed for compli-
14 ance with the demand, in whole or in part, ex-
15 cept that the person filing the petition shall
16 comply with any portions of the demand not
17 sought to be modified or set aside.

18 “(3) PETITION TO MODIFY OR SET ASIDE DE-
19 MAND FOR PRODUCT OF DISCOVERY.—

20 “(A) IN GENERAL.—If a civil investigative
21 demand issued pursuant to subsection (a) is an
22 express demand for any product of discovery,
23 the person from whom such discovery was ob-
24 tained may file, in the district court of the
25 United States for the judicial district in which

1 the proceeding in which such discovery was ob-
2 tained is or was last pending, and serve upon
3 any investigator identified in the demand and
4 upon the recipient of the demand, a petition for
5 an order of such court to modify or set aside
6 those portions of the demand requiring produc-
7 tion of any such product of discovery. Any peti-
8 tion under this subparagraph shall be filed—

9 “(i) not later than the earlier of—

10 “(I) the date that is 20 days
11 after the date of service of the civil in-
12 vestigative demand; or

13 “(II) at any time before the re-
14 turn date specified in the demand; or

15 “(ii) within such longer period as may
16 be prescribed in writing by any investigator
17 identified in the demand.

18 “(B) GROUNDS FOR RELIEF.—Each peti-
19 tion filed pursuant to subparagraph (A) shall
20 specify each ground upon which the petitioner
21 relies in seeking relief, and may be based upon
22 any failure of the portions of the demand from
23 which relief is sought to comply with the provi-
24 sions of this section, or upon any constitutional
25 or other legal right or privilege of the peti-

1 tioner. During the pendency of the petition, the
2 court may stay, as it deems proper, compliance
3 with the demand and the running of the time
4 allowed for compliance with the demand.

5 “(4) PETITION TO REQUIRE PERFORMANCE BY
6 CUSTODIAN OF DUTIES.—At any time during which
7 any custodian is in custody or control of any docu-
8 mentary material or answers to interrogatories pro-
9 duced, or transcripts of oral testimony given, by any
10 person in compliance with any civil investigative de-
11 mand issued pursuant to subsection (a), such per-
12 son, and in the case of an express demand for any
13 product of discovery, the person from whom such
14 discovery was obtained, may file, in the district court
15 of the United States for the judicial district in which
16 the office of such custodian is situated, and serve
17 upon such custodian, a petition for an order of such
18 court to require the performance by the custodian of
19 any duty imposed upon the custodian by this section.

20 “(5) JURISDICTION.—Whenever any petition is
21 filed in any district court of the United States pur-
22 suant to this subsection, such court shall have juris-
23 diction to hear and determine the matter so pre-
24 sented, and to enter such order or orders as may be
25 required to carry out the provisions of this section.

1 Any final order so entered shall be subject to appeal
2 under section 1291 of title 28, United States Code.
3 Any disobedience of any final order entered under
4 this section by any court shall be punished as a con-
5 tempt of the court.

6 “(6) APPLICABILITY OF FEDERAL RULES OF
7 CIVIL PROCEDURE.—The Federal Rules of Civil Pro-
8 cedure shall apply to any petition filed pursuant to
9 this subsection, to the extent that such rules are not
10 inconsistent with the provisions of this section.

11 “(l) DISCLOSURE EXEMPTION.—Any documentary
12 material, answers to written interrogatories, or oral testi-
13 mony provided under any civil investigative demand issued
14 under subsection (a) shall be exempt from disclosure
15 under section 552 of title 5, United States Code, as de-
16 scribed in subsection (b)(3) of such section.

17 “(m) DEFINITIONS.—In this section:

18 “(1) CUSTODIAN.—The term ‘custodian’ means
19 the custodian, or any deputy custodian, designated
20 by the Attorney General pursuant to subsection
21 (j)(1).

22 “(2) INVESTIGATOR.—The term ‘investigator’
23 means any attorney or investigator employed by the
24 Department of Justice who is charged with the duty
25 of enforcing or carrying into effect this Act, or any

1 officer or employee of the United States acting
2 under the direction and supervision of such attorney
3 or investigator in connection with an investigation.

4 “(3) OFFICIAL USE.—The term ‘official use’
5 means any use that is consistent with the law and
6 the regulations and policies of the Department of
7 Justice, including—

8 “(A) use in connection with internal De-
9 partment of Justice memoranda and reports;

10 “(B) communications between the Depart-
11 ment of Justice and a Federal, State, or local
12 government agency, or a contractor of a Fed-
13 eral, State, or local government agency, under-
14 taken in furtherance of a Department of Jus-
15 tice investigation or prosecution of a case;

16 “(C) oral examinations;

17 “(D) depositions;

18 “(E) preparation for and response to civil
19 discovery requests;

20 “(F) introduction into the record of a case
21 or proceeding;

22 “(G) applications, motions, memoranda
23 and briefs submitted to a court or other tri-
24 bunal; and

1 “(H) communications with Government in-
2 vestigators, auditors, consultants and experts,
3 the counsel of other parties, arbitrators and me-
4 diators, concerning an investigation, case or
5 proceeding.

6 “(4) PRODUCT OF DISCOVERY.—The term
7 ‘product of discovery’ includes—

8 “(A) the original or duplicate of any depo-
9 sition, interrogatory, document, thing, result of
10 the inspection of land or other property, exam-
11 ination, or admission, which is obtained by any
12 method of discovery in any judicial or adminis-
13 trative proceeding of an adversarial nature;

14 “(B) any digest, analysis, selection, com-
15 pilation, or derivation of any item listed in sub-
16 paragraph (A); and

17 “(C) any index or other manner of access
18 to any item listed in subparagraph (A).

19 “(n) SUNSET.—The authority of the Attorney Gen-
20 eral to issue a civil investigative demand under this section
21 shall expire upon the expiration of the 5-year period that
22 begins on the date of enactment of this section.”.

1 **SEC. 106. EFFECTIVE DATE.**

2 The amendments made by this subtitle shall take ef-
3 fect on the date that is 180 days after the date of the
4 enactment of this Act.

5 **Subtitle B—Other Actions To**
6 **Counter CCP Malign Influence**

7 **SEC. 111. PROHIBITION ON CERTAIN GIFTS AND CON-**
8 **TRACTS FROM THE PRC TO CERTAIN UNITED**
9 **STATES INSTITUTIONS.**

10 (a) DEFINITIONS.—In this section:

11 (1) APPROPRIATE COMMITTEES OF CON-
12 GRESS.—The term “appropriate committees of Con-
13 gress” means—

14 (A) the Committee on Foreign Relations of
15 the Senate;

16 (B) the Committee on Health, Education,
17 Labor, and Pensions of the Senate;

18 (C) the Committee on Foreign Affairs of
19 the House of Representatives; and

20 (D) the Committee on Energy and Com-
21 merce of the House of Representatives.

22 (2) CONTRACT.—The term “contract” means
23 any agreement to acquire, by purchase, lease, or bar-
24 ter, property or services for the direct benefit or use
25 of either of party to the agreement.

1 (3) COVERED PRC PERSON.—The term “cov-
2 ered PRC person” means a person that, according
3 to unclassified or publicly available information—

4 (A) is a current or former member of the
5 People’s Liberation Army of the People’s Re-
6 public of China;

7 (B) is currently, or was formerly, employed
8 in any security or intelligence service of the
9 People’s Republic of China;

10 (C) is, or is affiliated with, an entity iden-
11 tified by the Secretary of Defense under section
12 1260H(a) of the William M. (Mac) Thornberry
13 National Defense Authorization Act for Fiscal
14 Year 2021 (Public Law 116–283; 10 U.S.C.
15 113 note) as a Chinese military company oper-
16 ating directly or indirectly in the United States;

17 (D) is, or is affiliated with, any entity that
18 is included in the Non-SDN Chinese Military-
19 Industrial Complex Companies List maintained
20 by the Office of Foreign Assets Control of by
21 the Department of the Treasury;

22 (E) is, or is affiliated with, the United
23 Front Work Department of the Government of
24 the People’s Republic of China or any sub-
25 sidiary or affiliate organization, or is otherwise

1 involved in activities that support the goals of
2 the United Front Work Department;

3 (F) is an employee of any entity owned or
4 controlled by the Government of the People's
5 Republic of China;

6 (G) is or was an employee of any entity on
7 the Entity List maintained by the Bureau of
8 Industry and Security of the Department of
9 Commerce and set forth in Supplement No. 4
10 to part 744 of title 15, Code of Federal Regula-
11 tions;

12 (H) is or was an employee of an entity or-
13 ganized under the laws of the People's Republic
14 of China that—

15 (i) is in noncompliance with the audit-
16 ing rules and standards of the Public Com-
17 pany Accounting Oversight Board; or

18 (ii) has been sanctioned by the Public
19 Company Accounting Oversight Board;

20 (I) is a think tank directed or funded by
21 the Chinese Communist Party or any entity of
22 the Government of the People's Republic of
23 China;

24 (J) is any state key laboratory, including
25 any defense science and technology state key

1 laboratory identified in the 2022 report of the
2 China Aerospace Studies Institute of the De-
3 partment of the Air Force entitled “The PRC
4 State & Defense Laboratory System Part Two:
5 Defense S&T Key Lab Directory” that is—

6 (i) working on critical emerging tech-
7 nologies, including advanced computing,
8 advanced engineering materials, advanced
9 gas turbine engine technologies, advanced
10 manufacturing, advanced and networked
11 sensing and signature management, ad-
12 vanced nuclear energy technologies, artifi-
13 cial intelligence, autonomous systems and
14 robotics, biotechnologies, communication
15 and networking technologies, directed en-
16 ergy, financial technologies, human-ma-
17 chine interfaces, hypersonics, networked
18 sensors and sensing, quantum information
19 technologies, renewable energy generation
20 and storage, semiconductors and microelec-
21 tronics, or space technologies and systems;
22 and

23 (ii) affiliated with, controlled, or ad-
24 ministratively managed by an agency of
25 the Government of the People’s Republic of

1 China, the Chinese Academy of Sciences,
2 or the Polar Research Institute of China;
3 or

4 (K) is, or was affiliated with, any entity
5 owned or controlled by an agency or instrumen-
6 tality of any person described in any of sub-
7 paragraphs (A) through (J).

8 (4) COVERED UNITED STATES INSTITUTION.—
9 The term “covered United States institution” means
10 any public or private institution or, if a multicampus
11 institution, any single campus of such institution, in
12 any State—

13 (A) that is legally authorized within such
14 State to provide a program of education beyond
15 secondary school;

16 (B) that provides a program for which the
17 institution awards a bachelor’s degree (or pro-
18 vides not less than a 2-year program which is
19 acceptable for full credit toward such a degree)
20 or a more advanced degree;

21 (C) that is accredited by a nationally rec-
22 ognized accrediting agency or association; and

23 (D) to which the Federal Government ex-
24 tends Federal financial assistance (directly or
25 indirectly through another entity or person), or

1 that receives support from the extension of
2 Federal financial assistance to any of the insti-
3 tution’s subunits.

4 (5) CRITICAL TECHNOLOGIES.—The term “crit-
5 ical technologies” has the meaning given such term
6 in section 721(a)(6) of the Defense Production Act
7 of 1950 (50 U.S.C. 4565(a)(6)).

8 (6) FOREIGN SOURCE.—The term “foreign
9 source” means—

10 (A) a foreign government, including an
11 agency of a foreign government;

12 (B) a legal entity, governmental or other-
13 wise, created solely under the laws of a foreign
14 state or states;

15 (C) an individual who is not a citizen or a
16 national of the United States or a trust terri-
17 tory or protectorate thereof; and

18 (D) an agent, including a subsidiary or af-
19 filiate of a foreign legal entity, acting on behalf
20 of a foreign source.

21 (7) FREELY ASSOCIATED STATES.—The term
22 “Freely Associated States” means the Republic of
23 the Marshall Islands, the Federated States of Micro-
24 nesia, and the Republic of Palau.

1 (8) GIFT.—The term “gift” means any gift of
2 money or property.

3 (9) RESTRICTED OR CONDITIONAL GIFT OR
4 CONTRACT.—The term “restricted or conditional gift
5 or contract” means any endowment, gift, grant, con-
6 tract, award, present, or property of any kind that
7 includes provisions regarding—

8 (A) the employment, assignment, or termi-
9 nation of faculty;

10 (B) the establishment of departments, cen-
11 ters, research or lecture programs, or new fac-
12 ulty positions;

13 (C) the selection or admission of students;
14 or

15 (D) the award of grants, loans, scholar-
16 ships, fellowships, or other forms of financial
17 aid restricted to students of a specified country,
18 religion, sex, ethnic origin, or political opinion.

19 (10) STATE.—The term “State” includes, in
20 addition to the several States of the United States,
21 the Commonwealth of Puerto Rico, the District of
22 Columbia, Guam, American Samoa, the United
23 States Virgin Islands, the Commonwealth of the
24 Northern Mariana Islands, and the Freely Associ-
25 ated States.

1 (11) STATE KEY LABORATORY.—The term
2 “state key laboratory” means an institution in the
3 People’s Republic of China that has been categorized
4 as a national laboratory or state key laboratory by,
5 and receives funding, policy, developmental guidance,
6 or administrative support from, the Government of
7 the People’s Republic of China.

8 (b) PROHIBITION.—

9 (1) IN GENERAL.—Not later than 1 year after
10 the date of the enactment of this Act, the Secretary
11 shall prescribe regulations to prohibit a covered
12 United States institution from accepting a gift from,
13 or entering into a contract with, a covered PRC per-
14 son if—

15 (A)(i) the value of the gift or contract
16 equals or exceeds \$1,000,000; or

17 (ii) including the gift or contract, the institu-
18 tion would receive, directly or indirectly, more than
19 1 gift from or enter into more than 1 contract, di-
20 rectly or indirectly, with the same covered PRC per-
21 son, the aggregate of which, during a period of 2
22 consecutive calendar years, would equal or exceed
23 \$1,000,000; and

24 (B) the gift or contract—

1 (i) relates to research, development, or
2 production of critical technologies and pro-
3 vides the covered PRC person making the
4 gift or providing the contract—

5 (I) access to regulated or unregu-
6 lated United States-developed infor-
7 mation, technology, or data in the
8 possession of the institution; or

9 (II) rights, including early access,
10 to intellectual property created by or
11 in the possession of the institution; or

12 (ii) except as provided under para-
13 graph (2), is a restricted or conditional gift
14 or contract.

15 (2) EXCEPTION FOR OPERATING AGREEMENTS
16 FOR BRANCHES OF COVERED UNITED STATES INSTI-
17 TUTIONS.—The Secretary shall include, in the regu-
18 lations prescribed pursuant to paragraph (1), an ex-
19 ception to the prohibition under such paragraph for
20 a contract between a covered United States institu-
21 tion and a branch of such institution located in the
22 People’s Republic of China that provides funding for
23 the operation of such branch.

24 (c) PENALTIES.—

25 (1) FINE.—

1 (A) IN GENERAL.—A covered United
2 States institution that accepts a gift or enters
3 into a contract in violation of subsection (b)
4 shall be fined—

5 (i) for the first such violation, not
6 more than \$250,000;

7 (ii) for the second such violation, not
8 more than \$500,000; and

9 (iii) for the third such violation or a
10 subsequent such violation, not more than
11 the greater of—

12 (I) \$1,000,000; or

13 (II) the total value of the gift or
14 contract, as the case may be.

15 (B) AVAILABILITY OF FINES TO ADMIN-
16 ISTER THIS SECTION.—

17 (i) ESTABLISHMENT OF FUND.—
18 There is established in the Treasury of the
19 United States a fund, consisting of such
20 amounts as may be transferred to the fund
21 pursuant to clause (ii).

22 (ii) TRANSFER OF AMOUNTS.—The
23 Secretary of the Treasury shall transfer to
24 the fund established under clause (i), from
25 the general fund of the Treasury, an

1 amount determined by the Secretary to be
2 equivalent to the amount received in the
3 general fund and attributable to fines col-
4 lected under subparagraph (A) during fis-
5 cal year 2024 and during each fiscal year
6 thereafter.

7 (iii) AVAILABILITY AND USE OF
8 AMOUNTS.—Amounts in the fund estab-
9 lished under clause (i) shall be available, as
10 provided in advance in appropriations Acts,
11 to the Secretary for fiscal year 2025 and
12 for each fiscal year thereafter to carry out
13 this section.

14 (2) REQUIREMENT TO RETURN GIFT OR TERMI-
15 NATE CONTRACT.—A covered United States institu-
16 tion that accepts a gift or enters into a contract in
17 violation of subsection (b) shall return the gift or
18 terminate the contract, as the case may be.

19 (3) RESTRICTION ON FUNDING FROM THE DE-
20 PARTMENT OF STATE.—

21 (A) IN GENERAL.—A covered United
22 States institution that accepts a gift or enters
23 into a contract in violation of subsection (b) is
24 ineligible to receive any grant or other funding
25 from the Department of State during the 5-year

1 period beginning on the date on which the insti-
2 tution accepts such gift or enters into such con-
3 tract, as the case may be.

4 (B) RESTRICTION ON GRANTEES DOING
5 BUSINESS WITH VIOLATORS.—A person that re-
6 ceives a grant or other funding from the De-
7 partment of State may not, as a condition of
8 the grant or funding, conduct any business with
9 a covered United States institution that accepts
10 a gift or enters into a contract in violation of
11 subsection (b) during the 5-year period begin-
12 ning on the date on which the institution ac-
13 cepts such gift or enters into such contract, as
14 the case may be.

15 (4) WAIVER.—

16 (A) AUTHORIZATION.—The Secretary may
17 waive the application of not more than 2 of the
18 penalties under paragraphs (1) through (3),
19 with respect to a covered United States institu-
20 tion that accepts a gift or enters into a contract
21 in violation of subsection (b), if the President—

22 (i) determines that—

23 (I) such waiver is in the national
24 security interest of the United States;
25 and

1 (II) such gift or contract does
2 not result in any restrictions on aca-
3 demic freedom or freedom of expres-
4 sion within the United States; and

5 (ii) not later than 15 days after mak-
6 ing such determination, submits to the
7 chairperson and ranking member of the
8 appropriate committees of Congress a writ-
9 ten report regarding such determination
10 that includes a detailed justification for the
11 determination.

12 (B) ELEMENTS.—Each report submitted
13 pursuant to subparagraph (A)(ii) shall—

14 (i) be accompanied by materials sub-
15 mitted by the covered United States insti-
16 tution that accepted a gift or entered into
17 a contract in violation of subsection (b)
18 disclosing—

19 (I) the covered PRC person that
20 provided the gift or with which the
21 contract was entered into;

22 (II) the nature of the gift or con-
23 tract; and

24 (III) the purpose of the gift or
25 contract; and

1 (ii) include a detailed justification for
2 why the gift or contract does not result
3 in—

4 (I) harm to the national security
5 of the United States; or

6 (II) any restrictions on academic
7 freedom or freedom of expression
8 within the United States.

9 (d) GUIDANCE.—The regulations prescribed pursuant
10 to subsection (b)(1) shall—

11 (1) provide guidance to covered United States
12 institutions with respect to complying with this sec-
13 tion; and

14 (2) provide a specific point of contact through
15 which covered United States institutions can com-
16 municate with the Department of State on matters
17 relating to compliance with this section.

18 (e) DISCLOSURE REPORTS.—

19 (1) IN GENERAL.—A covered United States in-
20 stitution shall submit to the Secretary a disclosure
21 report relating to any gift or contract received from
22 or entered into with a foreign source described in
23 paragraph (5) that includes—

24 (A) the aggregate dollar amount or value
25 of the gift or contract;

1 (B) a detailed description of the nature
2 and purpose of the gift or contract, including—

3 (i) whether such gift or contract re-
4 lates to the research, development, or pro-
5 duction of critical technologies and, if so,
6 a description of the nature of such rela-
7 tionship; and

8 (ii) whether it is a restricted or condi-
9 tional gift or contract and, if so, a descrip-
10 tion of the restrictions or conditions on the
11 gift or contract;

12 (C) in the case of a gift or contract that
13 relates to the research, development, or produc-
14 tion of critical technologies or that is a re-
15 stricted or conditional gift or contract, a jus-
16 tification for why the gift or contract does not
17 result in—

18 (i) harm to the national security of
19 the United States; or

20 (ii) any restrictions on academic free-
21 dom or freedom of expression within the
22 United States;

23 (D) the name and verified address of the
24 foreign source;

1 (E) a description of any due diligence con-
2 ducted by such institution before accepting the
3 gift or entering into the contract; and

4 (F) an assurance that such institution
5 will—

6 (i) maintain a true copy of the gift or
7 contract agreement until the later of—

8 (I) the date that is 4 years after
9 the date on which such institution en-
10 tered into such agreement; or

11 (II) the date on which such
12 agreement terminates;

13 (ii) produce a true copy of the gift or
14 contract agreement upon the request of the
15 Secretary during an audit of the compli-
16 ance of the institution with this section or
17 another institutional investigation; and

18 (iii) ensure that all gifts and contracts
19 from the foreign source are translated into
20 English by a third party that is unaffili-
21 ated with the foreign source or institution.

22 (2) PROVISION OF INFORMATION TO CONGRESS
23 ON REQUEST.—

24 (A) IN GENERAL.—The Secretary shall
25 provide the information described in subpara-

1 graph (B) to the chairperson or ranking mem-
2 ber of the Committee on Foreign Relations of
3 the Senate or the Committee on Foreign Affairs
4 of the House of Representatives not later than
5 15 days after receiving a request from the
6 chairperson or ranking member for such infor-
7 mation.

8 (B) INFORMATION DESCRIBED.—The in-
9 formation described in this subparagraph, with
10 respect to any disclosure report submitted
11 under paragraph (1) is—

12 (i) any information required to be in-
13 cluded in the report; and

14 (ii) a justification for any decision by
15 the Secretary with respect to the gift or
16 contract that is the subject of the report.

17 (3) PUBLIC INFORMATION.—The Secretary
18 shall make public, in a searchable database, with re-
19 spect to each gift or contract that is the subject of
20 a disclosure report submitted under paragraph (1)—

21 (A) the aggregate dollar amount or value
22 of the gift or contract;

23 (B) a summary of the purpose of the gift
24 or contract, including—

1 (i) whether the gift or contract relates
2 to the research, development, or production
3 of critical technologies and, if so, a de-
4 scription of the nature of such relationship;
5 and

6 (ii) whether it is a restricted or condi-
7 tional gift or contract and, if so, a descrip-
8 tion of the restrictions or conditions on the
9 gift or contract; and

10 (C) with respect to the foreign source from
11 which the gift was received or with which the
12 contract was entered into—

13 (i) in the case of a foreign source that
14 is an individual, the primary professional
15 affiliation of the individual; and

16 (ii) in the case of a foreign source
17 that is an entity, the name and verified ad-
18 dress of the entity.

19 (4) CONDITION.—A gift received from, or a
20 contract entered into with, a foreign source de-
21 scribed in paragraph (5) may not be disclosed to the
22 Department of State or to the chairperson or rank-
23 ing member of the Committee on Foreign Relations
24 of the Senate or of the Committee on Foreign Af-

1 fairs of the House of Representatives, or publicly re-
2 ported, as anonymous.

3 (5) FOREIGN SOURCES DESCRIBED.—A foreign
4 source described in this paragraph is a foreign
5 source that is—

6 (A) the Chinese Communist Party or the
7 Government of the People’s Republic of China,
8 including an agency of such government;

9 (B) a legal entity (governmental or other-
10 wise) created solely under the laws of the Peo-
11 ple’s Republic of China;

12 (C) an individual who is a citizen or a na-
13 tional of the People’s Republic of China; or

14 (D) an agent, including a subsidiary or af-
15 filiate of a foreign legal entity, acting on behalf
16 of—

17 (i) the Chinese Communist Party or
18 the Government of the People’s Republic of
19 China; or

20 (ii) an entity or individual described
21 in subparagraph (B) or (C).

22 (f) REPORT.—

23 (1) IN GENERAL.—Not later than 2 years after
24 the date of the enactment of this Act, and annually
25 thereafter for a period of 7 years, the Secretary shall

1 submit to the appropriate committees of Congress a
2 report that—

3 (A) describes steps taken during the period
4 described in paragraph (2) to implement this
5 section;

6 (B) includes information or recommenda-
7 tions to improve the implementation of this sec-
8 tion; and

9 (C) includes any other information the
10 Secretary considers relevant.

11 (2) PERIOD DESCRIBED.—The period described
12 in this paragraph is—

13 (A) in the case of the first report required
14 by paragraph (1), the 2-year period beginning
15 on the date of the enactment of this Act; and

16 (B) in the case of any subsequent such re-
17 port, the 1-year period preceding submission of
18 the report.

19 (3) FORM OF REPORT.—

20 (A) IN GENERAL.—The report required by
21 paragraph (1) shall be submitted in unclassified
22 form, but (subject to subparagraph (B)) may
23 include a classified annex.

24 (B) MATERIAL REQUIRED TO BE UNCLAS-
25 SIFIED.—The Secretary shall include all infor-

1 mation on foreign donations received by covered
2 United States institutions in the unclassified
3 portion of the report required by paragraph (1).

4 **SEC. 112. REQUIREMENT FOR THINK TANKS TO DISCLOSE**
5 **FOREIGN FUNDING.**

6 (a) DEFINITIONS.—In this section:

7 (1) COVERED ORGANIZATION.—The term “cov-
8 ered organization” means any United States think
9 tank that—

10 (A) receives at least \$2,500 in funding
11 from the Department in a single fiscal year;

12 (B) has significant participation in more
13 than 3 Department-hosted events in a fiscal
14 year that relate to a subject or purpose for
15 which the covered source of funding was pro-
16 vided to the covered organization; or

17 (C) hosts an event, panel, presentation, or
18 meeting with any Department official at the Of-
19 fice Director level or above more than 3 times
20 in a fiscal year on a subject or purpose for
21 which the covered source of funding was pro-
22 vided to the covered organization.

23 (2) FOREIGN GOVERNMENTAL ENTITY.—The
24 term “foreign governmental entity” means—

1 (A) any department, agency, or other enti-
2 ty of a foreign government at the national, re-
3 gional, or local level;

4 (B) any governing party or coalition of a
5 foreign government at the national, regional, or
6 local level;

7 (C) any entity majority-owned or majority-
8 controlled by a foreign government at the na-
9 tional, regional, or local level; or

10 (D) any company, economic project, cul-
11 tural organization, exchange program, or non-
12 governmental organization that is more than 33
13 percent owned or controlled by the government
14 of such country, or their advisors, consultants,
15 or representatives.

16 (3) THINK TANK.—The term “think tank”
17 means a stand-alone institution, organization, cor-
18 poration, or group that studies public policy issues
19 with the primary objective of providing information,
20 ideas, and recommendations to United States Gov-
21 ernment entities regarding the development and im-
22 plementation of policy.

23 (b) RULEMAKING.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of the enactment of this Act, the Sec-

1 retary shall develop and promulgate regulations re-
2 quiring covered organizations to submit an annual
3 disclosure to the Under Secretary of State for Man-
4 agement that describes—

5 (A) any funding, cooperative research or
6 staffing agreements, or joint projects received
7 from or executed with the covered sources of
8 funding specified in paragraph (2) the purpose
9 or subject of which relates to a topic such cov-
10 ered organizations engage on with the Depart-
11 ment; and

12 (B) any practices or processes undertaken
13 by a covered organization to ensure that its re-
14 search agenda or products are not influenced by
15 foreign donors.

16 (2) COVERED SOURCES OF FUNDING.—The
17 sources of funding referred to in paragraph (1) are
18 foreign governmental entities and political parties
19 from the People’s Republic of China, the Islamic Re-
20 public of Iran, or the Russian Federation.

21 (c) REPORT.—Not later than 120 days after the ef-
22 fective date of the regulations promulgated pursuant to
23 subsection (b), the Secretary shall submit a report to the
24 appropriate congressional committees that describes—

- 1 (1) the status of implementing such regulations
2 and any challenges or obstacles to implementation;
- 3 (2) the offices within the Department respon-
4 sible for implementing the regulations; and
- 5 (3) any recommendations to improve upon such
6 regulations.

7 **SEC. 113. AMENDMENT TO THE MUTUAL EDUCATION AND**
8 **CULTURAL EXCHANGE ACT OF 1961.**

9 (a) EXCLUSION OF GOVERNMENT OF THE PEOPLE’S
10 REPUBLIC OF CHINA FROM CERTAIN CULTURAL EX-
11 CHANGES; REQUIRED REVIEWS.—Section 108A of the
12 Mutual Educational and Cultural Exchange Act of 1961
13 (22 U.S.C. 2458a) is amended—

14 (1) in subsection (a), by adding at the end the
15 following:

16 “(3) For purposes of this section, the term ‘for-
17 eign government’ does not include the Government
18 of the People’s Republic of China.”; and

19 (2) by striking subsection (c) and inserting the
20 following:

21 “(c) REVIEWS.—

22 “(1) IN GENERAL.—Not later than 1 year after
23 the date of the enactment of the STRATEGIC Act
24 of 2024, and every 3 years thereafter, subject to the
25 exception in paragraph (3), the Secretary shall sub-

1 mit a report to the Committee on Foreign Relations
2 of the Senate and the Committee on Foreign Affairs
3 of the House of Representatives that contains a re-
4 view of each educational or cultural exchange pro-
5 gram approved in accordance with this section to en-
6 sure such programs continue to adhere to the pur-
7 poses set forth in section 101.

8 “(2) CONTENTS.—The report required under
9 paragraph (1) shall include—

10 “(A) information, including agendas or
11 itineraries, of activities carried out pursuant to
12 programs authorized under this section during
13 the covered reporting period; and

14 “(B) with respect to each cultural ex-
15 change program, a written assessment and de-
16 termination by the Assistant Secretary of State
17 for Educational and Cultural Affairs and the
18 Assistant Secretary of State of the regional bu-
19 reau responsible for the country or countries in
20 which the educational or cultural exchange
21 takes place regarding whether the program con-
22 tinues to adhere to the purposes set forth in
23 section 101, based on the information collected
24 pursuant to subparagraph (A) and other rel-

1 evant information jointly submitted by such of-
2 ficials.

3 “(3) WHITE LIST EXCEPTION.—

4 “(A) IN GENERAL.—For any program that
5 takes place within a country that is a United
6 States ally or close strategic partner and has
7 been approved in accordance with this section,
8 the Department of State, following the submis-
9 sion of the second report required under para-
10 graph (1), may place such program on a list of
11 programs authorized under this Act that the
12 Secretary determines, in 2 consecutive reports
13 submitted pursuant to this subsection, have
14 demonstrated a track record of full compliance
15 with the purposes set forth in section 101. The
16 list identifying such programs shall be referred
17 to in this paragraph as the ‘MECEA White
18 List’.

19 “(B) MECEA WHITE LIST REQUIRE-
20 MENTS.—The MECEA White List shall be—

21 “(i) submitted as an addendum to the
22 review required under this section; and

23 “(ii) reviewed not less frequently than
24 every 6 years.

1 “(C) EXCEPTION TO REVIEW.—The review
2 requirement described in paragraph (1) shall
3 not apply with respect to any program that is
4 included on the MECEA White List.

5 “(D) COUNTRIES INELIGIBLE FOR WHITE
6 LIST.—The MECEA White List shall not in-
7 clude trips or exchanges to the Bolivarian Re-
8 public of Venezuela, the People’s Republic of
9 China, the Republic of Cuba, the Republic of
10 Nicaragua, or the Russian Federation.

11 “(4) RULE OF CONSTRUCTION.—The Secretary
12 is not required to provide advanced approval of a
13 specific or individual trip or activity if such trip or
14 activity is undertaken as part of a program reviewed
15 and approved in accordance with this section.

16 “(d) REMEDIATION AND TERMINATION.—If the Sec-
17 retary determines that a program is no longer in compli-
18 ance with the purposes set forth in section 101, the Sec-
19 retary—

20 “(1) shall make all efforts to work with the for-
21 eign government with whom the agreement for such
22 program has been made on remediation to ensure
23 the program is in full compliance with the purposes
24 set forth in section 101; and

1 “(2) if the efforts described in paragraph (1)
2 fail to ensure such compliance, is authorized to sus-
3 pend or terminate such program.”.

4 (b) REPORTING REQUIREMENTS WITH RESPECT TO
5 PARTICIPATION BY UNITED STATES ENTITIES IN CUL-
6 TURAL EXCHANGE PROGRAMS INVOLVING THE PEOPLE’S
7 REPUBLIC OF CHINA.—The Mutual Educational and Cul-
8 tural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) is
9 amended by inserting after section 108A the following:

10 **“SEC. 108B. REPORTING REQUIREMENTS WITH RESPECT TO**
11 **PARTICIPATION BY UNITED STATES ENTITIES**
12 **IN CULTURAL EXCHANGE PROGRAMS IN-**
13 **VOLVING THE PEOPLE’S REPUBLIC OF**
14 **CHINA.**

15 “(a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that State and local entities in the United States
17 and other organizations and individuals in the United
18 States who sponsor, carry out, or otherwise participate in
19 cultural, educational, or economic exchange programs with
20 the People’s Republic of China should adopt measures to
21 facilitate rigorous oversight of such programs and cor-
22 responding activities conducted pursuant to such pro-
23 grams, including compliance with the oversight require-
24 ments described in this section, as applicable.

1 “(b) INITIAL CERTIFICATION TO CONGRESS.—Not
2 later than 30 days before entering into an agreement to
3 establish or reestablish any exchange program that in-
4 volves the Government of the People’s Republic of China,
5 the Secretary shall certify to the appropriate congressional
6 committees that—

7 “(1) establishing or reestablishing such pro-
8 gram is in the national interests of the United
9 States;

10 “(2) such program will adhere to the purposes
11 set forth in section 101; and

12 “(3) the Department of State has established
13 mechanisms requiring each United States entity sup-
14 porting or carrying out such program to submit to
15 the Department of State, not later than October 30
16 of each year, a report that includes, with respect to
17 all programs in which executive branch employees or
18 nongovernmental employees participated in the most
19 recently concluded fiscal year—

20 “(A) the total number of cultural exchange
21 activities conducted by such entity pursuant to
22 section 108A;

23 “(B) a description and purpose of each
24 such activity;

1 “(C) a detailed agenda or itinerary for
2 each such activity;

3 “(D) the total number and agency affili-
4 ations of the participants of each such activity;

5 “(E) any indication of whether any of the
6 participants during the reporting period partici-
7 pated in another activity authorized under sec-
8 tion 108A that involves the People’s Republic of
9 China during the preceding 2-year period; and

10 “(F) a summary of any feedback that was
11 collected on a voluntary basis from participants
12 in an activity authorized under section 108A,
13 including any actions or behavior by the Peo-
14 ple’s Republic of China that potentially under-
15 mine the purposes of set forth in section 101;
16 and

17 “(4) the Department of State has established
18 mechanisms requiring each United States entity sup-
19 porting or carrying out such program to submit to
20 the Department of State, not less frequently than
21 annually, a report that includes, with respect to all
22 programs in which legislative branch employees par-
23 ticipate—

1 “(A) the total number of cultural exchange
2 activities conducted by the entity pursuant to
3 section 108A;

4 “(B) a description and purpose of each
5 such activity;

6 “(C) a detailed agenda or itinerary for
7 each such activity;

8 “(D) the total number and congressional
9 affiliations of the participants of each such ac-
10 tivity;

11 “(E) any indication of whether any of the
12 participants during the reporting period partici-
13 pated in another activity authorized under sec-
14 tion 108A that involves the People’s Republic of
15 China during the preceding 2-year period; and

16 “(F) a summary of any feedback that was
17 collected on a voluntary basis from participants
18 in, or observers of, an activity authorized under
19 section 108A, including any actions or behavior
20 by the People’s Republic of China that poten-
21 tially undermines the purposes set forth in sec-
22 tion 101.

23 “(c) ANNUAL CERTIFICATIONS TO CONGRESS.—

24 “(1) IN GENERAL.—Not later than 1 year after
25 establishing or reestablishing a cultural exchange

1 program described in subsection (b), and annually
2 thereafter through September 30, 2029, the Sec-
3 retary shall submit a certification to the appropriate
4 congressional committees that indicates whether—

5 “(A) the continuation of such exchange
6 program is in the national interests of the
7 United States, including a justification for such
8 assessment;

9 “(B) the program is adhering to the pur-
10 poses set forth in section 101, including a jus-
11 tification for such assessment; and

12 “(C) the mechanisms described in para-
13 graphs (3) and (4) of subsection (b) provide the
14 Department of State sufficient transparency
15 and oversight of such program and its activi-
16 ties, and an explanation of such mechanisms.

17 “(2) FAILURE TO CERTIFY.—If the Secretary
18 fails to certify that all of the requirements described
19 under paragraph (1) have been met with respect to
20 a cultural exchange program described in subsection
21 (b), the Secretary shall—

22 “(A) suspend such program until the Sec-
23 retary is able make such a certification; or

24 “(B) terminate the corresponding agree-
25 ment described in subsection (b).

1 “(d) TRANSPARENCY REPORT.—

2 “(1) IN GENERAL.—The Secretary shall in-
3 clude, with the annual certification required under
4 subsection (c), a detailed summary of the reports re-
5 ceived pursuant to paragraphs (3) and (4) of sub-
6 section (b) from United States entities that are car-
7 rying out or otherwise participating in a cultural ex-
8 change program that involves the Government of the
9 People’s Republic of China.

10 “(2) MATTERS TO BE INCLUDED.—The sum-
11 mary required under paragraph (1) shall include,
12 with respect to the reporting period—

13 “(A) the total number of cultural exchange
14 programs conducted;

15 “(B) the total number of participants in
16 such cultural exchange programs;

17 “(C) a list of the agency that employs each
18 such participant;

19 “(D) an overview of such cultural exchange
20 programs, including the inclusion of not fewer
21 than 3 sample itineraries or agendas and illus-
22 trative examples of activities in which partici-
23 pants engaged;

24 “(E) an assessment of whether such cul-
25 tural programs comply with purposes set forth

1 in section 101, including a description of any
2 noticeable deviations from such purposes;

3 “(F) a description of all actions taken by
4 the Department of State to remediate devi-
5 ations from such purposes; and

6 “(G) a detailed rationale for continuing
7 each such program despite any deviations de-
8 scribed in such summary.

9 “(3) FORM OF REPORT.—The summary re-
10 quired under paragraph (1) shall be submitted in
11 unclassified form.

12 “(e) FAILURE OF UNITED STATES ENTITY TO RE-
13 PORT.—The Secretary shall promulgate regulations to dis-
14 qualify any United States entity from carrying out any
15 activities associated with a cultural exchange program de-
16 scribed in subsection (b) if such entity fails to comply with
17 the reporting requirements described in subsection (b)(4)
18 until the sooner of—

19 “(1) 1 year after the first day of such disquali-
20 fication; or

21 “(2) the date on which such entity is in full
22 compliance with the reporting requirements de-
23 scribed in subsection (b)(4).

24 “(f) ADDITIONAL MATTERS.—

1 “(1) NOTIFICATION REQUIREMENT.—Any legis-
2 lative branch employee who participates in an activi-
3 ty covered by an agreement described in subsection
4 (b) with the People’s Republic of China shall notify
5 the congressional entities listed in paragraph (2)—

6 “(A) not later than 10 days before the be-
7 ginning of such activity, of the dates of travel,
8 the agenda or itinerary of such activity as of
9 the date of submission, and an indication of
10 whether the employee has participated in an ac-
11 tivity covered by such an agreement during ei-
12 ther of the preceding 2 calendar years; and

13 “(B) not later than 10 days after the end
14 of such activity, of the final agenda or itinerary
15 relating to such activity.

16 “(2) CONGRESSIONAL ENTITIES DESCRIBED.—
17 The congressional entities listed in this paragraph
18 are—

19 “(A) the majority leader and minority
20 leader of the Senate;

21 “(B) the Select Committee on Ethics of
22 the Senate;

23 “(C) the Committee on Foreign Relations
24 of the Senate;

1 “(D) the Speaker and minority leader of
2 the House of Representatives;

3 “(E) the Committee on Ethics of the
4 House of Representatives; and

5 “(F) the Committee on Foreign Affairs of
6 the House of Representatives.

7 “(3) MONITORING.—In order to monitor and
8 evaluate activities covered by an agreement de-
9 scribed in subsection (b) to ensure compliance with
10 the purposes set forth in section 101, United States
11 diplomats shall be permitted to observe activities in
12 which—

13 “(A) executive branch employees partici-
14 pate; or

15 “(B) legislative branch employees partici-
16 pate, with the concurrence of such legislative
17 branch employees.

18 “(g) RULEMAKING.—The Secretary shall promulgate
19 regulations to carry out this section.”.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to the Department of State
22 \$45,000,000, for fiscal year 2025, for the purposes of ex-
23 change support within the Bureau of Educational and Cul-
24 tural Affairs, including creating 1 new position to support
25 the implementation and oversight of programs authorized

1 under the Mutual Educational and Cultural Exchange Act
2 of 1961, as amended by this section.

3 **SEC. 114. ESTABLISHMENT OF COUNTERING THE PEOPLE'S**
4 **REPUBLIC OF CHINA INFLUENCE FUND.**

5 (a) DEFINITIONS.—In this section:

6 (1) CCP.—The term “CCP” means the Chinese
7 Communist Party.

8 (2) FUND.—The term “Fund” means the
9 Countering the People’s Republic of China Influence
10 Fund established under subsection (b).

11 (3) MALIGN INFLUENCE.—The term “malign
12 influence”, with respect to the Government of the
13 PRC and the CCP, includes acts conducted by the
14 Government of the PRC, the CCP, or entities acting
15 on their behalf, that—

16 (A) undermine a free and open inter-
17 national order;

18 (B) advance an alternative, repressive
19 international order that—

20 (i) bolsters the hegemonic ambitions
21 of the Government of the PRC and the
22 CCP; and

23 (ii) is characterized by coercion and
24 dependency;

1 (C) undermine the national security or sov-
2 ereignty of the United States or of other coun-
3 tries; or

4 (D) undermine the economic security of
5 the United States or of other countries, includ-
6 ing by promoting corruption and advancing co-
7 ercive economic practices.

8 (b) COUNTERING THE PEOPLE’S REPUBLIC OF
9 CHINA INFLUENCE FUND.—

10 (1) ESTABLISHMENT.—There is established in
11 the Treasury of the United States a trust fund,
12 which—

13 (A) shall be known as the “Countering the
14 People’s Republic of China Influence Fund”;
15 and

16 (B) shall consist of such amounts as may
17 be appropriated or otherwise made available to
18 the Fund pursuant to paragraph (2).

19 (2) AUTHORIZATION OF APPROPRIATIONS.—

20 (A) IN GENERAL.—There is authorized to
21 be appropriated to the Fund, for each of the
22 fiscal years 2025 through 2029, \$400,000,000,
23 which shall be used to counter the influence of
24 the Government of the PRC and the CCP and
25 entities acting on their behalf globally, and shall

1 be in addition to amounts otherwise authorized
2 to be appropriated to counter such influence.

3 (B) AVAILABILITY OF FUNDS.—Amounts
4 appropriated to the Fund pursuant to subpara-
5 graph (A) shall remain available until expended.

6 (c) NOTIFICATION; CONSULTATION.—Amounts in the
7 Fund—

8 (1) shall be subject to the notification require-
9 ments under section 634A of the Foreign Assistance
10 Act of 1961 (22 U.S.C. 2394–1); and

11 (2) may not be obligated without prior consulta-
12 tion with—

13 (A) the Committee on Foreign Relations of
14 the Senate;

15 (B) the Committee on Appropriations of
16 the Senate;

17 (C) the Committee on Foreign Affairs of
18 the House of Representatives; and

19 (D) the Committee on Appropriations of
20 the House of Representatives.

21 (d) POLICY GUIDANCE, COORDINATION, AND AP-
22 PROVAL.—

23 (1) COORDINATOR.—The Secretary shall des-
24 ignate an existing senior official of the Department
25 of State at the rank of Assistant Secretary or above

1 to provide policy guidance, coordination, and ap-
2 proval for the obligation of amounts appropriated
3 pursuant to subsection (b)(2).

4 (2) DUTIES.—The senior official designated
5 pursuant to paragraph (1) shall—

6 (A) annually identify specific strategic pri-
7 orities for using amounts in the Fund, such as
8 geographic areas of focus or functional cat-
9 egories of programming within which such
10 amounts are to be concentrated, in accordance
11 with the national interests of the United States
12 and the purposes of this section;

13 (B) coordinate and approve all program-
14 ming conducted using amounts in the Fund,
15 based on an assessment that such programming
16 directly counters the malign influence of the
17 Government of the PRC and the CCP (includ-
18 ing specific activities or policies advanced by the
19 Government of the PRC or the CCP), pursuant
20 to the strategic objectives of the United States
21 established in the 2017 National Security
22 Strategy, the 2018 National Defense Strategy,
23 and other relevant national and regional strate-
24 gies;

1 (C) ensure that all approved program-
2 ming—

3 (i) bears a sufficiently direct nexus to
4 acts by the Government of the PRC or the
5 CCP described in subsection (a)(3); and

6 (ii) adheres to the requirements de-
7 scribed in subsection (e); and

8 (D) conduct oversight, monitoring, and
9 evaluation of the effectiveness of all program-
10 ming conducted using the amounts appro-
11 priated pursuant to subsection (b)(2) to ensure
12 that it advances United States interests and de-
13 grades the ability of the Government of the
14 PRC or the CCP, to advance activities that
15 align with the efforts described in subsection
16 (e).

17 (3) INTERAGENCY COORDINATION.—The senior
18 official designated pursuant to paragraph (1), in co-
19 ordinating and approving programming pursuant to
20 paragraph (2), shall seek—

21 (A) to conduct appropriate interagency
22 consultation; and

23 (B) to ensure, to the maximum extent
24 practicable, that all approved programming
25 functions in concert with other Federal activi-

1 ties to counter the malign influence and activi-
2 ties of the Government of the PRC or the CCP.

3 (4) ASSISTANT COORDINATOR.—The Adminis-
4 trator of the United States Agency for International
5 Development shall designate a senior official at the
6 rank of Assistant Administrator or above to assist
7 and consult with the senior official designated pur-
8 suant to paragraph (1), particularly with respect to
9 such assistance handled by USAID.

10 (e) COUNTERING MALIGN INFLUENCE.—In this sec-
11 tion, countering malign influence through the use of
12 amounts in the Fund shall include efforts—

13 (1) to promote transparency and accountability,
14 and reduce corruption, including in governance
15 structures targeted by the malign influence of the
16 Government of the PRC or the CCP;

17 (2) to support civil society and independent
18 media to raise awareness of, and increase trans-
19 parency regarding, the negative impact of activities
20 and initiatives of the Government of the PRC, the
21 CCP, and entities acting on their behalf, including
22 the Global Security Initiative, the Global Develop-
23 ment Initiative, the Global Civilization Initiative, the
24 Belt and Road Initiative, associated initiatives, and

1 other economic initiatives with strategic or political
2 purposes, and coercive economic practices;

3 (3) to counter transnational criminal networks
4 that benefit, or benefit from, the malign influence of
5 the Government of the PRC, the CCP, or entities
6 acting on their behalf;

7 (4) to encourage economic development struc-
8 tures that help protect against predatory lending
9 schemes, including support for market-based alter-
10 natives in key economic sectors, such as digital econ-
11 omy, energy, and infrastructure;

12 (5) to counter activities that provide undue in-
13 fluence to the security forces of the PRC;

14 (6) to expose foreign influence operations and
15 propaganda of the Government of the PRC, the
16 CCP, and entities acting on their behalf;

17 (7) to counter efforts by the CCP to legitimize
18 or promote authoritarian ideology and governance
19 models, including its model of a state-dominated
20 cyber and digital ecosystem;

21 (8) to counter efforts by the Government of the
22 PRC, the CCP, or entities acting on their behalf to
23 silence, intimidate, or exact reprisal against individ-
24 uals outside of the PRC's internationally recognized
25 sovereign borders, including members of diaspora

1 populations, such as political opponents, repressed
2 religious or spiritual practitioners, marginalized eth-
3 nic community members, civil society activists,
4 human rights defenders, researchers, and journal-
5 ists;

6 (9) to provide alternatives to problematic PRC
7 technology offerings which could provide the Govern-
8 ment of the PRC undue access to, or influence over,
9 global data flows or sensitive information and com-
10 pete with problematic PRC efforts to leverage or
11 make gains in the development of advanced and
12 emerging technologies;

13 (10) to counter PRC activities that directly en-
14 able critical supply chain monopolization or other
15 monopolistic practices;

16 (11) to counter aggressive PRC efforts to make
17 inroads into the nuclear energy sectors of countries
18 to the detriment of United States national security,
19 strategic, and nonproliferation interests; and

20 (12) to counter efforts by the Government of
21 the PRC, the CCP, and entities acting on their be-
22 half to undermine the democratic processes and in-
23 stitutions of United States allies and partners.

1 **SEC. 115. NOTIFICATION REQUIREMENT FOR PARTICIPA-**
2 **TION OF DEPARTMENT OF STATE AND USAID**
3 **OFFICIALS IN PRIVATE EVENTS THAT IN-**
4 **CLUDE THE PARTICIPATION OF SPECIALLY**
5 **DESIGNATED AND BLOCKED PERSONS.**

6 (a) DEFINITIONS.—In this section:

7 (1) OFFICIALS.—The term “officials” means 1
8 or more individuals who are employed directly or
9 through a contractual arrangement by the Depart-
10 ment of State or the United States Agency for Inter-
11 national Development.

12 (2) PRIVATE EVENT.—The term “private
13 event” means any organized workshop, conference,
14 forum, summit, or other gathering that is primarily
15 organized and financially sponsored by an organiza-
16 tion, business, or other entity that is not part of the
17 United States Government, a foreign government, or
18 a multilateral institution.

19 (b) NOTIFICATION REQUIREMENT.—Not later than
20 15 days before officials attend a private event held outside
21 the United States involving the participation of an indi-
22 vidual or entity on the Specially Designated Nationals and
23 Blocked Persons List maintained by the Office of Foreign
24 Assets Control, the Secretary or the Administrator of the
25 United States Agency for International Development shall

1 submit a notification to the appropriate congressional
2 committees that includes—

3 (1) the name, position, and relevant department
4 or agency of such officials;

5 (2) the name, organizers, and dates of the pri-
6 vate event;

7 (3) the names of all specially designated nation-
8 als who will be attending the private event; and

9 (4) a certification and associated justification
10 that the participation of the officials in a private
11 event alongside specially designated nationals is in
12 the national interest of the United States.

13 (c) LIMITATION ON USE OF FUNDS.—No Federal
14 funds may be used to support any private event held out-
15 side the United States that—

16 (1) promotes commercial engagement, including
17 with the United States private sector; and

18 (2) includes the participation of specially des-
19 ignated nationals or blocked persons.

1 **SEC. 116. DETERMINATION WITH RESPECT TO IMPOSITION**
2 **OF SANCTIONS WITH RESPECT TO UNITED**
3 **FRONT WORK DEPARTMENT OF CHINESE**
4 **COMMUNIST PARTY.**

5 (a) APPROPRIATE COMMITTEES OF CONGRESS.—In
6 this section, the term “appropriate committees of Con-
7 gress” means—

8 (1) the Committee on Armed Services of the
9 Senate;

10 (2) the Committee on Foreign Relations of the
11 Senate;

12 (3) the Select Committee on Intelligence of the
13 Senate;

14 (4) the Committee on Banking, Housing, and
15 Urban Affairs of the Senate;

16 (5) the Committee on the Judiciary of the Sen-
17 ate;

18 (6) the Committee on Armed Services of the
19 House of Representatives;

20 (7) the Committee on Foreign Affairs of the
21 House of Representatives;

22 (8) the Permanent Select Committee on Intel-
23 ligence of the House of Representatives;

24 (9) the Committee on Financial Services of the
25 House of Representatives; and

1 (10) the Committee on the Judiciary of the
2 House of Representatives.

3 (b) DETERMINATION.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of the enactment of this Act, the Secretary
6 shall submit to the appropriate committees of Con-
7 gress a determination, including a detailed justifica-
8 tion, of whether the United Front Work Department
9 of the Chinese Communist Party, or any component
10 or official of such Department, meets the criteria for
11 the application of sanctions pursuant to—

12 (A) section 1263 of the Global Magnitsky
13 Human Rights Accountability Act (22 U.S.C.
14 10102);

15 (B) section 6 of the Uyghur Human
16 Rights Policy Act of 2020 (Public Law 116–
17 145; 22 U.S.C. 6901 note);

18 (C) section 7 of the Hong Kong Human
19 Rights and Democracy Act of 2019 (Public
20 Law 116–76);

21 (D) Executive Order 13694 (50 U.S.C.
22 1701 note; relating to blocking property of cer-
23 tain persons engaged in significant malicious
24 cyber-enabled activities); or

1 (E) Executive Order 13848 (50 U.S.C.
2 1701 et seq.; relating to foreign interference in
3 United States elections).

4 (2) FORM.—The determination required under
5 paragraph (1) shall be submitted in unclassified
6 form, but may contain a classified annex.

7 **SEC. 117. DEPARTMENT OF STATE LIST OF FOREIGN TAL-**
8 **ENT RECRUITMENT PROGRAMS OF THE PRC.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, the Secretary, in con-
11 sultation with the Attorney General, the Secretary of De-
12 fense, and the Director of National Intelligence, shall com-
13 pile and publish in the Federal Register a list of foreign
14 talent recruitment programs of the People’s Republic of
15 China.

16 (b) ANNUAL REVIEW AND REVISION.—Not less fre-
17 quently than annually, the Secretary shall—

18 (1) review and revise the list compiled pursuant
19 to subsection (a); and

20 (2) publish such revised list in the Federal Reg-
21 ister.

22 **SEC. 118. OVERSIGHT ON CLIMATE COOPERATION WITH**
23 **THE PRC.**

24 (a) REPORT ON CLIMATE COOPERATION WITH THE
25 PRC.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, and every 90
3 days thereafter, the Secretary shall submit a report
4 to the appropriate congressional committees that de-
5 scribes United States climate-related engagements
6 with the PRC, including—

7 (A) all dialogues, working groups, and bi-
8 lateral or multilateral climate-related engage-
9 ments with the PRC;

10 (B) all United States and PRC entities
11 participating in collaborative projects on cli-
12 mate-related issues resulting from United
13 States climate-related diplomatic engagements,
14 agreements, or initiatives with the PRC;

15 (C) all joint economic projects related to
16 United States-PRC diplomatic engagements,
17 agreements, or initiatives related to climate;
18 and

19 (D) all subnational climate-related diplo-
20 macy facilitated by the United States Govern-
21 ment or resulting from United States-PRC cli-
22 mate-related diplomatic engagements, agree-
23 ments, or initiatives, including—

24 (i) the United States, States, local
25 governments, academic or research institu-

1 tions, think tanks, commercial entities, or
2 other organizations participating in such
3 initiatives; and

4 (ii) PRC national or provincial gov-
5 ernment entities, academic or research in-
6 stitutions, think tanks, commercial entities,
7 or other organizations participating in
8 such initiatives.

9 (2) FORM OF REPORT.—The report required
10 under paragraph (1) shall be submitted in unclassi-
11 fied form.

12 (b) PROHIBITION ON CLIMATE-RELATED EXEMP-
13 TIONS FROM APPLICATION OF UNITED STATES SANC-
14 TIONS, EXPORT CONTROLS, FARA REGISTRATION, AND
15 OTHER REGULATIONS AND STATUTES.—Notwithstanding
16 any other provision of law, climate-related engagement
17 may not, on its own, form the basis of any decision to
18 grant an exemption, approval, allowance, or exception
19 from—

20 (1) any statutory or regulatory actions or re-
21 quirements related to sanctions, export controls, for-
22 eign agent registration or lobbying disclosure re-
23 quirements; or

24 (2) any other United States statutory and regu-
25 latory requirements pertaining to the PRC.

1 **SEC. 119. RESTRICTION ON ISSUANCE OF VISAS.**

2 (a) RESTRICTIONS FOR SENIOR PRC OFFICIALS AND
3 MEMBERS OF THE PEOPLE’S LIBERATION ARMY.—The
4 Secretary may not issue a visa to, and the Secretary of
5 Homeland Security shall deny entry to, the United States
6 of—

7 (1) senior officials of the Chinese Communist
8 Party, including the Politburo, the Central Com-
9 mittee, and delegates to the 19th National Congress
10 of the Chinese Communist Party;

11 (2) spouses and children of any senior official
12 described in paragraph (1);

13 (3) members of the cabinet of the Government
14 of the People’s Republic of China;

15 (4) active duty members of the People’s Libera-
16 tion Army of China; or

17 (5) applicants from PRC universities that have
18 a Memorandum of Understanding (referred to in
19 this paragraph as “MOU”) or other research or aca-
20 demic exchange agreement with a United States in-
21 stitution of higher education, and are seeking to
22 study or work in the United States pursuant to such
23 an agreement, unless—

24 (A) the United States university has sub-
25 mitted such MOU or similar agreement for a

1 security review by the Secretary of State and
2 other relevant Federal agencies; and

3 (B) the Secretary of State, in coordination
4 with other relevant agencies, has determined
5 such MOU or similar agreement—

6 (i) has sufficient safeguards against
7 illicit knowledge and technology transfer to
8 the PRC; and

9 (ii) does not facilitate foreign malign
10 influence.

11 (b) **APPLICABILITY.**—The restriction under sub-
12 section (a) shall not apply during any fiscal year in which
13 the Director of National Intelligence certifies to the Com-
14 mittee on the Judiciary of the Senate and the Committee
15 on the Judiciary of the House of Representatives that the
16 Government of the PRC has ceased sponsoring, funding,
17 facilitating, and actively working to support efforts to in-
18 fringe on the intellectual property rights of citizens and
19 companies of the United States.

1 **SEC. 120. MODIFYING INFORMATION ABOUT COUNTRIES**
2 **EXPORTING METHAMPHETAMINE INCLUDED**
3 **IN THE ANNUAL INTERNATIONAL NARCOTICS**
4 **CONTROL STRATEGY REPORT.**

5 (a) INTERNATIONAL NARCOTICS CONTROL STRAT-
6 EGY REPORT.—Section 489(a) of the Foreign Assistance
7 Act of 1961 (22 U.S.C. 2291h(a)) is amended—

8 (1) in the matter preceding paragraph (1), by
9 striking “March 1” and inserting “June 1”; and

10 (2) in paragraph (8)(A)(i), by striking
11 “pseudoephedrine” and all that follows through
12 “chemicals)” and inserting “chemical precursors
13 used in the production of methamphetamine that
14 significantly affected the United States”.

15 (b) STUDY AND REPORT ON BILATERAL EFFORTS
16 TO ADDRESS CHINESE FENTANYL TRAFFICKING.—

17 (1) DEFINITIONS.—In this subsection:

18 (A) APPROPRIATE COMMITTEES OF CON-
19 GRESS.—The term “appropriate committees of
20 Congress” means—

21 (i) the Committee on the Judiciary of
22 the Senate;

23 (ii) the Committee on Foreign Rela-
24 tions of the Senate;

25 (iii) the Committee on the Judiciary
26 of the House of Representatives; and

1 (iv) the Committee on Foreign Affairs
2 of the House of Representatives.

3 (B) CHINA.—The term “China” means the
4 People’s Republic of China.

5 (C) DEA.—The term “DEA” means the
6 Drug Enforcement Administration.

7 (2) CHINA’S CLASS SCHEDULING OF FENTANYL
8 AND SYNTHETIC OPIOID PRECURSORS.—Not later
9 than 180 days after the date of the enactment of
10 this Act, the Secretary and the Attorney General
11 shall jointly submit to the appropriate committees of
12 Congress an unclassified written report, with a clas-
13 sified annex, that includes—

14 (A) a description of United States Govern-
15 ment efforts to gain a commitment from the
16 Government of China to submit unregulated
17 fentanyl precursors, such as 4–Aminopyridine,
18 to controls;

19 (B) a plan for future steps the United
20 States Government will take to urge the Gov-
21 ernment of China to combat illicit fentanyl pro-
22 duction and trafficking originating in China;

23 (C) a detailed description of cooperation by
24 the Government of China to address the role of
25 the Chinese financial system and Chinese

1 money laundering organizations in the traf-
2 ficking of fentanyl and synthetic opioid precu-
3 sors;

4 (D) an assessment of expected impact that
5 the designation of principal corporate officers of
6 Chinese financial institutions for facilitating
7 narcotics-related money laundering would have
8 on Chinese money laundering organizations;
9 and

10 (E) an assessment of whether the Tri-
11 lateral Fentanyl Committee, which was estab-
12 lished by the United States, Canada, and Mex-
13 ico during the January 2023 North American
14 Leaders' Summit, is improving cooperation with
15 law enforcement and financial regulators in
16 Canada and Mexico to combat the role of Chi-
17 nese financial institutions and Chinese money
18 laundering organizations in narcotics traf-
19 ficking.

20 (3) ESTABLISHMENT OF DEA OFFICES IN
21 CHINA.—Not later than 180 days after the date of
22 the enactment of this Act, the Secretary and the At-
23 torney General shall jointly provide to the appro-
24 priate committees of Congress a classified briefing
25 regarding—

1 (A) outreach and negotiations that have
2 been undertaken by the United States Govern-
3 ment with the Government of China aimed at
4 securing the approval of the Government of
5 China to establish United States Drug Enforce-
6 ment Administration offices in Shanghai and
7 Guangzhou, China; and

8 (B) additional efforts that have been un-
9 dertaken to establish new partnerships with
10 provincial-level authorities in China to counter
11 the illicit trafficking of fentanyl, fentanyl ana-
12 logues, and their precursors.

13 (c) PRIORITIZATION OF IDENTIFICATION OF PER-
14 SONS FROM THE PEOPLE’S REPUBLIC OF CHINA.—Sec-
15 tion 7211 of the Fentanyl Sanctions Act (21 U.S.C. 2311)
16 is amended—

17 (1) in subsection (a)—

18 (A) by redesignating paragraphs (3) and
19 (4) as paragraphs (4) and (5), respectively; and

20 (B) by inserting after paragraph (2) the
21 following:

22 “(3) PRIORITIZATION.—

23 “(A) DEFINED TERM.—In this paragraph,
24 the term ‘person of the Peoples Republic of
25 China’ means—

1 “(i) an individual who is a citizen or
2 national of the People’s Republic of China;
3 or

4 “(ii) an entity organized under the
5 laws of the People’s Republic of China or
6 otherwise subject to the jurisdiction of the
7 Government of the People’s Republic of
8 China.

9 “(B) IN GENERAL.—In preparing the re-
10 port required under paragraph (1), the Presi-
11 dent shall prioritize, to the greatest extent prac-
12 ticable, the identification of persons of the Peo-
13 ple’s Republic of China involved in the shipment
14 of fentanyl, fentanyl analogues, fentanyl precur-
15 sors, precursors for fentanyl analogues, pre-pre-
16 cursors for fentanyl and fentanyl analogues,
17 and equipment for the manufacturing of
18 fentanyl and fentanyl-laced counterfeit pills to
19 Mexico or any other country that is involved in
20 the production of fentanyl trafficked into the
21 United States, including—

22 “(i) any entity involved in the produc-
23 tion of pharmaceuticals; and

24 “(ii) any person that is acting on be-
25 half of any such entity.

1 “(C) TERMINATION OF PRIORITIZATION.—

2 The President shall continue the prioritization
3 required under subparagraph (B) until the
4 President certifies to the appropriate congress-
5 sional committees that the People’s Republic of
6 China is no longer the primary source for the
7 shipment of fentanyl, fentanyl analogues,
8 fentanyl precursors, precursors for fentanyl
9 analogues, pre-precursors for fentanyl and
10 fentanyl analogues, and equipment for the man-
11 ufacturing of fentanyl and fentanyl-laced coun-
12 terfeit pills to Mexico or any other country that
13 is involved in the production of fentanyl traf-
14 ficked into the United States.”; and

15 (2) in subsection (c), by striking “the date that
16 is 5 years after such date of enactment” and insert-
17 ing “December 31, 2030”.

18 (d) EXPANSION OF SANCTIONS UNDER THE
19 FENTANYL SANCTIONS ACT.—Section 7212 of the
20 Fentanyl Sanctions Act (21 U.S.C. 2312) is amended—

21 (1) in paragraph (1), by striking “or” at the
22 end;

23 (2) in paragraph (2), by striking the period at
24 the end and inserting a semicolon; and

25 (3) by adding at the end the following:

1 “(3) the President determines has knowingly
2 engaged in, or attempted to engage in, an activity or
3 transaction that has materially contributed to opioid
4 trafficking; or

5 “(4) the President determines—

6 “(A) has received any property or interest
7 in property that the foreign person knows—

8 “(i) constitutes or is derived from the
9 proceeds of an activity or transaction de-
10 scribed in paragraph (1); or

11 “(ii) was used or intended to be used
12 to commit or to facilitate such an activity
13 or transaction;

14 “(B) has knowingly provided, or attempted
15 to provide, financial, material, or technological
16 support for, including through the provision of
17 goods or services in support of—

18 “(i) any activity or transaction de-
19 scribed in paragraph (1); or

20 “(ii) any foreign person described in
21 paragraph (1); or

22 “(C) is or has been owned, controlled, or
23 directed by any foreign person described in
24 paragraph (1) or subparagraph (A) or (B), or
25 has knowingly acted or purported to act for or

1 on behalf of, directly or indirectly, such a for-
2 eign person.”.

3 (e) IMPOSITION OF SANCTIONS WITH RESPECT TO
4 AGENCIES OR INSTRUMENTALITIES OF FOREIGN
5 STATES.—The President shall—

6 (1) impose one or more of the sanctions de-
7 scribed in section 7213 of the Fentanyl Sanctions
8 Act (21 U.S.C. 2313) with respect to each agency or
9 instrumentality of a foreign state (as defined in sec-
10 tion 1603(b) of title 28, United States Code) that
11 the President determines—

12 (A) has engaged in, or attempted to en-
13 gage in, an activity or transaction that has ma-
14 terially contributed to opioid trafficking; or

15 (B) has provided, or attempted to provide,
16 financial, material, or technological support for,
17 (including through the provision of goods or
18 services in support of) any activity or trans-
19 action described in subparagraph (A); or

20 (2) impose the sanction described in section
21 7213(a)(6) of the Fentanyl Sanctions Act (21
22 U.S.C. 2313(a)(6)) on each foreign person the Presi-
23 dent determines—

1 (A) is a senior official of an agency or in-
2 strumentality of a foreign state described in
3 paragraph (1); or

4 (B) is or has been owned, controlled, or di-
5 rected by an agency or instrumentality of a for-
6 eign state described in paragraph (1), or has
7 knowingly acted or purported to act for or on
8 behalf of, directly or indirectly, such a foreign
9 state.

10 **SEC. 121. REPORT ON VIOLATIONS OF AMERICAN DIPLO-**
11 **MATIC CORPS PRIVILEGES AND IMMUNITIES.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, and annually thereafter for the following
14 5 years, the Secretary shall submit a report to the appro-
15 priate congressional committees that includes—

16 (1) a detailed description of each case when
17 United States diplomats had their privileges and im-
18 munities (as set forth in the Convention on Diplo-
19 matic Relations, done at Vienna April 18, 1961)
20 were violated while serving in the PRC; and

21 (2) a review of efforts undertaken by the De-
22 partment of State to mitigate or otherwise respond
23 to such violations of United States diplomats' privi-
24 leges and immunities.

1 **SEC. 122. ANNUAL REPORT ON THE PRC'S DIPLOMATIC MIS-**
2 **SION ENGAGEMENTS.**

3 (a) IN GENERAL.—Not later than March 1, 2024,
4 and annually thereafter, the Secretary shall submit a re-
5 port to the appropriate congressional committees that de-
6 tails all official meetings, conferences, events, activities, or
7 travel within the United States organized or participated
8 in by PRC diplomatic missions in the United States that
9 were approved by or notified to the Office of Foreign Mis-
10 sions.

11 (b) ELEMENTS.—The report required under sub-
12 section (a) shall include—

13 (1) the date, time, and location of the engage-
14 ment;

15 (2) the purpose and nature of the engagement,
16 including any official meetings, conferences, events,
17 or activities organized or participated in by the PRC
18 diplomatic missions;

19 (3) the format of the engagement, including in-
20 person, on-site, virtually, or any other format that
21 was approved by or notified to the Office of Foreign
22 Missions;

23 (4) the identities and official positions of all in-
24 dividuals involved in the engagement, including
25 members of the PRC diplomatic missions and host
26 organizations;

1 (5) a detailed description of the topics, matters,
2 or issues discussed or addressed during the engage-
3 ment;

4 (6) any agreements, arrangements, or memo-
5 randa of understanding reached during the engage-
6 ment;

7 (7) any security or legal concerns raised or ad-
8 dressed as a result of the engagement;

9 (8) a summary of the Department of State’s
10 evaluation of the potential impact of the engagement
11 on United States national security, foreign policy,
12 and economic interests;

13 (9) any actions or measures taken by the De-
14 partment of State to address concerns or mitigate
15 risks related to the engagement; and

16 (10) any other relevant information deemed
17 necessary by the Secretary.

18 (c) FORM.—The report required under subsection (a)
19 may be submitted in classified or unclassified form.

20 **SEC. 123. RESTRICTIONS ON FOREIGN MISSIONS OF THE**
21 **PRC IN ELEMENTARY AND SECONDARY**
22 **SCHOOLS IN THE UNITED STATES.**

23 (a) DEFINITIONS.—In this section:

24 (1) COVERED SCHOOL.—The term “covered
25 school” means a public or private elementary school

1 or secondary school in the United States that re-
2 ceives Federal funds.

3 (2) ELEMENTARY SCHOOL; SECONDARY
4 SCHOOL.—The terms “elementary school” and “sec-
5 ondary school” have the meanings given such terms
6 in section 8101 of the Elementary and Secondary
7 Education Act of 1965 (20 U.S.C. 7801).

8 (b) IN GENERAL.—A foreign mission of the PRC in
9 the United States may not engage in any activity de-
10 scribed in subsection (c) with a covered school unless
11 United States missions in the PRC have comparable ac-
12 cess to educational institutions in the PRC.

13 (c) ACTIVITIES DESCRIBED.—Activities described in
14 this subsection are—

15 (1) providing financial support to a covered
16 school;

17 (2) offering educational materials, textbooks, or
18 curriculum resources to a covered school;

19 (3) organizing a seminar, lecture, or other event
20 at a covered school;

21 (4) conducting political propaganda or pro-
22 moting the interests of the Chinese Communist
23 Party, the Government of the PRC, or affiliated
24 groups in any form at a covered school;

1 (5) establishing or funding a Confucius Insti-
2 tute or similar language or cultural entity at a cov-
3 ered school;

4 (6) coordinating a visit or exchange of students,
5 teachers, or administrators of a covered school to the
6 PRC or with the Government of the PRC or entities
7 or members of the Chinese Communist Party; and

8 (7) any other activity that may compromise the
9 academic independence and objectivity of elementary
10 and secondary school education in the United States.

11 (d) ENFORCEMENT.—

12 (1) REPORTING.—Any covered school that dis-
13 covers any attempt by a foreign mission of the PRC
14 to engage in an activity described in subsection (c)
15 at the covered school shall immediately report such
16 attempt to the Department of State and the Federal
17 Bureau of Investigation.

18 (2) SANCTIONS.—

19 (A) IN GENERAL.—The Secretary, in co-
20 ordination with the heads of relevant Federal
21 agencies, may impose appropriate sanctions, in-
22 cluding the sanctions described in subparagraph
23 (B), with respect to any foreign mission of the
24 PRC that has engaged in an activity described
25 in subsection (c) with a covered school.

1 (B) SANCTIONS DESCRIBED.—The sanc-
2 tions described in this paragraph—

3 (i) diplomatic protests;

4 (ii) restrictions on the travel and ac-
5 tivities of diplomatic personnel of the PRC;

6 (iii) revocation or restriction of diplo-
7 matic privileges and immunities for such
8 personnel;

9 (iv) expulsion of such personnel; and

10 (v) any other measures that the Sec-
11 retary deems necessary to protect the aca-
12 demic independence and objectivity of ele-
13 mentary and secondary school education in
14 the United States.

15 (e) CONGRESSIONAL OVERSIGHT.—Not later than 14
16 days after any attempt by a foreign mission of the PRC
17 to engage in an activity described in subsection (c), the
18 Secretary shall submit a report describing such attempted
19 engagement to the appropriate congressional committees,
20 the Select Committee on Intelligence of the Senate, and
21 the Permanent Select Committee on Intelligence of the
22 House of Representatives.

1 **SEC. 124. OFFICE OF THE SPECIAL ENVOY FOR CRITICAL**
2 **AND EMERGING TECHNOLOGY.**

3 (a) **DEFINED TERM.**—In this section, the term “crit-
4 ical and emerging technologies” means the technologies
5 listed on the critical and emerging technologies list pub-
6 lished by the National Science and Technology Council at
7 the Office of Science and Technology Policy, as amended
8 by subsequent updates to such list.

9 (b) **ESTABLISHMENT.**—The Secretary shall establish
10 an Office of the Special Envoy for Critical and Emerging
11 Technology (referred to in this section as the “Office”),
12 which shall be located within the Bureau of Cyberspace
13 and Digital Policy.

14 (c) **LEADERSHIP.**—The Office shall be headed by a
15 Special Envoy for Critical and Emerging Technology (re-
16 ferred to in this section as the “Special Envoy”), who
17 shall—

18 (1) be appointed by the President, by and with
19 the advice and consent of the Senate;

20 (2) have the rank and status of ambassador;
21 and

22 (3) report to the Ambassador at Large for
23 Cyberspace and Digital Policy.

24 (d) **MEMBERSHIP.**—The Office may include rep-
25 resentatives, or expert detailees from key Federal agencies
26 or research and technology-focused fellowship programs,

1 as determined by the Special Envoy and with the consent
2 of the Ambassador-at-Large for Cyberspace and Digital
3 Policy, in coordination with appropriate senior officials of
4 such agencies.

5 (e) FUNCTIONS.—The Office shall—

6 (1) establish, in coordination with relevant bu-
7 reaus, offices, and other Federal agencies, an inter-
8 agency security review process for proposals regard-
9 ing United States Government-funded international
10 collaboration on critical and emerging technologies
11 and associated research;

12 (2) establish and coordinate an interagency
13 strategy to facilitate international cooperation with
14 United States allies and partners regarding the de-
15 velopment, use, and deployment of critical and
16 emerging technologies and associated standards and
17 safeguards for research security, intellectual prop-
18 erty protection, and illicit knowledge transfer;

19 (3) facilitate technology partnerships, particu-
20 larly with countries and relevant political and eco-
21 nomic unions that are committed to—

22 (A) the rule of law and respect for human
23 rights, including freedom of speech and expres-
24 sion;

1 (B) the safe and responsible development
2 and use of critical and emerging technologies
3 and the establishment of related norms and
4 standards, including for research security and
5 the protection of sensitive data and technology;

6 (C) a secure internet architecture governed
7 by a multi-stakeholder model instead of central-
8 ized government control;

9 (D) robust international cooperation to
10 promote open and interoperable technological
11 products and services that are necessary to
12 freedom, innovation, transparency, and privacy;
13 and

14 (E) multilateral coordination, including
15 through diplomatic initiatives, information shar-
16 ing, and other activities, to defend the prin-
17 ciples described in subparagraphs (A) through
18 (D) against efforts by state and non-state ac-
19 tors to undermine them;

20 (4) support efforts to harmonize technology
21 governance regimes with partners by—

22 (A) coordinating on basic and pre-competi-
23 tive research and development initiatives; and

1 (B) collaborating to pursue such opportu-
2 nities in certain critical and emerging tech-
3 nologies;

4 (5) coordinate with other technology partners
5 regarding export control policies for critical and
6 emerging technologies by countering illicit knowledge
7 and data transfer relating to critical and emerging
8 technology research;

9 (6) conduct diplomatic engagement, in coordi-
10 nation with other bureaus, offices, and relevant Fed-
11 eral departments and agencies, with allies and part-
12 ners to develop standards and coordinate policies de-
13 signed to counter illicit knowledge and data transfer
14 in academia relating to critical and emerging tech-
15 nology research;

16 (7) coordinate with allies, partners, and other
17 relevant Federal agencies to prevent the exploitation
18 of research partnerships related to critical and
19 emerging technologies;

20 (8) in coordination with the Bureau for Cyber-
21 space and Digital Policy's Digital Freedom Unit,
22 share information regarding—

23 (A) the threat posed by the transfer of
24 critical and emerging technologies to authori-

1 tarian governments, including the PRC and the
2 Russian Federation; and

3 (B) the ways in which autocratic regimes
4 are utilizing technology to erode individual free-
5 doms and other foundations of open, democratic
6 societies; and

7 (9) collaborate with private companies, trade
8 associations, and think tanks to carry out the func-
9 tions described in paragraphs (1) through (8).

10 (f) REPORT.—Not later than 1 year after the date
11 of the enactment of this Act, and annually thereafter for
12 the following 5 years, the Secretary, in coordination with
13 the Director of National Intelligence and other relevant
14 Federal agencies, as appropriate, shall submit to the ap-
15 propriate congressional committees an unclassified report,
16 with a classified index, if necessary, regarding—

17 (1) the activities of the Office described in sub-
18 section (e), including—

19 (A) any cooperative initiatives and partner-
20 ships pursued with United States allies and
21 partners; and

22 (B) the results of such activities, initia-
23 tives, and partnerships; and

24 (2) the activities of the Government of the
25 PRC, the Chinese Communist Party, and the Rus-

1 sian Federation in sectors related to certain critical
 2 and emerging technologies and the threats they pose
 3 to the United States; and

4 (3) an inventory of all international research
 5 and development programs for critical and emerging
 6 technologies funded by the United States Govern-
 7 ment that include participation by institutions or or-
 8 ganizations that are affiliated with or receive sup-
 9 port from the Government of the PRC or the Gov-
 10 ernment of the Russian Federation.

11 **SEC. 125. ENHANCED CONGRESSIONAL NOTIFICATION RE-**
 12 **GARDING SCIENCE AND TECHNOLOGY**
 13 **AGREEMENTS WITH THE PRC.**

14 (a) NOTIFICATION REQUIRED.—Title I of the State
 15 Department Basic Authorities Act of 1956 (22 U.S.C.
 16 2651a et seq.) is amended by adding at the end the fol-
 17 lowing:

18 **“SEC. 65. CONGRESSIONAL NOTIFICATION REGARDING**
 19 **SCIENCE AND TECHNOLOGY AGREEMENTS**
 20 **WITH THE PEOPLE’S REPUBLIC OF CHINA.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
 23 TEES.—The term ‘appropriate congressional com-
 24 mittees’ means—

1 “(A) the Committee on Foreign Relations
2 of the Senate; and

3 “(B) the Committee on Foreign Affairs of
4 the House of Representatives.

5 “(2) SCIENCE AND TECHNOLOGY AGREE-
6 MENT.—The term ‘science and technology agree-
7 ment’ means any treaty, memorandum of under-
8 standing, or other contract or agreement between
9 the United States and 1 or more foreign countries
10 for the purpose of—

11 “(A) collaborating on or otherwise engag-
12 ing in joint activities relating to scientific re-
13 search, technological development; or

14 “(B) sharing scientific or technical knowl-
15 edge or resources between such countries.

16 “(b) NOTIFICATION REQUIRED.—The Secretary of
17 State may not enter into, renew, or extend any science
18 and technology agreement with the People’s Republic of
19 China unless—

20 “(1) the Secretary submits to the appropriate
21 congressional committees a notification containing
22 each of the matters described in subsection (c); and

23 “(2) a period of not less than 30 days has
24 elapsed following such submission.

1 “(c) MATTERS DESCRIBED.—The matters described
2 in this subsection are, with respect to the science and tech-
3 nology agreement for which a notification is submitted—

4 “(1) a written notice of such agreement, includ-
5 ing the full text of such agreement;

6 “(2) a detailed justification for such agreement,
7 including an explanation for why such agreement is
8 in the national security interests of the United
9 States;

10 “(3) an assessment of the risks and potential
11 effects of such agreement, including any potential
12 for the transfer under such agreement of technology
13 or intellectual property capable of harming the na-
14 tional security interests of the United States;

15 “(4) a detailed justification for how the Sec-
16 retary of State intends to address human rights con-
17 cerns in any scientific and technology collaboration
18 proposed to be conducted under such agreement;

19 “(5) an assessment of the extent to which the
20 Secretary will be able to continuously monitor the
21 commitments made by the People’s Republic of
22 China under such agreement; and

23 “(6) such other information relating to such
24 agreement as the Secretary may be determine appro-
25 priate.”.

1 (b) APPLICABILITY.—

2 (1) DEFINITIONS.—In this subsection, the
3 terms “appropriate congressional committees” and
4 “science and technology agreement” have the mean-
5 ings given such terms in section 65(a) of the State
6 Department Basic Authorities Act of 1956, as added
7 by subsection (a),.

8 (2) IN GENERAL.—The requirements under sec-
9 tion 65 of such Act shall apply with respect to
10 science and technology agreements entered into, re-
11 newed, or extended on or after the date of the enact-
12 ment of this Act.

13 (3) EXISTING AGREEMENTS.—Any science and
14 technology agreement between the Secretary of State
15 and the PRC in effect as of the date of the enact-
16 ment of this Act shall be revoked unless, not later
17 than 60 days after the date of the enactment of this
18 Act, the Secretary submits to the appropriate con-
19 gressional committees a notification of such agree-
20 ment containing each of the matters described in
21 section 65(c) of such Act.

1 **TITLE II—ADVANCING UNITED**
2 **STATES AND PARTNER ECO-**
3 **NOMIC PROSPERITY**

4 **SEC. 201. DEFINED TERM.**

5 In this title, the term “strategic infrastructure”
6 means infrastructure for which a primary driver of the
7 United States national interest in such infrastructure is—

8 (1) to advance the national security or economic
9 security interests of the United States or of the
10 country in which such infrastructure is located; or

11 (2) to deny foreign adversaries of the United
12 States ownership or control over such infrastructure.

13 **SEC. 202. AUTHORIZATION OF PARTNERSHIP FOR GLOBAL**
14 **INFRASTRUCTURE AND INVESTMENT.**

15 (a) IN GENERAL.—The Partnership for Global Infra-
16 structure and Investment is authorized to deploy United
17 States public and private sector capital and expertise for
18 the purpose of mobilizing foreign public and private sector
19 capital and expertise—

20 (1) to help identify and meet the strategic in-
21 frastructure needs of countries that are allies and
22 partners of the United States; and

23 (2) to provide allies and partners of the United
24 States with mutually beneficial strategic infrastruc-
25 ture investment solutions that are alternatives to ex-

1 exploitative, coercive, or harmful foreign infrastructure
2 investments.

3 (b) **PRIORITIZATION.**—In evaluating proposals for
4 strategic infrastructure projects funded through the Part-
5 nership for Global Infrastructure and Investment, the Sec-
6 retary shall prioritize—

7 (1) projects that have the highest strategic
8 value to the United States; and

9 (2) projects involving—

10 (A) strategic transport infrastructure, in-
11 cluding ports, airports, intermodal transfer fa-
12 cilities, railroads, and highways;

13 (B) energy infrastructure, technology, and
14 supply chains, critical minerals, and related
15 areas that align with the officially conveyed en-
16 ergy needs of partner countries and with the
17 objective of maximizing such countries' energy
18 access, energy security, energy transition and
19 modernization, and resilience needs;

20 (C) secure information and communica-
21 tions technology systems, networks and infra-
22 structure to strengthen the potential for eco-
23 nomic growth and facilitate open digital soci-
24 eties; and

1 (D) global health security, including infra-
2 structure projects that increase the availability,
3 accessibility, and affordability of health care in
4 partner countries.

5 (c) STANDARDS.—In carrying out the purposes de-
6 scribed in subsection (a), the Secretary shall adhere to
7 standards for transparent and high-quality infrastructure
8 investment and ensure projects include opportunities to
9 advance economic growth priorities in the partner country
10 and support good governance and the rule of law. The
11 Partnership for Global Infrastructure and Investment may
12 only use environmental, social, or governance standards,
13 including as criteria for project selection, which are con-
14 sistent with United States law or international agreements
15 that have been approved by Congress.

16 (d) PROJECTS IN HIGH INCOME COUNTRIES.—Sup-
17 port under the Partnership for Global Infrastructure and
18 Investment may not be provided in countries with high-
19 income economies (as defined by the World Bank) unless
20 the President certifies to the appropriate congressional
21 committees that such support—

22 (1) is necessary to preempt or counter efforts
23 by a strategic competitor of the United States to se-
24 cure significant political or economic leverage or ac-
25 quire national security-sensitive technologies or in-

1 frastructure in a country that is an ally or partner
2 of the United States; and

3 (2) includes cost-sharing arrangements with
4 partner countries to ensure effective burden-sharing
5 and long-term sustainability, including through the
6 involvement of private sector investments.

7 (e) LIMITATION.—The Secretary may not exclude or
8 otherwise limit the provision of funds that would otherwise
9 have been available under the Foreign Assistance Act of
10 1961 (22 U.S.C. 2151 et seq.) to support natural gas and
11 civil nuclear energy projects, including market develop-
12 ment, infrastructure, technology, or technical assistance,
13 solely on the basis that such projects result in new carbon
14 emissions or associated infrastructure.

15 (f) REPORT.—Not later than 180 days after the date
16 of the enactment of this Act, and annually thereafter for
17 the following 2 years, the Secretary shall submit a report
18 to the appropriate congressional committees that—

19 (1) identifies all infrastructure projects sup-
20 ported by the Partnership for Global Infrastructure
21 and Investment;

22 (2) describes how the Partnership for Global
23 Infrastructure and Investment supported each
24 project;

1 (3) explains why each project was chosen and
2 how each project advances the purposes of the Part-
3 nership for Global Infrastructure and Investment
4 and the priorities described in subsection (b);

5 (4) describes how the Partnership for Global
6 Infrastructure and Investment cooperates with other
7 entities in the United States Government that sup-
8 port infrastructure, including deconfliction of efforts;
9 and

10 (5) describes the estimated timeline for comple-
11 tion of the projects supported by the Partnership for
12 Global Infrastructure and Investment.

13 (g) QUALIFYING NONBINDING INSTRUMENTS.—Any
14 memorandum of understanding or other non-binding in-
15 strument for projects supported by the Partnership for
16 Global Infrastructure and Investment shall be considered
17 a qualifying non-binding instrument for purposes of sec-
18 tion 112b of title 1, United States Code.

19 **SEC. 203. GLOBAL STRATEGIC INFRASTRUCTURE INVEST-**
20 **MENT FUND.**

21 (a) ESTABLISHMENT.—There is established in the
22 Treasury of the United States a fund, which shall be
23 known as the “Strategic Infrastructure Investment Fund”
24 (referred to in this section as the “Fund”), consisting of

1 such amounts as are deposited into the Fund pursuant
2 to subsection (b).

3 (b) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated, for each of the fiscal years 2025
6 through 2029, \$75,000,000, which shall be deposited
7 into the Fund for the purpose of providing assist-
8 ance, including through contributions, for strategic
9 infrastructure projects globally in accordance with
10 this section.

11 (2) TRANSFERS.—Amounts in the Fund may be
12 transferred to accounts within the Department of
13 State, the United States Agency for International
14 Development, the Export-Import Bank, the United
15 States International Development Finance Corpora-
16 tion, the Millennium Challenge Corporation, and the
17 United States Trade and Development Agency, as
18 appropriate, to be used for the purpose described in
19 paragraph (1).

20 (3) CONSULTATION.—The Secretary shall con-
21 sult with the Administrator of the United States
22 Agency for International Development regarding al-
23 locations from the Fund.

24 (4) USE OF FUNDS.—Amounts transferred to
25 the Export-Import Bank and the United States

1 International Development Finance Corporation may
2 be made available for the costs of direct loans and
3 loan guarantees (as defined in section 502(3) of the
4 Congressional Budget Act of 1974 (2 U.S.C.
5 661a(3)), including the cost of modifying such loans
6 and loan guarantees.

7 (5) NOTIFICATION.—Not later than 15 days be-
8 fore obligating funds appropriated pursuant to para-
9 graph (1), the Secretary shall submit a written noti-
10 fication to the Committee on Appropriations of the
11 Senate, the Committee on Foreign Relations of the
12 Senate, the Committee on Appropriations of the
13 House of Representatives, and the Committee on
14 Foreign Affairs of the House of Representatives that
15 outlines the amount and proposed use of such funds.

16 (c) PRIORITIZATION.—In evaluating proposals for
17 strategic infrastructure projects receiving funding from
18 the Fund, the Secretary shall prioritize—

19 (1) projects that have the highest strategic
20 value to the United States; and

21 (2) projects involving—

22 (A) strategic transport infrastructure, in-
23 cluding ports, airports, railroads, and highways;

24 (B) energy infrastructure, technology, and
25 supply chains, critical minerals, and related

1 areas that align with the officially conveyed en-
2 ergy needs of partner countries and with the
3 objective of maximizing such countries' energy
4 access, energy security, energy transition, and
5 resilience needs;

6 (C) secure information and communica-
7 tions technology networks and infrastructure to
8 strengthen the potential for economic growth
9 and facilitate open digital societies; and

10 (D) global health security, including
11 through infrastructure projects that increase
12 the availability, accessibility, and affordability
13 of health care in partner countries.

14 (d) STANDARDS.—In evaluating proposals for stra-
15 tegic infrastructure projects seeking funding from the
16 Fund, the Secretary shall—

17 (1) comply with standards for transparent and
18 high-quality infrastructure investment;

19 (2) ensure projects selected include opportuni-
20 ties—

21 (A) to advance economic growth priorities
22 in the partner country; and

23 (B) to support good governance and the
24 rule of law; and

1 (3) only use environmental, social, or govern-
2 ance standards, including as criteria for project se-
3 lection, which are consistent with United States law
4 or international agreements that have been approved
5 by Congress.

6 (e) LIMITATION.—The Secretary may not exclude or
7 otherwise limit the provision of funds that would otherwise
8 have been available under the Foreign Assistance Act of
9 1961 (22 U.S.C. 2151 et seq.) to support natural gas and
10 civil nuclear energy projects, including market develop-
11 ment, infrastructure, technology, or technical assistance,
12 solely on the basis that such projects result in new carbon
13 emissions or associated infrastructure.

14 (f) PROJECTS IN HIGH-INCOME COUNTRIES.—
15 Amounts from the Fund may not be provided in countries
16 with high-income economies (as defined by the World
17 Bank) unless the President certifies to the appropriate
18 congressional committees that such support—

19 (1) is necessary to preempt or counter efforts
20 by a strategic competitor of the United States to se-
21 cure significant political or economic leverage or ac-
22 quire national security-sensitive technologies or in-
23 frastructure in a country that is an ally or partner
24 of the United States; and

1 (2) includes cost-sharing arrangements with
2 partner countries to ensure effective burden-sharing
3 and long-term sustainability.

4 (g) QUALIFYING NON-BINDING INSTRUMENTS.—Any
5 memorandum of understanding or other non-binding in-
6 strument for projects supported by the Fund shall be con-
7 sidered a qualifying non-binding instrument for purposes
8 of section 112b of title 1, United States Code.

9 **SEC. 204. INFRASTRUCTURE TRANSACTION AND ASSIST-**
10 **ANCE NETWORK.**

11 (a) AUTHORITY.—The Secretary, in consultation with
12 the Administrator of the United States Agency for Inter-
13 national Development, is authorized to establish an initia-
14 tive, to be known as the “Infrastructure Transaction and
15 Assistance Network”, under which the Secretary, in con-
16 sultation with other relevant Federal agencies, shall carry
17 out various programs to advance the development of sus-
18 tainable, transparent, and quality infrastructure with
19 higher standards in the Indo-Pacific region by—

20 (1) strengthening capacity-building programs to
21 improve project evaluation processes, regulatory and
22 procurement environments, and project preparation
23 capacity of countries that are partners of the United
24 States in such development;

1 (2) providing transaction advisory services and
2 project preparation assistance to support sustainable
3 infrastructure;

4 (3) coordinating the provision of United States
5 assistance for the development of infrastructure, in-
6 cluding infrastructure that uses United States-man-
7 ufactured goods and services; and

8 (4) catalyzing investment led by the private sec-
9 tor.

10 (b) TRANSACTION ADVISORY FUND.—As part of the
11 Infrastructure Transaction and Assistance Network estab-
12 lished pursuant to subsection (a), the Secretary is author-
13 ized to provide support, including through the Transaction
14 Advisory Fund, for advisory services to help boost the ca-
15 pacity of partner countries to evaluate contracts and as-
16 sess the financial and environmental impacts of potential
17 infrastructure projects, including through providing serv-
18 ices such as—

19 (1) legal services;

20 (2) project preparation and feasibility studies;

21 (3) debt sustainability analyses;

22 (4) bid or proposal evaluation; and

23 (5) other services relevant to advancing the de-
24 velopment of sustainable, transparent, and high-
25 quality infrastructure.

1 (c) INDO-PACIFIC STRATEGIC INFRASTRUCTURE
2 FUND.—

3 (1) IN GENERAL.—As part of the Infrastruc-
4 ture Transaction and Assistance Network estab-
5 lished pursuant to subsection (a), the Secretary is
6 authorized to provide support, including through the
7 Indo-Pacific Strategic Infrastructure Fund, for tech-
8 nical assistance, project preparation, pipeline devel-
9 opment, and other infrastructure project support.

10 (2) JOINT STRATEGIC INFRASTRUCTURE
11 PROJECTS.—Funds made available for the Indo-Pa-
12 cific Strategic Infrastructure Fund should be used,
13 in consultation with the Department of Defense, the
14 United States International Development Finance
15 Corporation, like-minded donor partners, and multi-
16 lateral banks, as appropriate, to support joint infra-
17 structure projects in the Indo-Pacific region.

18 (3) STRATEGIC INFRASTRUCTURE PROJECTS.—
19 Funds made available for the Indo-Pacific Strategic
20 Infrastructure Fund should be used to support stra-
21 tegic infrastructure projects that are in the national
22 security interest of the United States and vulnerable
23 to strategic competitors.

24 (d) REPORTS.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, and
3 semiannually thereafter for the following 3 years,
4 the President shall submit a report to the appro-
5 priate congressional committees that includes—

6 (A) the identification of infrastructure
7 projects, particularly in the transport, energy,
8 and digital sectors, that the United States is
9 currently supporting or is considering sup-
10 porting through financing, foreign assistance,
11 technical assistance, or other means;

12 (B) for each project identified pursuant to
13 subparagraph (A)—

14 (i) the sector of the project; and

15 (ii) the recipient country of any such
16 United States support;

17 (C) a detailed explanation of the United
18 States and partner country interests served by
19 such United States support;

20 (D) a detailed accounting of the authori-
21 ties and programs upon which the United
22 States Government has relied in providing such
23 support; and

1 (E) a detailed description of any support
2 provided by United States allies and partners
3 for such projects.

4 (2) FORM.—Each report required under para-
5 graph (1) shall be submitted in unclassified form,
6 but may include a classified annex.

7 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to the Infrastructure Trans-
9 action and Assistance Network, for each of the fiscal years
10 2025 through 2029, \$75,000,000, of which—

11 (1) \$20,000,000 shall be made available for the
12 Transaction Advisory Fund; and

13 (2) not less than \$55,000,000 shall be made
14 available for the Indo-Pacific Strategic Infrastruc-
15 ture Fund.

16 **SEC. 205. REGULATORY EXCHANGES WITH ALLIES AND**
17 **PARTNERS.**

18 (a) IN GENERAL.—The Secretary, in coordination
19 with the heads of other participating executive branch
20 agencies, shall establish and develop a program to facili-
21 tate and encourage regular dialogues between United
22 States Government regulatory and technical agencies and
23 their counterpart organizations in allied and partner coun-
24 tries, both bilaterally and in relevant multilateral institu-
25 tions and organizations—

1 (1) to promote best practices in regulatory for-
2 mation and implementation;

3 (2) to collaborate to achieve optimal regulatory
4 outcomes based on scientific, technical, and other
5 relevant principles;

6 (3) to seek better harmonization and alignment
7 of regulations and regulatory practices;

8 (4) to build consensus around industry and
9 technical standards in emerging sectors that will
10 drive future global economic growth and commerce;
11 and

12 (5) to promote United States standards regard-
13 ing environmental, labor, and other relevant protec-
14 tions in regulatory formation and implementation, in
15 keeping with the values of free and open societies,
16 including the rule of law.

17 (b) **PRIORITIZATION OF ACTIVITIES.**—In facilitating
18 expert exchanges pursuant to subsection (a), the Secretary
19 shall prioritize—

20 (1) bilateral coordination and collaboration with
21 countries where greater regulatory coherence, har-
22 monization of standards, or communication and dia-
23 logue between technical agencies is achievable and
24 best advances the economic and national security in-
25 terests of the United States;

1 (2) multilateral coordination and collaboration
2 where greater regulatory coherence, harmonization
3 of standards, or dialogue on other relevant regu-
4 latory matters is achievable and best advances the
5 economic and national security interests of the
6 United States, including with—

7 (A) the European Union;

8 (B) the Asia-Pacific Economic Coopera-
9 tion;

10 (C) the Association of Southeast Asian Na-
11 tions;

12 (D) the Organization for Economic Co-
13 operation and Development; and

14 (E) multilateral development banks; and

15 (3) regulatory practices and standards-setting
16 bodies focused on key economic sectors and emerg-
17 ing technologies.

18 (c) PARTICIPATION BY NON-GOVERNMENTAL ENTI-
19 TIES.—With regard to the program described in sub-
20 section (a), the Secretary may facilitate, including through
21 the use of amounts appropriated pursuant to subsection
22 (e), the participation of private sector representatives and
23 other relevant organizations and individuals with relevant
24 expertise, as appropriate, to the extent that such partici-
25 pation advances the goals of such program.

1 (d) DELEGATION OF AUTHORITY BY THE SEC-
2 RETARY.—The Secretary is authorized to delegate the re-
3 sponsibilities described in this section to the Under Sec-
4 retary of State for Economic Growth, Energy, and the En-
5 vironment.

6 **SEC. 206. AUTHORIZATION TO ASSIST UNITED STATES COM-**
7 **PANIES WITH GLOBAL SUPPLY CHAIN DIVER-**
8 **SIFICATION AND MANAGEMENT.**

9 (a) DEFINITIONS.—The terms “foreign ownership,
10 control, or influence” and “FOCI” have the meanings
11 given such terms in the National Industrial Security Pro-
12 gram Operating Manual (DOD 5220.22–M), or a suc-
13 cessor document.

14 (b) AUTHORIZATION TO CONTRACT SERVICES.—The
15 Secretary, in coordination with the Secretary of Com-
16 merce, is authorized to establish a program to facilitate
17 the contracting by the Department of State for the profes-
18 sional services of qualified experts, on a reimbursable fee
19 for service basis, to assist interested United States persons
20 and business entities with supply chain management
21 issues related to the PRC, including—

22 (1) exiting from the PRC market or relocating
23 certain production facilities to locations outside the
24 PRC;

1 (2) diversifying sources of inputs, and other ef-
2 forts to diversify supply chains to locations outside
3 of the PRC;

4 (3) navigating legal, regulatory, or other chal-
5 lenges in the course of the activities described in
6 paragraphs (1) and (2); and

7 (4) identifying alternative markets for produc-
8 tion or sourcing outside of the PRC, including
9 through providing market intelligence, facilitating
10 contact with reliable local partners as appropriate,
11 and other services.

12 (c) CHIEF OF MISSION OVERSIGHT.—The persons
13 hired to perform the services described in subsection (b)
14 shall—

15 (1) be under the authority of the United States
16 Chief of Mission in the country in which they are
17 hired, in accordance with existing United States
18 laws;

19 (2) coordinate with Department of State and
20 Department of Commerce officers; and

21 (3) coordinate with United States missions and
22 relevant local partners in other countries as needed
23 to carry out the services described in subsection (b).

24 (d) PRIORITIZATION OF MICRO-, SMALL-, AND ME-
25 DIUM-SIZED ENTERPRISES.—The services described in

1 subsection (b) shall be prioritized for assisting micro-,
2 small-, and medium-sized enterprises with regard to the
3 matters described in subsection (b).

4 (e) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There is authorized to be
6 appropriated \$15,000,000, for each of the fiscal
7 years 2025 through 2029, for the purposes of car-
8 rying out this section.

9 (2) PROHIBITION ON ACCESS TO ASSISTANCE
10 BY FOREIGN ADVERSARIES.—None of the amounts
11 appropriated pursuant to paragraph (1) may be pro-
12 vided to an entity—

13 (A) under the foreign ownership, control,
14 or influence of the Government of the People’s
15 Republic of China or the Chinese Communist
16 Party, or other foreign adversary;

17 (B) determined to have beneficial owner-
18 ship from foreign individuals subject to the ju-
19 risdiction, direction, or influence of foreign ad-
20 versaries; and

21 (C) that has any contract in effect at the
22 time of the receipt of such funds, or has had a
23 contract within the previous year that is no
24 longer in effect, with—

- 1 (i) the Government of the People’s
2 Republic of China;
3 (ii) the Chinese Communist Party;
4 (iii) the Chinese military;
5 (iv) any entity majority-owned, major-
6 ity-controlled, or majority-financed by the
7 Government of the People’s Republic of
8 China, the CCP, or the Chinese military;
9 or
10 (v) a parent, subsidiary, or affiliate of
11 an entity described in clause (iv).

12 **SEC. 207. INVESTING IN TALENT IN SOUTHEAST ASIA, THE**
13 **PACIFIC ISLANDS, SUB-SAHARAN AFRICA,**
14 **AND LATIN AMERICA.**

15 (a) DEFINITIONS.—In this section:

16 (1) APPROPRIATE COMMITTEES OF CON-
17 GRESS.—The term “appropriate committees of Con-
18 gress” means—

19 (A) the Committee on Foreign Relations of
20 the Senate;

21 (B) the Committee on Appropriations of
22 the Senate;

23 (C) the Committee on Foreign Affairs of
24 the House of Representatives; and

1 (D) the Committee on Appropriations of
2 the House of Representatives.

3 (2) PACIFIC ISLANDS.—The term “Pacific Is-
4 lands” means the countries of Federated States of
5 Micronesia, Fiji, Kiribati, Nauru, Palau, Papua New
6 Guinea, Republic of Marshall Islands, Samoa, Sol-
7 omon Islands, Tonga, Tuvalu, and Vanuatu.

8 (3) SOUTHEAST ASIA.—The term “Southeast
9 Asia” means the countries of Brunei Darussalam,
10 Cambodia, Indonesia, Lao PDR, Malaysia,
11 Myanmar, the Philippines, Singapore, Thailand,
12 Vietnam, and Timor-Leste.

13 (4) SUB-SAHARAN AFRICA.—The term “sub-Sa-
14 haran Africa” means a country or successor political
15 entity defined in section 107 of the African Growth
16 and Opportunity Act (19 U.S.C. 3706).

17 (5) LATIN AMERICA AND THE CARIBBEAN.—In
18 this section, the term “Latin America and the Carib-
19 bean” does not include Cuba, Nicaragua, or Ven-
20 ezuela.

21 (b) ESTABLISHMENT OF CENTERS OF EXCEL-
22 LENCE.—The Secretary, in coordination with the heads of
23 relevant Federal departments and agencies, is authorized
24 to enter into public-private partnerships and establish cen-
25 ters of excellence located in countries in Southeast Asia,

1 Pacific Islands, sub-Saharan Africa, and Latin America
2 and the Caribbean to build and enhance the technical ca-
3 pacity of officials, emerging leaders, and other qualified
4 persons from countries in those regions.

5 (c) PRIORITY AREAS FOR TECHNICAL ASSISTANCE
6 AND CAPACITY BUILDING.—The centers of excellence es-
7 tablished pursuant to subsection (b) shall provide tech-
8 nical assistance and capacity building in—

- 9 (1) domestic resource mobilization;
- 10 (2) regulatory management;
- 11 (3) procurement processes, including tendering,
12 bidding, and contract negotiation;
- 13 (4) budget management and oversight; and
- 14 (5) management of key economic sectors, in-
15 cluding energy, digital economy, and infrastructure.

16 (d) TERMS AND CONDITIONS.—In carrying out this
17 section, the Secretary shall—

18 (1) leverage existing United States foreign as-
19 sistance programs and activities in Southeast Asia,
20 the Pacific Islands, Sub-Saharan Africa, and Latin
21 America, which may include assistance provided
22 under—

23 (A) future leaders initiatives, such as the
24 Young Southeast Asia Leaders Initiative and
25 the Young Pacific Leaders Program;

1 (B) the American Schools and Hospitals
2 Abroad program;

3 (C) the Millennium Challenge Act of 2003
4 (22 U.S.C. 7701 et seq.);

5 (D) United States Support for Economic
6 Growth in Asia;

7 (E) programs related to the Asia-Pacific
8 Economic Community;

9 (F) the Young African Leaders Initiative;

10 (G) the Young Leaders of the Americas
11 Initiative; and

12 (H) other relevant education or scholarship
13 programs;

14 (2) support the program by ensuring that par-
15 ticipation of instructors who—

16 (A)(i) are serving in relevant areas of the
17 United States Government with a rank of not
18 less than 14 on the General Schedule (GS-14);

19 or

20 (ii) possess at least 10 years of experience rel-
21 evant to the areas of instruction described in sub-
22 section (c);

23 (B) meet high professional standards with-
24 in their fields; and

1 (C)(i) are contracted by any center of ex-
2 cellence established pursuant to subsection (b);

3 or

4 (ii) are deployed or detailed directly from a
5 Federal Government agency;

6 (3) seek to attract participants who—

7 (A)(i) are serving as senior or mid-career
8 officials in key technical ministries of partici-
9 pating countries in Southeast Asia, the Pacific
10 Islands, sub-Saharan Africa, or Latin America
11 and the Caribbean;

12 (ii) have demonstrated leadership potential and
13 direct responsibility for crafting or implementing
14 policies relevant to the areas of instruction described
15 in subsection (c); or

16 (iii) demonstrate an intent to return to govern-
17 ment service after completing the program outlined
18 in this section; or

19 (B) are employed in utilities, publicly or
20 privately owned companies, or other nongovern-
21 mental entities responsible for implementing
22 policy and regulation or supporting government
23 functions in the areas of instruction described
24 in subsection (c); and

1 (4) require financial or in-kind contributions
2 from participating governments that is commensu-
3 rate with the gross domestic product of the countries
4 governed by such governments.

5 (e) AUTHORIZATION TO ENTER INTO MEMORANDA
6 OF UNDERSTANDING.—In order to fulfill the terms and
7 conditions described in subsection (d), the Secretary is au-
8 thorized to enter into memoranda of understanding with
9 participating governments to determine—

10 (1) the financial or in-kind contributions that
11 will be made by the United States; and

12 (2) the financial or in-kind contributions will be
13 made by the participating government with respect
14 to the activities described in this section.

15 (f) SPECIFICATION FOR MEMORANDA OF UNDER-
16 STANDING.—The value of financial or in-kind contribu-
17 tions by the United States and a particular participating
18 government should be assessed to ensure an appropriate
19 level of contribution by an entity mutually decided upon
20 by the United States and such government.

21 (g) CONSULTATION AND REPORTING REQUIRE-
22 MENTS.—

23 (1) CONSULTATION.—The Secretary shall con-
24 sult with the appropriate committees of Congress be-

1 fore obligating funds appropriated pursuant to sub-
2 section (h).

3 (2) ANNUAL REPORT.—The Secretary shall
4 submit an annual report to the appropriate commit-
5 tees of Congress that—

6 (A) describes—

7 (i) the activities of the program au-
8 thorized under this section;

9 (ii) all of the major activities during
10 the most recently concluded fiscal year;

11 (iii) the financial and other contribu-
12 tions of the United States Government to
13 the program; and

14 (iv) the contributions made by govern-
15 ments in Southeast Asia, the Pacific Is-
16 lands, sub-Saharan Africa, or Latin Amer-
17 ica and the Caribbean; and

18 (B) assesses—

19 (i) the program's successes; and

20 (ii) any required authorities, funding,
21 or other alterations to improve the pro-
22 gram's effectiveness.

23 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated \$45,000,000 for the 4-year

1 period beginning on October 1, 2024, to carry out this
2 section.

3 **SEC. 208. PILOT PROGRAM TO AUDIT BARRIERS TO COM-**
4 **MERCE IN DEVELOPING PARTNER COUN-**
5 **TRIES.**

6 (a) ESTABLISHMENT.—The Secretary shall establish
7 a pilot program—

8 (1) to identify and evaluate barriers to com-
9 merce in developing countries that are allies and
10 partners of the United States; and

11 (2) to provide assistance to promote economic
12 development and commerce to such countries.

13 (b) PURPOSES.—Under the pilot program established
14 pursuant to subsection (a), the Secretary, in partnership
15 with the countries selected pursuant to subsection (c)(1),
16 shall—

17 (1) identify barriers in such countries to en-
18 hancing international commerce with the goal of set-
19 ting priorities for the efficient use of United States
20 trade-related assistance;

21 (2) focus United States trade-related assistance
22 on building self-sustaining institutional capacity for
23 expanding commerce with those countries, consistent
24 with their international obligations and commit-
25 ments; and

1 (3) further the national interests of the United
2 States by—

3 (A) expanding prosperity through the
4 elimination of foreign barriers to commercial
5 exchange;

6 (B) assisting such countries to identify and
7 reduce barriers through the provision of foreign
8 assistance to increase—

9 (i) international commerce; and

10 (ii) foreign investment;

11 (C) assisting each such country in under-
12 taking reforms that will promote economic de-
13 velopment, and promote conditions favorable for
14 business and commercial development and job
15 growth in the country; and

16 (D) assisting private sector entities in
17 those countries to engage in reform efforts and
18 enhance productive global supply chain partner-
19 ships with the United States and allies and
20 partners of the United States.

21 (c) SELECTION OF COUNTRIES.—

22 (1) IN GENERAL.—The Secretary shall select
23 countries for participation in the pilot program es-
24 tablished pursuant to subsection (a) from among
25 countries—

1 (A) that are—

2 (i) developing countries; and

3 (ii) allies and partners of the United
4 States;

5 (B) the governments of which have clearly
6 demonstrated a willingness to make appropriate
7 legal, policy, and regulatory reforms that are
8 proven to stimulate economic growth and job
9 creation, consistent with international trade
10 rules and practices; and

11 (C) that meet such additional criteria as
12 may be established by the Secretary, in con-
13 sultation with the Administrator of the United
14 States Agency for International Development,
15 and the head of any other Federal agency, as
16 appropriate.

17 (2) CONSIDERATIONS FOR ADDITIONAL CRI-
18 TERIA.—In establishing additional criteria pursuant
19 to paragraph (1)(C), the Secretary and the Adminis-
20 trator shall—

21 (A)(i) identify and address structural
22 weaknesses, systemic flaws, or other impedi-
23 ments within countries being considered for
24 participation in the pilot program that impact

1 the effectiveness of United States assistance;
2 and

3 (ii) make recommendations for addressing such
4 weaknesses, flaws, and impediments;

5 (B) set priorities for commercial develop-
6 ment assistance building to focus resources on
7 countries in which the provision of such assist-
8 ance can deliver the best value in identifying
9 and eliminating barriers to trade and invest-
10 ment, including by fostering adherence to inter-
11 national trade obligations;

12 (C) developing appropriate performance
13 measures and establishing annual targets to
14 monitor and assess progress toward such tar-
15 gets, including measures to be used to termi-
16 nate the provision of assistance determined to
17 be ineffective; and

18 (D) ensure representation from across
19 multiple geographic regions.

20 (3) NUMBER AND DEADLINE FOR SELEC-
21 TIONS.—

22 (A) IN GENERAL.—Not later than 270
23 days after the date of the enactment of this
24 Act, and annually thereafter for the following 3
25 years, the Secretary, with the concurrence of

1 the Administrator of the United States Agency
2 for International Development, shall select
3 countries for participation in the pilot program
4 established pursuant to subsection (a).

5 (B) NUMBER.—The Secretary shall select
6 for participation in the pilot program—

7 (i) not fewer than 5 countries during
8 the 1-year period beginning on the date of
9 the enactment of this Act; and

10 (ii) not fewer than 15 countries dur-
11 ing the 5-year period beginning on such
12 date of enactment.

13 (4) PRIORITIZATION BASED ON RECOMMENDA-
14 TIONS FROM CHIEFS OF MISSION.—In selecting
15 countries for participation in the pilot program, the
16 Secretary shall prioritize—

17 (A) countries recommended by chiefs of
18 mission and other agencies present at the mis-
19 sions, such as the United States Agency for
20 International Development—

21 (i) that will be able to substantially
22 benefit from expanded commercial develop-
23 ment assistance; and

24 (ii) the governments of which have
25 demonstrated the political will to effectively

1 and sustainably implement such assistance;

2 or

3 (B) groups of countries, including groups

4 of geographically contiguous countries rec-

5 ommended by chiefs of mission, that—

6 (i) meet the criteria described in sub-

7 paragraph (A); and

8 (ii) as a result of expanded United

9 States commercial development assistance,

10 will contribute to greater intra-regional

11 commerce or regional economic integration.

12 (d) PLANS OF ACTION.—

13 (1) IN GENERAL.—The Secretary, in consulta-

14 tion with the Administrator of the United States

15 Agency for International Development, as appro-

16 priate, shall lead in engaging relevant government

17 officials of each country selected pursuant to sub-

18 section (c) to participate in the pilot program estab-

19 lished pursuant to subsection (a) with respect to the

20 development of a plan of action to identify and

21 evaluate barriers to economic and commercial devel-

22 opment that then informs United States assistance.

23 (2) ANALYSIS REQUIRED.—The development of

24 a plan of action pursuant to paragraph (1) shall in-

25 clude a comprehensive analysis of relevant legal, pol-

1 icy, and regulatory constraints to economic and job
2 growth in such country.

3 (3) ELEMENTS.—Each plan of action developed
4 for a country pursuant to paragraph (1) shall—

5 (A) set forth priorities for reform agreed
6 to by the government of such country and the
7 United States;

8 (B) include clearly defined policy re-
9 sponses, including regulatory and legal reforms,
10 as may be necessary, to achieve improvement in
11 the business and commercial environment in
12 such country;

13 (C) identify the anticipated costs to estab-
14 lish and implement such plan;

15 (D) identify appropriate sequencing and
16 phasing of the implementation of the plan to
17 create cumulative benefits, as appropriate;

18 (E) identify best practices and standards;

19 (F) include considerations with respect to
20 how to make the policy reform investments
21 under such plan long-lasting; and

22 (G) require appropriate consultation with
23 affected stakeholders in such country and in the
24 United States.

1 (e) TERMINATION.—The pilot program established
2 pursuant to subsection (a) shall terminate on the date that
3 is 8 years after the date of the enactment of this Act.

4 **SEC. 209. PROMOTING ADOPTION OF UNITED NATIONS**
5 **CONVENTION ON THE ASSIGNMENT OF RE-**
6 **CEIVABLES IN INTERNATIONAL TRADE.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) The United Nations Convention on the As-
10 signment of Receivables in International Trade, done
11 at New York December 12, 2001, and signed by the
12 United States on December 30, 2003 (referred to in
13 this section as the “Convention”), establishes uni-
14 form international rules governing a form of financ-
15 ing widely used in the United States involving the
16 assignment of receivables.

17 (2) Receivables financing is an important tool
18 in helping United States businesses secure working
19 capital financing. Within the United States, lenders
20 and buyers of receivables provide financing based on
21 the use of receivables from debtors located within
22 the United States as working capital collateral.

23 (3) Receivables financing occurs in transactions
24 in which businesses either sell their rights to pay-
25 ments from their customers (commonly known as

1 “receivables”) to a bank or other financial institu-
2 tion, or use their rights to those payments as collat-
3 eral for a loan from a lender. The businesses selling
4 or using their receivables as collateral are referred to
5 as “assignors” and buyers and lenders are referred
6 to as “assignees”.

7 (4) Many countries do not have the kinds of
8 modern commercial finance laws on the assignment
9 of receivables required to implement the Convention.

10 (5) United States-based lenders are less willing
11 to make loans secured by receivables owed by debt-
12 ors located outside the United States, as such cross-
13 border transactions may involve countries the laws
14 of which are inconsistent with modern financial
15 practices.

16 (6) Because of the risk, cost, and uncertainty
17 created by receivables financing laws in other coun-
18 tries, which vary greatly or can be vague or unpre-
19 dictable, the ability of small and medium-sized
20 United States businesses to access financing from
21 lenders using international accounts receivables de-
22 rived from exports or other cross-border transactions
23 is severely limited.

24 (7) Expanded access to receivables financing in
25 international trade, which the Convention would pro-

1 mote, will provide United States businesses with an
2 additional source of capital at no cost to the United
3 States taxpayer, benefitting small and medium-sized
4 businesses that use receivables financing.

5 (8) The Convention is consistent with article 9
6 of the United States Uniform Commercial Code, as
7 adopted by all 50 States, the District of Columbia,
8 and the territories of Puerto Rico and the Virgin Is-
9 lands.

10 (9) The Convention includes extensive rules on
11 the use of receivables to finance operations, using re-
12 ceivables as collateral, and how to resolve potential
13 conflicts of law arising from the use of receivables.

14 (10) Adoption of the Convention would estab-
15 lish more predictability and uniformity with respect
16 to receivables financing in cross-border transactions,
17 thereby opening up new opportunities for trade and
18 economic growth between the United States and its
19 partners in the developing world.

20 (11) The Senate consented to ratification of the
21 Convention on January 2, 2019.

22 (12) The President ratified the Convention on
23 October 15, 2019.

24 (b) SENSE OF THE SENATE.—It is the sense of the
25 Senate that the Secretary should, in the regular course

1 of economic dialogues with developing countries that are
2 partners of the United States, promote the adoption and
3 implementation of the Convention as an important tool—

4 (1) to help attract foreign investment to and
5 trade with such countries; and

6 (2) to establish a predictable, rules-based
7 framework that can help such countries create addi-
8 tional sources of capital at no cost, benefitting small
9 and medium-sized businesses that use receivables fi-
10 nancing.

11 (c) REPORT TO CONGRESS.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, and an-
14 nually thereafter for the following 5 years, the Sec-
15 retary shall submit a report to the appropriate con-
16 gressional committees detailing the activities of the
17 Department of State with respect to promoting rati-
18 fication and implementation by developing countries
19 of the Convention through fiscal year 2030.

20 (2) CONTENTS.—The report required under
21 paragraph (1) shall include—

22 (A) a list of countries expressing interest
23 in ratification of the Convention;

24 (B) a detailed description of efforts made
25 by the Department of State to promote the

1 Convention as a tool for economic development;
2 and

3 (C) any requests made by interested coun-
4 tries for technical and other assistance to facili-
5 tate adoption of the Convention.

6 **SEC. 210. OPPOSING THE PROVISION OF ASSISTANCE TO**
7 **THE PEOPLE’S REPUBLIC OF CHINA BY THE**
8 **MULTILATERAL DEVELOPMENT BANKS.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) The People’s Republic of China is the
11 world’s second largest economy and a major global
12 lender.

13 (2) In the third quarter of 2022, the foreign ex-
14 change reserves of the PRC totaled more than
15 \$3,000,000,000,000.

16 (3) The World Bank classifies the PRC as a
17 country with an upper-middle income economy.

18 (4) On February 25, 2021, President Xi
19 Jinping announced “complete victory” over extreme
20 poverty in the PRC.

21 (5) The Government of the PRC utilizes state
22 resources to create and promote the Asian Infra-
23 structure Investment Bank, the New Development
24 Bank, and the Belt and Road Initiative.

1 (6) The PRC is the world's largest official cred-
2 itor.

3 (7) Through a multilateral development bank,
4 countries are eligible to borrow until they can man-
5 age long-term development and access to capital
6 markets without financial resources from the bank.

7 (8) The World Bank reviews the graduation of
8 a country from eligibility to borrow from the Inter-
9 national Bank for Reconstruction and Development
10 once the country reaches the graduation discussion
11 income, which is equivalent to the gross national in-
12 come. For fiscal year 2023, the graduation discus-
13 sion income is a gross national income per capita ex-
14 ceeding \$7,455.

15 (9) Many of the other multilateral development
16 banks, such as the Asian Development Bank, use
17 the gross national income per capita benchmark
18 used by the International Bank for Reconstruction
19 and Development to trigger the graduation process.

20 (10) The PRC exceeded the graduation discus-
21 sion income threshold in 2016.

22 (11) Since 2016, the International Bank for
23 Reconstruction and Development has approved
24 projects totaling \$9,610,000,000 to the PRC.

1 (12) Since 2016, the Asian Development Bank
2 has—

3 (A) continued to approve loans and tech-
4 nical assistance to the PRC totaling more than
5 \$10,600,000,000; and

6 (B) also approved non-sovereign commit-
7 ments in the PRC totaling more than
8 \$2,400,000,000.

9 (13) The World Bank calculates the PRC’s
10 2019 gross national income per capita as \$10,390.

11 (b) STATEMENT OF POLICY.—It is the policy of the
12 United States to oppose any additional lending from the
13 multilateral development banks, including the Inter-
14 national Bank for Reconstruction and Development and
15 the Asian Development Bank, to the People’s Republic of
16 China as a result of the PRC’s successful graduation from
17 the eligibility requirements for assistance from those
18 banks.

19 (c) DEFINITIONS.—In this section:

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

23 (A) the Committee on Foreign Relations of
24 the Senate;

1 (B) the Committee on Financial Services
2 of the House of Representatives; and

3 (C) the Committee on Foreign Affairs of
4 the House of Representatives.

5 (2) MULTILATERAL DEVELOPMENT BANKS.—

6 The term “multilateral development banks” has the
7 meaning given such term in section 1701(c) of the
8 International Financial Institutions Act (22 U.S.C.
9 262r(c)).

10 (d) OPPOSITION TO LENDING TO PEOPLE’S REPUB-
11 LIC OF CHINA.—The Secretary of the Treasury shall in-
12 struct the United States Executive Director at each multi-
13 lateral development bank to use the voice, vote, and influ-
14 ence of the United States—

15 (1) to oppose any loan or extension of financial
16 or technical assistance by the bank to the PRC; and

17 (2) to end lending and assistance to countries
18 that exceed the graduation discussion income of the
19 bank.

20 (e) REPORT.—Not later than 1 year after the date
21 of the enactment of this Act, and annually thereafter, the
22 Secretary of the Treasury shall submit a report to the ap-
23 propriate congressional committees that includes—

24 (1) an assessment of the status of borrowing by
25 the PRC from each multilateral development bank;

1 (2) a description of voting power, shares, and
2 representation by the PRC at each such bank;

3 (3) a list of countries that have exceeded the
4 graduation discussion income at each such bank;

5 (4) a list of countries that have graduated from
6 eligibility for assistance from each such bank; and

7 (5) a full description of the efforts taken by the
8 United States to graduate countries from such eligi-
9 bility once they exceed the graduation discussion in-
10 come at each such bank.

11 **SEC. 211. PROHIBITING FUNDING FOR THE MONTREAL**
12 **PROTOCOL ON SUBSTANCES THAT DEplete**
13 **THE OZONE LAYER AND THE UNITED NA-**
14 **TIONS FRAMEWORK CONVENTION ON CLI-**
15 **MATE CHANGE UNTIL CHINA IS NO LONGER**
16 **DEFINED AS A DEVELOPING COUNTRY.**

17 (a) **SHORT TITLE.**—This section may be cited as the
18 “Ending China’s Unfair Advantage Act of 2024”.

19 (b) **DEFINITIONS.**—In this section:

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

23 (A) the Committee on Foreign Relations of
24 the Senate;

1 (B) the Committee on Appropriations of
2 the Senate;

3 (C) the Committee on Foreign Affairs of
4 the House of Representatives; and

5 (D) the Committee on Appropriations of
6 the House of Representatives.

7 (2) MONTREAL PROTOCOL.—The term “Mon-
8 treal Protocol” means the Montreal Protocol on Sub-
9 stances that Deplete the Ozone Layer, done at Mon-
10 treal September 16, 1987.

11 (3) UNITED NATIONS FRAMEWORK CONVEN-
12 TION ON CLIMATE CHANGE.—The term “United Na-
13 tions Framework Convention on Climate Change”
14 means the United Nations Framework Convention
15 on Climate Change, adopted in Rio de Janeiro,
16 Brazil in June 1992.

17 (c) PROHIBITION ON USE OF FUNDS FOR THE MON-
18 TREAL PROTOCOL ON SUBSTANCES THAT DEplete THE
19 OZONE LAYER UNTIL CHINA IS NO LONGER DEFINED
20 AS A DEVELOPING COUNTRY.—Notwithstanding any other
21 provision of law, no Federal funds may be obligated or
22 expended to implement the Montreal Protocol, including
23 its protocols and amendments, or any fund established
24 under the Protocol, until the President certifies to the ap-
25 propriate congressional committees that the Parties to the

1 Montreal Protocol have amended their Decision I/12E,
 2 “Clarification of terms and definitions: developing coun-
 3 tries,” made at the First Meeting of the Parties to remove
 4 the People’s Republic of China.

5 (d) PROHIBITION ON USE OF FUNDS FOR THE
 6 UNITED NATIONS FRAMEWORK CONVENTION ON CLI-
 7 MATE CHANGE UNTIL CHINA IS INCLUDED AMONG THE
 8 COUNTRIES LISTED IN ANNEX I OF THE CONVENTION.—
 9 Notwithstanding any other provision of law, no Federal
 10 funds may be obligated or expended to fund the operations
 11 and meetings of the United Nations Framework Conven-
 12 tion on Climate Change, including its protocols or agree-
 13 ments, or any fund established under the Convention or
 14 its agreements, until the President certifies to the appro-
 15 priate congressional committees that the Parties to the
 16 Framework Convention have included the People’s Repub-
 17 lic of China in Annex I of the Convention.

18 **TITLE III—COUNTERING CHINA’S**
 19 **PREDATORY ECONOMIC**
 20 **PRACTICES**

21 **Subtitle A—Countering Economic**
 22 **Coercion**

23 **SEC. 301. SHORT TITLE.**

24 This subtitle may be cited as the “Countering Eco-
 25 nomic Coercion Act of 2024”.

1 **SEC. 302. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) foreign adversaries are increasingly using
4 economic coercion to pressure, punish, and influence
5 United States allies and partners;

6 (2) economic coercion—

7 (A) causes economic harm to United
8 States allies and partners;

9 (B) creates malign influence on the sov-
10 ereign political actions of such allies and part-
11 ners; and

12 (C) can threaten the essential security of
13 the United States and its allies;

14 (3) economic coercion is often characterized
15 by—

16 (A) arbitrary, abusive, and discriminatory
17 actions that seek to interfere with sovereign ac-
18 tions, violate international trade rules, and run
19 counter to the rules-based international order;

20 (B) capricious, pre-textual, and non-trans-
21 parent actions taken without due process af-
22 farded;

23 (C) intimidation or threats of punitive ac-
24 tions; and

25 (D) informal actions that take place with-
26 out explicit government action;

1 (4) economic coercion violates norms of state
2 behavior and undermines the rules-based inter-
3 national order;

4 (5) existing mechanisms for trade dispute reso-
5 lution and international arbitration are often inad-
6 equate for responding to economic coercion in a
7 timely and effective manner as foreign adversaries
8 exploit plausible deniability and lengthy processes to
9 evade accountability;

10 (6) the United States should provide meaning-
11 ful economic and political support to foreign trading
12 partners affected by economic coercion, which can
13 lead to opportunities for United States businesses,
14 investors, and workers to reach new markets and
15 customers;

16 (7) responding to economic coercion will be
17 most effective when the United States provides relief
18 to affected foreign trading partners in coordination
19 with allies and like-minded countries; and

20 (8) such coordination will further demonstrate
21 broad resolve against economic coercion.

22 **SEC. 303. DEFINITIONS.**

23 In this subtitle:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” includes—

4 (A) the Committee on Foreign Relations of
5 the Senate;

6 (B) the Committee on Foreign Affairs of
7 the House of Representatives;

8 (C) with respect to the exercise of any au-
9 thority under section 305(a)(2), subparagraphs
10 (A), (I), (J), and (K) of section 305(b)(1), and
11 section 305(b)(2)—

12 (i) the Committee on Finance of the
13 Senate; and

14 (ii) the Committee on Ways and
15 Means of the House of Representatives;

16 (D) with respect to the exercise of any au-
17 thority under subparagraphs (F) and (H) of
18 section 305(b)(1)—

19 (i) the Committee on Banking, Hous-
20 ing, and Urban Affairs of the Senate; and

21 (ii) the Committee on Financial Serv-
22 ices of the House of Representatives; and

23 (E) with respect to the exercise of any au-
24 thority under section 305(a)(1)(A) and sub-

1 paragraph (B), (E), or (G) of section
2 305(b)(1)—

3 (i) the Committee on Appropriations
4 of the Senate; and

5 (ii) the Committee on Appropriations
6 of the House of Representatives.

7 (2) ECONOMIC COERCION.—The term “eco-
8 nomic coercion” means actions, practices, or threats
9 undertaken by a foreign adversary to unreasonably
10 restrain, obstruct, or manipulate trade, foreign aid,
11 investment, or commerce in an arbitrary, capricious,
12 or non-transparent manner with the intention to
13 cause economic harm to achieve strategic political
14 objectives or influence sovereign political actions.

15 (3) EXPORT; EXPORT ADMINISTRATION REGU-
16 LATIONS; IN-COUNTRY TRANSFER; REEXPORT.—The
17 terms “export”, “Export Administration Regula-
18 tions”, “in-country transfer”, and “reexport” have
19 the meanings given such terms in section 1742 of
20 the Export Control Reform Act of 2018 (50 U.S.C.
21 4801).

22 (4) FOREIGN ADVERSARY.—The term “foreign
23 adversary” means any foreign government engaged
24 in a long-term pattern or serious instances of con-
25 duct significantly adverse to the national security of

1 the United States or the security and safety of
2 United States persons.

3 (5) FOREIGN TRADING PARTNER.—The term
4 “foreign trading partner” means a foreign jurisdic-
5 tion that is a trading partner of the United States.

6 **SEC. 304. DETERMINATION OF ECONOMIC COERCION.**

7 (a) EXTENDED PRESIDENTIAL DETERMINATION.—

8 (1) IN GENERAL.—If the President determines
9 that a foreign trading partner is subject to an act
10 of economic coercion by a foreign adversary that
11 constitutes a long-term national security threat,
12 after a comprehensive inter-agency review, the Presi-
13 dent may—

14 (A) submit to Congress a detailed deter-
15 mination (referred to as the “Economic Coer-
16 cion Response Package”), which shall include—

17 (i) an assessment of why the economic
18 coercion by a foreign adversary constitutes
19 a national security threat and requires a
20 comprehensive response;

21 (ii) a request to exercise any author-
22 ity—

23 (I) described in subsection (a)(1)
24 or (b)(1) of section 305 to support or
25 assist the foreign trading partner in a

1 manner proportionate to the economic
2 coercion; or

3 (II) described in subsection
4 (a)(2) or (b)(2) of section 305 to pe-
5 nalize the foreign adversary in a man-
6 ner proportionate to the economic co-
7 ercion;

8 (iii) justification for why the re-
9 quested authorities are appropriate for the
10 specific act of economic coercion; and

11 (iv) a statement of administration ac-
12 tion outlining the intended use of the re-
13 quested authorities.

14 (2) INFORMATION; HEARINGS.—To inform the
15 determination and the formulation of a request
16 under paragraph (1), the President shall—

17 (A) obtain the written opinion and analysis
18 of the Secretary of State, the Secretary of Com-
19 merce, the Secretary of the Treasury, the
20 United States Trade Representative, and the
21 heads of other Federal agencies, as the Presi-
22 dent considers appropriate;

23 (B) seek information and advice from and
24 consult with other relevant officers of the
25 United States; and

1 (C) afford other interested parties an op-
2 portunity to present relevant information and
3 advice.

4 (3) CONSULTATION WITH CONGRESS.—In devel-
5 oping the determination and the formulation of the
6 request under paragraph (1), the President shall
7 consult with the appropriate congressional commit-
8 tees—

9 (A) during the 40-day period beginning 30
10 days before such request is submitted to Con-
11 gress; and

12 (B) not less frequently than once every
13 180 days while exercising the requested author-
14 ity.

15 (4) NOTICE.—Not later than 30 days after the
16 date on which the President determines that a for-
17 eign trading partner is subject to economic coercion
18 or submits the request under paragraph (1), the
19 President shall publish in the Federal Register—

20 (A) a notice of the determination and the
21 submission of the request; and

22 (B) a description of the economic coercion
23 that the foreign adversary is applying to the
24 foreign trading partner and other circumstances

1 that led to such determination and the submis-
2 sion of the request.

3 (b) EMERGENCY PRESIDENTIAL DETERMINATION.—

4 (1) IN GENERAL.—If the President determines,
5 on an emergency basis, that a foreign trading part-
6 ner is subject to economic coercion by a foreign ad-
7 versary, the President may exercise, for a period not
8 exceeding 90 days, any authority described in sec-
9 tion 305(a).

10 (2) NOTICES.—

11 (A) IN GENERAL.—Not later than 5 days
12 after an emergency determination under para-
13 graph (1), the President shall submit to the ap-
14 propriate congressional committees a notice of
15 such determination.

16 (B) EXERCISE OF AUTHORITY.—Not later
17 than 5 days after the exercise of any authority
18 that relies on the determination for which the
19 President submitted notice pursuant to sub-
20 paragraph (A), the President shall submit to
21 the appropriate congressional committees a no-
22 tice of how the President intends to use such
23 authorities.

24 (c) REVOCATION OF DETERMINATION.—

1 (1) REVOCATION OF EXTENDED DETERMINA-
2 TION.—A determination made by the President pur-
3 suant to subsection (a) shall be revoked on the ear-
4 liest of—

5 (A) the date that is 2 years after the date
6 of such determination;

7 (B) the date of the enactment of a joint
8 resolution of disapproval revoking such deter-
9 mination; or

10 (C) the date on which the President issues
11 a proclamation revoking such determination.

12 (2) REVOCATION OF EMERGENCY DETERMINA-
13 TION.—A determination made by the President pur-
14 suant to subsection (b) shall be revoked on the ear-
15 liest of—

16 (A) the date that is 90 days after the date
17 of such determination;

18 (B) the date of the enactment of a joint
19 resolution of disapproval revoking such deter-
20 mination; or

21 (C) the date on which the President issues
22 a proclamation revoking such determination.

23 (3) TERMINATION OF AUTHORITIES.—Any au-
24 thority described in section 305 exercised pursuant
25 to a determination that has been revoked pursuant

1 to paragraph (1) or paragraph (2) shall cease to be
 2 exercised on the date of such revocation, except that
 3 such revocation shall not affect—

4 (A) any action taken or proceeding pend-
 5 ing not finally concluded or determined on such
 6 date; or

7 (B) any rights or duties that matured or
 8 penalties that were incurred before such date.

9 **SEC. 305. AUTHORITIES TO RESPOND TO ECONOMIC COER-**
 10 **SION.**

11 (a) **AUTHORITIES TO RESPOND TO EMERGENCY**
 12 **ACTS OF ECONOMIC COERCION.—**

13 (1) **AUTHORITIES RELATING TO FOREIGN TRAD-**
 14 **ING PARTNERS.—**The authorities described in this
 15 paragraph are—

16 (A) providing immediate financial assist-
 17 ance to a foreign trading partner through the
 18 provision of existing unobligated funds, without
 19 further appropriation;

20 (B) instructing the United States Execu-
 21 tive Director at each international financial in-
 22 stitution of the World Bank Group, the Execu-
 23 tive Director at the Inter-American Develop-
 24 ment Bank, the Executive Director of the Afri-
 25 can Development Bank, the Director of the Eu-

1 European Bank for Reconstruction and Develop-
2 ment, and the Director of the Asian Develop-
3 ment Bank, as appropriate, to use the voice and
4 vote of the United States at the respective insti-
5 tution to vote for emergency lending to a for-
6 eign trading partner of the United States;

7 (C) providing technical assistance and
8 analysis to a United States Embassy hosted by
9 a foreign trading partner experiencing an act of
10 economic coercion and to the United States
11 Government through a specialist interagency
12 team that—

13 (i) consists of international trade, fi-
14 nance, and economic policy experts author-
15 ized by the President from relevant Fed-
16 eral departments and agencies, including—

17 (I) the Department of State;

18 (II) the Department of Com-
19 merce;

20 (III) the Department of Agri-
21 culture;

22 (IV) the Department of the
23 Treasury;

24 (V) the Office of the United
25 States Trade Representative; and

1 (VI) the Office of the Director of
2 National Intelligence;

3 (ii) may provide specific advice to the
4 government of a foreign trading partner
5 regarding both short-term and long-term
6 vulnerabilities to economic coercion; and

7 (iii) shall have a duration of assign-
8 ment determined by the President, in con-
9 sultation with the heads of the relevant
10 Federal departments and agencies.

11 (2) AUTHORITIES WITH RESPECT TO FOREIGN
12 ADVERSARIES.—The authorities described in this
13 paragraph are—

14 (A) initiating an investigation of the eco-
15 nomic coercion in accordance with section 302
16 of the Trade Act of 1974 (19 U.S.C. 2412);
17 and

18 (B) an action authorized under section 301
19 of such Act (19 U.S.C. 2411) if an affirmative
20 determination has been made pursuant to sec-
21 tion 304 of such Act (19 U.S.C. 2414) in con-
22 nection with an investigation described in sub-
23 paragraph (A).

24 (b) AUTHORITIES TO RESPOND TO EXTENDED ACTS
25 OF ECONOMIC COERCION.—

1 (1) AUTHORITIES WITH RESPECT TO FOREIGN
2 TRADING PARTNERS.—The authorities described in
3 this paragraph are—

4 (A) an expedited review of a country’s eli-
5 gibility for trade preference programs;

6 (B) requesting appropriations for foreign
7 aid to the foreign trading partner;

8 (C) an expedited decision with respect to
9 the issuance of licenses for the export or reex-
10 port to, or in-country transfer in, the foreign
11 trading partner of items subject to controls
12 under the Export Administration Regulations,
13 consistent with the Export Control Reform Act
14 of 2018 (50 U.S.C. 4801 et seq.);

15 (D) the expedited regulatory processes re-
16 lated to the importation of goods and services
17 into the United States from the foreign trading
18 partner;

19 (E) requesting the necessary authority and
20 appropriations for sovereign loan guarantees to
21 the foreign trading partner;

22 (F) waiving policy requirements (other
23 than policy requirements mandated by an Act
24 of Congress, including the policies and proce-
25 dures established pursuant to section 11 of the

1 Export-Import Bank Act of 1945 (12 U.S.C.
2 635i-5)), to the extent necessary to facilitate
3 the provision of financing to support exports to
4 the foreign trading partner;

5 (G) requesting appropriations for loan loss
6 reserves to facilitate the provision of financing
7 to support United States exports to the foreign
8 trading partner;

9 (H) the exemption of financing provided to
10 support United States exports to the foreign
11 trading partner under section 8(g)(1) of the
12 Export-Import Bank Act of 1945 (12 U.S.C.
13 635g(g)(1));

14 (I) providing technical assistance and legal
15 expertise through the Office of the United
16 States Trade Representative to support the
17 trading partner's pursuit of a case at the World
18 Trade Organization regarding the economic co-
19 ercion;

20 (J) United States participation as a third
21 party in support of any case brought by the
22 trading partner at the World Trade Organiza-
23 tion regarding the economic coercion; and

24 (K) expedited review of petitions under the
25 Generalized System of Preferences set forth in

1 title V of the Trade Act of 1974 (19 U.S.C.
2 2461 et seq.) related to article and country eli-
3 gibility, competitive need limitation waivers, and
4 product redesignations.

5 (2) AUTHORITIES WITH RESPECT TO FOREIGN
6 ADVERSARIES.—The authorities described in this
7 paragraph are—

8 (A) initiating an investigation of the eco-
9 nomic coercion in accordance with section 302
10 of the Trade Act of 1974 (19 U.S.C. 2412);

11 (B) an action authorized under section 301
12 of such Act (19 U.S.C. 2411) if an affirmative
13 determination has been made pursuant to sec-
14 tion 304 of such Act (19 U.S.C. 2414) in con-
15 nection with an investigation described in sub-
16 paragraph (A).

17 **SEC. 306. COORDINATION WITH ALLIES AND PARTNERS.**

18 (a) COORDINATION BY PRESIDENT.—After a deter-
19 mination by the President that a foreign trading partner
20 is subject to economic coercion by a foreign adversary, the
21 President shall endeavor to coordinate—

22 (1) the exercise of the authorities described in
23 section 305 with the exercise of relevant authorities
24 by allies and partners to broaden economic support

1 to the foreign trading partner affected by economic
2 coercion; and

3 (2) with allies and partners to issue joint con-
4 demnation of the actions of the foreign adversary
5 and support for the foreign trading partner.

6 (b) COORDINATION BY SECRETARY.—The Secretary,
7 in coordination with the heads of relevant Federal agen-
8 cies, shall endeavor—

9 (1) to encourage allies and partners to identify
10 or create mechanisms and authorities necessary to
11 facilitate the coordination described in subsection
12 (a)(1);

13 (2) to coordinate with allies and partners to in-
14 crease opposition to economic coercion in the inter-
15 national community;

16 (3) to coordinate with allies and partners to
17 deter the use of economic coercion by foreign adver-
18 saries; and

19 (4) to engage with foreign trading partners to
20 gather information about possible instances of eco-
21 nomic coercion and share such information with the
22 appropriate congressional committees.

23 (c) COORDINATION BY UNITED STATES TRADE REP-
24 RESENTATIVE.—The United States Trade Representative
25 shall examine the viability and utility of working with al-

1 lies and partners at the World Trade Organization to ne-
2 gotiate a multilateral agreement regarding cooperation to
3 address economic coercion.

4 **SEC. 307. EXPEDITED CONSIDERATION OF ECONOMIC CO-**
5 **ERCION RESPONSE PACKAGE.**

6 (a) DEFINITIONS.—In this section:

7 (1) IMPLEMENTATION BILL.—The term “imple-
8 mentation bill” means a bill of Congress consisting
9 solely of the authorities requested by the President
10 (referred to in this section as the “Economic Coer-
11 cion Response Package”) pursuant to section
12 304(a).

13 (2) INSTRUCTIONS.—The term “instructions”
14 refers to the specific recommendations or actions re-
15 quested by the President that detail the authorities
16 to be exercised to respond to economic coercion.

17 (b) INSTRUCTIONS.—

18 (1) PRESIDENTIAL SUBMISSION.—If the Presi-
19 dent determines that a foreign trading partner is
20 subject to economic coercion, the President shall
21 submit to Congress an Economic Coercion Response
22 Package pursuant to section 304(a), including de-
23 tailed instructions outlining the specific actions and
24 authorities requested.

1 (2) COMMITTEE INSTRUCTIONS.—Each Eco-
2 nomic Coercion Response Package submitted pursu-
3 ant to paragraph (1) shall include instructions to the
4 relevant congressional committees specifying the ac-
5 tions to be taken within their respective jurisdic-
6 tions.

7 (c) COMMITTEE ACTION.—

8 (1) REFERRAL TO COMMITTEES.—Each Eco-
9 nomic Coercion Response Package, submitted to
10 Congress pursuant to section 304(a) shall be imme-
11 diately referred to the congressional committees with
12 subject matter jurisdiction over the specific actions
13 and authorities requested.

14 (2) COMMITTEE RESPONSIBILITY.—Each con-
15 gressional committee identified in the instructions
16 described in subsection (b) shall, not later than 15
17 legislative days after receiving such instructions—

18 (A) draft its portion of the implementation
19 bill; and

20 (B) report such portion to the clerk of the
21 Senate or of the House of Representatives, as
22 appropriate.

23 (3) FAILURE TO REPORT.—If any congressional
24 committee fails to report its respective portion with-
25 in the period provided under paragraph (2), such

1 portion may not be included in the implementation
2 bill.

3 (4) AMENDMENTS.—Members of the congress-
4 sional committees with jurisdiction over the subject
5 matter of a portion of the implementation bill may
6 offer germane amendments to such portion before it
7 is reported by the committee.

8 (d) AGGREGATION OF PROVISIONS.—

9 (1) COMMITTEE REPORTS.—After all of the
10 congressional committee in either the Senate or the
11 House of Representatives with subject matter juris-
12 diction have reported their respective portions of the
13 implementation bill or have failed to report such por-
14 tion within the period prescribed under subsection
15 (c)(2), all of the reported provisions shall be com-
16 bined into a single implementation bill.

17 (2) NO REPORTS.—If none of the congressional
18 committees with subject matter jurisdiction reports
19 their assigned provisions, no implementation bill
20 may be introduced.

21 (3) FINAL BILL.—The implementation bill de-
22 scribed in paragraph (1) shall—

23 (A) include all of the provisions that have
24 been reported by the congressional committees
25 with subject matter jurisdiction; and

1 (B) be considered on the floor of the Sen-
2 ate or the House of Representatives, as appro-
3 priate.

4 (e) CONSIDERATION IN THE HOUSE OF REPRESENT-
5 ATIVES.—

6 (1) INTRODUCTION.—If the President submits
7 an Economic Coercion Response Package pursuant
8 to section 304(a) and 1 or more committees of the
9 House of Representatives have reported their respec-
10 tive provisions, the implementation bill may be intro-
11 duced in the House of Representatives (by re-
12 quest)—

13 (A) by the majority leader of the House of
14 Representatives, or by a member of the House
15 of Representatives designated by the majority
16 leader, on the next legislative day following the
17 combination of provisions pursuant to sub-
18 section (d); or

19 (B) if the implementation bill is not intro-
20 duced pursuant to subparagraph (A), by any
21 member of the House of Representatives on any
22 subsequent legislative day.

23 (2) PROCEEDING TO CONSIDERATION.—After
24 the introduction of the implementation bill, it shall
25 be in order to move to proceed to consider the imple-

1 mentation bill in the House of Representatives. The
2 previous question shall be considered as ordered on
3 the motion to its adoption without intervening mo-
4 tion. A motion to reconsider the vote by which the
5 motion is disposed of shall not be in order.

6 (3) CONSIDERATION.—The implementation bill
7 shall be considered as read. All points of order
8 against the implementation bill and against its con-
9 sideration are waived. The previous question shall be
10 considered as ordered on the request to its passage
11 without intervening motion except 2 hours of debate
12 equally divided and controlled by the proponent and
13 an opponent, and 1 motion to limit debate on the re-
14 quest. A motion to reconsider the vote on passage of
15 the implementation bill shall not be in order.

16 (4) AMENDMENTS.—Amendments to the imple-
17 mentation bill shall be in order, and debate on any
18 amendment shall be limited to 10 minutes, equally
19 divided by the proponent and an opponent.

20 (5) VOTE ON PASSAGE.—The vote on passage
21 of the implementation bill shall occur not later than
22 3 legislative days after the date of its introduction
23 in the House of Representatives.

24 (f) EXPEDITED PROCEDURE IN THE SENATE.—

1 (1) INTRODUCTION IN THE SENATE.—If the
2 President submits an Economic Coercion Response
3 Package pursuant to section 304(a) and 1 or more
4 committees of the Senate with subject matter juris-
5 diction have reported their respective provisions, the
6 implementation bill shall be introduced in the Sen-
7 ate, by request, by the majority leader of the Senate
8 (for himself or herself and the minority leader of the
9 Senate) or by any member of the Senate designated
10 by the majority leader. If the Senate is not in ses-
11 sion on the day on which the implementation bill is
12 ready for introduction, the implementation bill shall
13 be introduced as provided on the first day thereafter
14 on which the Senate is in session.

15 (2) PROCEEDING TO CONSIDERATION.—Not-
16 withstanding Rule XXII of the Standing Rules of
17 the Senate, it is in order, not later than 2 session
18 days after the date on which the implementation bill
19 is introduced, for the majority leader of the Senate
20 or his or her designee to move to proceed to the con-
21 sideration of the implementation bill. A motion to
22 proceed is in order even though a previous motion
23 to the same effect has been disagreed to. All points
24 of order against the motion to proceed to the bill are
25 waived. The motion to proceed is not debatable. The

1 motion is not subject to a motion to postpone. A mo-
2 tion to reconsider the vote by which the motion is
3 agreed to or disagreed to shall not be in order. If
4 a motion to proceed to the consideration of the bill
5 is agreed to, the bill shall remain the unfinished
6 business until disposed of. All points of order
7 against the bill and against consideration of the bill
8 are waived.

9 (3) CONSIDERATION.—Debate on the imple-
10 mentation bill, and on all debatable motions and ap-
11 peals in connection with such bill, shall be limited to
12 not more than 10 hours, which shall be divided
13 equally between the majority and minority leaders or
14 their respective designees. Germane amendments to
15 the implementation bill shall be in order, and debate
16 on any amendment shall be limited to 10 minutes,
17 equally divided between the proponent of the bill and
18 an opponent of the bill. A motion to further limit de-
19 bate is not in order. No motion to postpone, motion
20 to proceed to the consideration of other business, or
21 motion to recommit the bill is in order.

22 (4) VOTE ON PASSAGE.—The vote on passage
23 of the implementation bill shall occur immediately
24 following the conclusion of the debate on the request
25 and a single quorum call at the conclusion of the de-

1 bate, if requested in accordance with the rules of the
2 Senate.

3 (g) CONSIDERATION BY THE OTHER HOUSE.—

4 (1) IN GENERAL.—If, before passing an imple-
5 mentation bill, 1 House of Congress receives from
6 the other House an implementation bill consisting
7 solely of the text of the Economic Coercion Response
8 Package submitted by the President pursuant to sec-
9 tion 304(a)—

10 (A) the implementation bill of the other
11 House shall not be referred to a committee of
12 such House; and

13 (B) the procedure in the receiving House
14 shall be the same as if no implementation bill
15 had been received from the other House until
16 the vote on passage, when the implementation
17 bill received from the other House shall sup-
18 plant the implementation bill of the receiving
19 House.

20 (2) NO IMPLEMENTATION BILL IN THE SEN-
21 ATE.—If, after the President submits an Economic
22 Coercion Response Package pursuant to section
23 304(a), an implementation bill is not introduced in
24 the Senate or if the Senate fails to consider an im-
25 plementation bill pursuant to this section, the imple-

1 mentation bill of the House of Representatives shall
2 be entitled to expedited floor procedures under this
3 section.

4 (3) TREATMENT OF COMPANION MEASURE IN
5 THE SENATE.—If, after the Senate passes an imple-
6 mentation bill, the Senate receives from the House
7 of Representatives an implementation bill consisting
8 of text that is identical to the Senate-passed imple-
9 mentation bill, the House-passed implementation bill
10 shall not be debatable. The vote on passage of the
11 implementation bill in the Senate shall be considered
12 to be the vote on passage of the implementation bill
13 received from the House of Representatives.

14 (h) VETOES.—If the President vetoes an implementa-
15 tion bill, consideration of a veto message in the Senate
16 shall be limited to 10 hours, equally divided between the
17 majority and minority leaders of the Senate or the des-
18 ignees of the majority and minority leaders of the Senate.

19 (i) CONSTRUCTIVE RESUBMISSION.—

20 (1) IN GENERAL.—In addition to the expedited
21 procedures otherwise provided under this section, in
22 case of an implementation bill consisting solely of
23 the text of the Economic Coercion Response Pack-
24 age submitted by the President pursuant to section
25 304(a), the expedited procedures under this section

1 shall apply to such implementation bill during the
2 period—

3 (A) beginning on the date occurring—

4 (i) in the case of the Senate, 30 ses-
5 sion days before the date on which Con-
6 gress adjourns a session of Congress; or

7 (ii) in the case of the House of Rep-
8 resentatives, 30 days before the date on
9 which Congress adjourns a session of Con-
10 gress; and

11 (B) ending on the date on which the same
12 or succeeding Congress first convenes its next
13 session.

14 (2) APPLICATION.—In applying this section for
15 the purposes of constructive resubmission, an imple-
16 mentation bill described under paragraph (1) shall
17 be treated as though such implementation bill were
18 submitted on—

19 (A) in the case of the Senate, the 15th ses-
20 sion day; or

21 (B) in the case of the House of Represent-
22 atives, the 15th legislative day, after the suc-
23 ceeding session of Congress first convenes.

24 (3) LIMITATION.—A constructive resubmission
25 of an implementation bill pursuant to this subsection

1 shall not apply if a vote with respect to the imple-
 2 mentation bill was taken in either House in a pre-
 3 ceding session of Congress.

4 **SEC. 308. PROCESS FOR JOINT RESOLUTIONS OF DIS-**
 5 **APPROVAL.**

6 (a) DEFINITIONS.—In this section, the term “joint
 7 resolution of disapproval” means, with respect to an emer-
 8 gency determination pursuant to section 304(b), per the
 9 revocation outlined in section 304(c), only a joint resolu-
 10 tion of either House of Congress—

11 (1) that does not have a preamble;

12 (2) the title of which is as follows: “A joint res-
 13 olution disapproving the emergency authorities to
 14 act against economic coercion, as exercised by the
 15 President under section 304(b) of the Countering
 16 Economic Coercion Act of 2024; and

17 (3) the sole matter after the resolving clause of
 18 which is as follows: “That Congress disapproves the
 19 authorities exercised by the President under section
 20 304(b) of the Countering Economic Coercion Act of
 21 2024, submitted to Congress on _____.”, with the
 22 blank space being filled with the appropriate date.

23 (b) JOINT RESOLUTION OF DISAPPROVAL FOR
 24 EMERGENCY DETERMINATION.—

25 (1) INTRODUCTION.—

1 (A) INTRODUCTION IN THE HOUSE OF
2 REPRESENTATIVES.—During a period of 5 leg-
3 islative days beginning on the date that a notice
4 of action is submitted to the appropriate con-
5 gressional committees in accordance with sec-
6 tion 4(b)(2)(B), a joint resolution of dis-
7 approval may be introduced in the House of
8 Representatives by the majority leader or the
9 minority leader.

10 (B) INTRODUCTION IN THE SENATE.—
11 During a period of 5 days on which the Senate
12 is in session beginning on the date that a notice
13 of action is submitted to the appropriate con-
14 gressional committees in accordance with sec-
15 tion 4(b)(2)(B), a joint resolution of dis-
16 approval may be introduced in the Senate by
17 the majority leader (or the majority leader’s
18 designee) or the minority leader (or the minor-
19 ity leader’s designee).

20 (c) FLOOR CONSIDERATION IN THE HOUSE OF REP-
21 RESENTATIVES.—

22 (1) REPORTING AND DISCHARGE.—If a com-
23 mittee of the House of Representatives to which a
24 joint resolution of disapproval has been referred has
25 not reported such joint resolution within 10 legisla-

1 tive days after the date of such referral, such com-
2 mittee shall be discharged from further consider-
3 ation of the joint resolution.

4 (2) PROCEEDING TO CONSIDERATION.—In the
5 House of Representatives, the following procedures
6 shall apply to a joint resolution of disapproval:

7 (A) Beginning on the third legislative day
8 after each committee to which a joint resolution
9 of disapproval has been referred reports it to
10 the House of Representatives or has been dis-
11 charged from further consideration of the joint
12 resolution, it shall be in order to move to pro-
13 ceed to consider the joint resolution in the
14 House of Representatives.

15 (B) All points of order against the motion
16 are waived. Such a motion shall not be in order
17 after the House of Representatives has disposed
18 of a motion to proceed on a joint resolution
19 with regard to the same certification. The pre-
20 vious question shall be considered as ordered on
21 the motion to its adoption without intervening
22 motion. The motion shall not be debatable. A
23 motion to reconsider the vote by which the mo-
24 tion is disposed of shall not be in order.

1 (3) CONSIDERATION.—The joint resolution
2 shall be considered as read. All points of order
3 against the joint resolution and against its consider-
4 ation are waived. The previous question shall be con-
5 sidered as ordered on the joint resolution to final
6 passage without intervening motion except 2 hours
7 of debate, equally divided and controlled by the
8 sponsor of the joint resolution (or a designee) and
9 an opponent. A motion to reconsider the vote on
10 passage of the joint resolution shall not be in order.

11 (d) CONSIDERATION IN THE SENATE.—

12 (1) COMMITTEE REFERRAL.—A joint resolution
13 of disapproval introduced in the Senate shall be re-
14 ferred to the Committee on Foreign Relations of the
15 Senate.

16 (2) REPORTING AND DISCHARGE.—If the Com-
17 mittee on Foreign Relations of the Senate does not
18 report a joint resolution of disapproval within 10
19 days during which the Senate is in session after the
20 date such resolution was referred to such committee,
21 the committee shall be discharged from further con-
22 sideration of such joint resolution and the joint reso-
23 lution shall be placed on the appropriate calendar.

24 (3) MOTION TO PROCEED.—Notwithstanding
25 Rule XXII of the Standing Rules of the Senate, it

1 is in order at any time after the Committee on For-
2 eign Relations of the Senate reports the joint resolu-
3 tion of disapproval to the Senate or has been dis-
4 charged from its consideration (even though a pre-
5 vious motion to the same effect has been disagreed
6 to) to move to proceed to the consideration of the
7 joint resolution, and all points of order against the
8 joint resolution (and against consideration of the
9 joint resolution) shall be waived. The motion to pro-
10 ceed is not debatable. The motion is not subject to
11 a motion to postpone. A motion to reconsider the
12 vote by which the motion is agreed to or disagreed
13 to shall not be in order. If a motion to proceed to
14 the consideration of the joint resolution of dis-
15 approval is agreed to, the joint resolution shall re-
16 main the unfinished business until disposed.

17 (4) DEBATE.—Debate on a joint resolution of
18 disapproval, and on all debatable motions and ap-
19 peals in connection with such joint resolution, shall
20 be limited to not more than 10 hours, which shall
21 be divided equally between the majority and minority
22 leaders or their designees. A motion to further limit
23 debate is in order and not debatable. An amendment
24 to, or a motion to postpone, or a motion to proceed

1 to the consideration of other business, or a motion
2 to recommit the joint resolution is not in order.

3 (5) VOTE ON PASSAGE.—The vote on passage
4 of a joint resolution of disapproval shall occur imme-
5 diately following the conclusion of the debate on the
6 joint resolution of disapproval and a single quorum
7 call at the conclusion of the debate, if requested in
8 accordance with the rules of the Senate.

9 (6) RULES OF THE CHAIR ON PROCEDURE.—
10 Appeals from the decisions of the Chair relating to
11 the application of the rules of the Senate, as the
12 case may be, to the procedure relating to the joint
13 resolution of disapproval shall be decided without de-
14 bate.

15 (7) CONSIDERATION OF VETO MESSAGES.—De-
16 bate in the Senate of any veto message with respect
17 to a joint resolution of disapproval, including all de-
18 batable motions and appeals in connection with such
19 joint resolution, shall be limited to 10 hours, to be
20 equally divided between, and controlled by, the ma-
21 jority leader and the minority leader or their des-
22 ignees.

23 (e) PROCEDURES IN THE SENATE.—Except as other-
24 wise provided in this section, the following procedures

1 shall apply in the Senate to a joint resolution of dis-
2 approval to which this section applies:

3 (1) Except as provided in paragraph (2), a joint
4 resolution of disapproval that has been passed by the
5 House of Representatives shall, when received in the
6 Senate, be referred to the Committee on Foreign Re-
7 lations of the Senate for consideration in accordance
8 with this subsection.

9 (2) If a joint resolution of disapproval to which
10 this section applies was introduced in the Senate be-
11 fore receipt of a joint resolution of disapproval that
12 has passed the House of Representatives, the joint
13 resolution from the House of Representatives shall,
14 when received in the Senate, be placed on the cal-
15 endar. If this paragraph applies, the procedures in
16 the Senate with respect to a joint resolution of dis-
17 approval introduced in the Senate that contains the
18 identical matter as a joint resolution of disapproval
19 that passed the House of Representatives shall be
20 the same as if no joint resolution of disapproval had
21 been received from the House of Representatives, ex-
22 cept that the vote on passage in the Senate shall be
23 on the joint resolution of disapproval that passed the
24 House of Representatives.

1 (f) RULES OF THE HOUSE OF REPRESENTATIVES
2 AND THE SENATE.—This section is enacted by Con-
3 gress—

4 (1) as an exercise of the rulemaking power of
5 the Senate and the House of Representatives, re-
6 spectively, and as such is deemed a part of the rules
7 of each House, respectively, but applicable only with
8 respect to the procedure to be followed in that
9 House in the case of a joint resolution of disapproval
10 under this paragraph, and supersedes other rules
11 only to the extent that it is inconsistent with such
12 rules; and

13 (2) with full recognition of the constitutional
14 right of either House to change the rules (so far as
15 relating to the procedure of that House) at any time,
16 in the same manner, and to the same extent as in
17 the case of any other rule of that House.

18 **Subtitle B—Other Matters To**
19 **Counter Predatory Economic**
20 **Practices by the People’s Re-**
21 **public of China**

22 **SEC. 311. PREDATORY PRICING BY ENTITIES OWNED, CON-**
23 **TROLLED, OR DIRECTED BY A FOREIGN**
24 **STATE.**

25 (a) PROHIBITED ACTS.—

1 (1) IN GENERAL.—No entity owned, controlled,
2 or directed by a foreign state or an agent or instru-
3 mentality of a foreign state (as defined in section
4 1603 of title 28, United States Code) and partici-
5 pating in international commerce may establish or
6 set prices below the average variable cost in a man-
7 ner that may foreseeably harm competition.

8 (2) ECONOMIC SUPPORT.—In determining the
9 average variable cost under paragraph (1), the court
10 may take into account the effects of economic sup-
11 port provided by the owning or controlling foreign
12 state to the entity on a discriminatory basis that
13 may allow the entity to unfairly price at or below
14 marginal cost.

15 (3) GOVERNMENT SUBSIDIES.—In determining
16 the foreseeability of the elimination of market com-
17 petitors under paragraph (1), the court may take
18 into account the aggravating factor of the actions of
19 the foreign state owning or controlling the entity re-
20 ferred to in such paragraph to use government re-
21 sources to subsidize or underwrite the losses of the
22 entity in a manner that allows the entity to sustain
23 the predatory period and recoup its losses.

24 (4) MARKET POWER NOT REQUIRED.—For the
25 purpose of establishing the elements under para-

1 graph (1), the plaintiff may not be required to dem-
2 onstrate that the defendant has monopoly or market
3 power.

4 (b) RECOVERY OF DAMAGES.—Any person (as de-
5 fined in section 1(a) of the Clayton Act (15 U.S.C. 12(a))
6 whose business or property is injured as a result of the
7 actions of an entity described in subsection (a) shall be
8 entitled to recovery from the defendant for damages and
9 other related costs under section 4 of such Act (15 U.S.C.
10 15).

11 (c) ELEMENTS OF PRIMA FACIE CASE.—A plaintiff
12 may initiate a claim against a defendant in an appropriate
13 Federal court for a violation of subsection (a) in order to
14 recover damages under subsection (b) by—

15 (1) establishing, by a preponderance of the evi-
16 dence, that the defendant—

17 (A) is a foreign state or an agency or in-
18 strumentality of a foreign state (as such terms
19 are defined in section 1603 of title 28, United
20 States Code); and

21 (B) is not immune from the jurisdiction of
22 the Federal court pursuant to section
23 1605(a)(2) of title 28, United States Code; and

1 (2) setting forth sufficient evidence to establish
2 a reasonable inference that the defendant has vio-
3 lated subsection (a).

4 (d) COURT DETERMINATION LEADING TO EVI-
5 DENTIARY BURDEN SHIFTING TO DEFENDANT.—If a
6 Federal court finds that a plaintiff has met its burden of
7 proof under subsection (c), the court may determine
8 that—

9 (1) the plaintiff has established a prima facie
10 case that the conduct of the defendant violated sub-
11 section (a); and

12 (2) the defendant has the burden of rebutting
13 such case by establishing that the defendant did not
14 violate subsection (a).

15 (e) FILING OF AMICUS BRIEFS BY THE DEPART-
16 MENT OF STATE AND THE DEPARTMENT OF JUSTICE RE-
17 GARDING INTERNATIONAL COMITY AND HARM TO COM-
18 PETITION.—

19 (1) IN GENERAL.—For the purposes of consid-
20 ering questions of international comity with respect
21 to making decisions regarding commercial activity
22 and the scope of applicable sovereign immunity, the
23 Federal court may receive and consider relevant
24 amicus briefs filed by the Secretary.

1 (2) ATTORNEY GENERAL.—For the purposes of
2 considering questions regarding assessing potential
3 harm to competition, the Federal court may receive
4 and consider relevant amicus briefs filed by the At-
5 torney General.

6 (3) SAVINGS PROVISION.—Nothing in para-
7 graph (1) may be construed to limit the ability of
8 the Federal court to receive and consider any other
9 amicus briefs.

10 **SEC. 312. EXPANSION OF OFFENSE OF THEFT OF TRADE SE-**
11 **CRETS TO INCLUDE UNAUTHORIZED DEVEL-**
12 **OPMENT OF PRODUCTS AND DIGITAL ARTI-**
13 **CLES.**

14 (a) IN GENERAL.—Section 1832(a) of title 18,
15 United States Code, is amended—

16 (1) by redesignating paragraphs (4) and (5) as
17 paragraphs (5) and (6), respectively;

18 (2) by inserting after paragraph (3) the fol-
19 lowing:

20 “(4) without authorization, modifies or develops
21 a product or digital article that could not have been
22 modified or developed in the same way without ac-
23 cess to such information;”;

1 (3) in paragraphs (5) and (6), as redesignated,
2 by striking “(3)” each place it appears and inserting
3 “(4)”.

4 (b) APPLICABILITY TO CONDUCT OUTSIDE THE
5 UNITED STATES.—Section 1837 of title 18, United States
6 Code, is amended—

7 (1) in paragraph (1), by striking “or” at the
8 end;

9 (2) in paragraph (2), by striking the period at
10 the end and inserting “; or”; and

11 (3) by adding at the end the following:

12 “(3) in the case of a violation of section
13 1832(a)(4), the offender attempts to import a prod-
14 uct or digital article described in such section into
15 the United States.”.

16 (c) DEFINITIONS.—Section 1839 of title 18, United
17 States Code, is amended—

18 (1) in paragraph (3), in the matter preceding
19 subparagraph (A), by inserting “data,” after “pro-
20 grams,”;

21 (2) in paragraph (6)(B), by striking “and” at
22 the end;

23 (3) in paragraph (7)—

24 (A) by inserting an end quote after “pur-
25 poses”; and

1 (B) by striking the end quote and final pe-
2 riod at the end and inserting “; and”; and

3 (4) by adding at the end the following:

4 “(8) the term ‘digital article’ means an algo-
5 rithm, digitized process, or database, or any other
6 electronic technology that generates, stores, or proc-
7 esses data.”.

8 **SEC. 313. REVIEW OF PETITIONS RELATED TO INTELLEC-**
9 **TUAL PROPERTY THEFT AND FORCED TECH-**
10 **NOLOGY TRANSFER.**

11 (a) 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 of
16 the Senate;

17 (B) the Committee on Banking, Housing,
18 and Urban Affairs of the Senate;

19 (C) the Committee on Commerce, Science,
20 and Transportation of the Senate;

21 (D) the Committee on the Judiciary of the
22 Senate;

23 (E) the Committee on Foreign Affairs of
24 the House of Representatives;

1 (F) the Committee on Financial Services
2 of the House of Representatives;

3 (G) the Committee on Energy and Com-
4 merce of the House of Representatives; and

5 (H) the Committee on the Judiciary of the
6 House of Representatives.

7 (2) COMMITTEE.—The term “Committee”
8 means the committee established or designated pur-
9 suant to subsection (b).

10 (3) FOREIGN PERSON.—The term “foreign per-
11 son” means a person that is not a United States
12 person.

13 (4) INTELLECTUAL PROPERTY.—The term “in-
14 tellectual property” means—

15 (A) any work protected by a copyright
16 under title 17, United States Code;

17 (B) any property protected by a patent
18 granted by the United States Patent and
19 Trademark Office under title 35, United States
20 Code;

21 (C) any word, name, symbol, or device, or
22 any combination thereof, that is registered as a
23 trademark with the United States Patent and
24 Trademark Office under the Act entitled “An
25 Act to provide for the registration and protec-

1 tion of trademarks used in commerce, to carry
 2 out the provisions of certain international con-
 3 ventions, and for other purposes”, approved
 4 July 5, 1946 (commonly known as the
 5 “Lanham Act” or the “Trademark Act of
 6 1946”) (15 U.S.C. 1051 et seq.);

7 (D) a trade secret (as defined in section
 8 1839 of title 18, United States Code); or

9 (E) any other form of intellectual property.

10 (5) UNITED STATES PERSON.—The term
 11 “United States person” means—

12 (A) a United States citizen or an alien law-
 13 fully admitted for permanent residence to the
 14 United States; or

15 (B) an entity organized under the laws of
 16 the United States or any jurisdiction within the
 17 United States, including a foreign branch of
 18 such an entity.

19 (b) ESTABLISHMENT OF A COMMITTEE.—

20 (1) IN GENERAL.—The President shall—

21 (A) establish a multi-agency committee to
 22 carry out this section; or

23 (B) designate an existing multi-agency
 24 committee within the executive branch to carry
 25 out this section if the President determines that

1 such existing committee has the relevant exper-
2 tise and personnel to carry out this section.

3 (2) MEMBERSHIP.—Except as provided under
4 paragraph (3), the Committee shall be comprised
5 of—

6 (A) the Secretary of the Treasury;

7 (B) the Secretary of Commerce;

8 (C) the Secretary;

9 (D) the Attorney General;

10 (E) the Director of National Intelligence;

11 and

12 (F) the heads of such other agencies as the
13 President determines appropriate, generally or
14 on a case-by-case basis.

15 (3) DESIGNEE.—An official specified in para-
16 graph (2) may select a designee to serve on the
17 Committee from among individuals serving in posi-
18 tions appointed by the President by and with the ad-
19 vice and consent of the Senate.

20 (4) CHAIR AND VICE CHAIR.—The President
21 shall appoint a chairperson and a vice chairperson of
22 the Committee from among the members of the
23 Committee.

24 (c) SUBMISSION OF PETITIONS.—

1 (1) IN GENERAL.—A United States person de-
2 scribed in paragraph (3) may submit a petition to
3 the Committee requesting that the Committee—

4 (A) review, in accordance with subsection
5 (d), a significant act or series of acts described
6 in paragraph (2) committed by a foreign per-
7 son; and

8 (B) refer the matter to the President with
9 a recommendation to impose sanctions pursuant
10 to subsection (e) to address any threat to the
11 national security of the United States posed by
12 the significant act or series of acts.

13 (2) SIGNIFICANT ACT OR SERIES OF ACTS DE-
14 SCRIBED.—A significant act or series of acts de-
15 scribed in this paragraph is a significant act or se-
16 ries of acts of—

17 (A) theft of intellectual property of a
18 United States person; or

19 (B) forced transfer of technology that is
20 the intellectual property of a United States per-
21 son.

22 (3) UNITED STATES PERSON DESCRIBED.—A
23 United States person is described in this paragraph
24 if—

1 (A) a court of competent jurisdiction in the
2 United States has rendered a final judgment in
3 favor of the United States person that—

4 (i) the foreign person identified in the
5 petition submitted pursuant to paragraph
6 (1) committed the significant act or series
7 of acts identified in the petition;

8 (ii) the United States person is the
9 owner of the intellectual property identified
10 in the petition; and

11 (iii) the foreign person is using that
12 intellectual property without the permis-
13 sion of the United States person; and

14 (B) the United States person can provide
15 clear and convincing evidence to the Committee
16 that the value of the economic loss to the
17 United States person resulting from the signifi-
18 cant act or series of acts exceeds \$10,000,000.

19 (d) REVIEW AND ACTION BY THE COMMITTEE.—

20 (1) REVIEW.—Upon receiving a petition pursu-
21 ant to subsection (c), the Committee shall conduct
22 a review of the petition in order to determine wheth-
23 er the imposition of sanctions pursuant to subsection
24 (e) is necessary and appropriate to address any
25 threat to the national security of the United States

1 posed by the significant act or series of acts identi-
2 fied in the petition.

3 (2) ACTION.—After conducting a review pursu-
4 ant to paragraph (1) of a petition submitted pursu-
5 ant to subsection (c), the Committee may take no
6 action, dismiss the petition, or refer the petition to
7 the President with a recommendation with respect to
8 whether to impose sanctions under subsection (e).

9 (e) IMPOSITION OF SANCTIONS.—

10 (1) IN GENERAL.—The President may impose
11 the sanctions described in paragraph (3) with re-
12 spect to a foreign person identified in a petition sub-
13 mitted pursuant to subsection (c) if the President
14 determines that imposing such sanctions is necessary
15 and appropriate to address any threat to the na-
16 tional security of the United States posed by the sig-
17 nificant act or series of acts identified in the peti-
18 tion.

19 (2) NOTICE TO CONGRESS.—Not later than 30
20 days after the Committee refers a petition to the
21 President with a recommendation pursuant to sub-
22 section (d)(2), the President shall submit to the ap-
23 propriate congressional committees a notice of the
24 determination of the President under paragraph (1)
25 with respect to whether or not to impose sanctions

1 described in paragraph (3) with respect to each for-
2 eign person identified in the petition. Each notice re-
3 quired under this paragraph shall be submitted in
4 unclassified form, but may include a classified
5 annex.

6 (3) SANCTIONS DESCRIBED.—The sanctions
7 that may be imposed pursuant to paragraph (1) with
8 respect to a foreign person identified in a petition
9 submitted pursuant to subsection (c) are the fol-
10 lowing:

11 (A) EXPORT SANCTION.—The President
12 may order the United States Government not to
13 issue any specific license and not to grant any
14 other specific permission or authority to export
15 any goods or technology to the person under—

16 (i) the Export Control Reform Act of
17 2018 (50 U.S.C. 4801 et seq.);

18 (ii) the Arms Export Control Act (22
19 U.S.C. 2751 et seq.);

20 (iii) the Atomic Energy Act of 1954
21 (42 U.S.C. 2011 et seq.); or

22 (iv) any other statute that requires
23 the prior review and approval of the
24 United States Government as a condition

1 for the export or reexport of goods or serv-
2 ices.

3 (B) LOANS FROM UNITED STATES FINAN-
4 CIAL INSTITUTIONS.—The President may pro-
5 hibit any United States financial institution
6 from making loans or providing credits to the
7 person totaling more than \$10,000,000 in any
8 12-month period unless the person is engaged
9 in activities to relieve human suffering and the
10 loans or credits are provided for such activities.

11 (C) LOANS FROM INTERNATIONAL FINAN-
12 CIAL INSTITUTIONS.—The President may direct
13 the United States executive director to each
14 international financial institution to use the
15 voice and vote of the United States to oppose
16 any loan from the international financial insti-
17 tution that would benefit the person.

18 (D) PROHIBITIONS ON FINANCIAL INSTI-
19 TUTIONS.—The following prohibitions may be
20 imposed against the person if the person is a fi-
21 nancial institution:

22 (i) PROHIBITION ON DESIGNATION AS
23 PRIMARY DEALER.—Neither the Board of
24 Governors of the Federal Reserve System
25 nor the Federal Reserve Bank of New

1 York may designate, or permit the continu-
2 ation of any prior designation of, the fi-
3 nancial institution as a primary dealer in
4 United States Government debt instru-
5 ments.

6 (ii) PROHIBITION ON SERVICE AS A
7 REPOSITORY OF GOVERNMENT FUNDS.—
8 The financial institution may not serve as
9 agent of the United States Government or
10 serve as repository for United States Gov-
11 ernment funds.

12 (E) PROCUREMENT SANCTION.—The
13 President may prohibit the United States Gov-
14 ernment from procuring, or entering into any
15 contract for the procurement of, any goods or
16 services from the person.

17 (F) FOREIGN EXCHANGE.—The President
18 may, pursuant to such regulations as the Presi-
19 dent may prescribe, prohibit any transactions in
20 foreign exchange that are subject to the juris-
21 diction of the United States and in which the
22 person has any interest.

23 (G) BANKING TRANSACTIONS.—The Presi-
24 dent may, pursuant to such regulations as the
25 President may prescribe, prohibit any transfers

1 of credit or payments between financial institu-
2 tions or by, through, or to any financial institu-
3 tion, to the extent that such transfers or pay-
4 ments are subject to the jurisdiction of the
5 United States and involve any interest of the
6 person.

7 (H) PROPERTY TRANSACTIONS.—The
8 President may, pursuant to such regulations as
9 the President may prescribe, prohibit any per-
10 son from—

11 (i) acquiring, holding, withholding,
12 using, transferring, withdrawing, trans-
13 porting, importing, or exporting any prop-
14 erty that is subject to the jurisdiction of
15 the United States and with respect to
16 which the person identified in the petition
17 has any interest;

18 (ii) dealing in or exercising any right,
19 power, or privilege with respect to such
20 property; or

21 (iii) conducting any transaction in-
22 volving such property.

23 (I) BAN ON INVESTMENT IN EQUITY OR
24 DEBT OF SANCTIONED PERSON.—The President
25 may, pursuant to such regulations or guidelines

1 as the President may prescribe, prohibit any
2 United States person from investing in or pur-
3 chasing significant amounts of equity or debt
4 instruments of the person.

5 (J) EXCLUSION OF CORPORATE OFFI-
6 CERS.—The President may direct the Secretary
7 to deny a visa to, and the Secretary of Home-
8 land Security to exclude from the United
9 States, any alien that the President determines
10 is a corporate officer or principal of, or a share-
11 holder with a controlling interest in, the person
12 identified in the petition.

13 (K) SANCTIONS ON PRINCIPAL EXECUTIVE
14 OFFICERS.—The President may impose on the
15 principal executive officer or officers of the per-
16 son, or on individuals performing similar func-
17 tions and with similar authorities as such offi-
18 cer or officers, any of the sanctions described in
19 this paragraph.

20 (f) IMPLEMENTATION; PENALTIES.—

21 (1) IMPLEMENTATION.—The President may ex-
22 ercise all authorities provided to the President under
23 sections 203 and 205 of the International Emer-
24 gency Economic Powers Act (50 U.S.C. 1702 and
25 1704) to carry out this section.

1 (2) PENALTIES.—Any person that violates, at-
2 tempts to violate, conspires to violate, or causes a
3 violation of this section or any regulation, license, or
4 order issued to carry out this section shall be subject
5 to the penalties set forth in subsections (b) and (c)
6 of section 206 of the International Emergency Eco-
7 nomic Powers Act (50 U.S.C. 1705) to the same ex-
8 tent as a person that commits an unlawful act de-
9 scribed in subsection (a) of such section.

10 (g) CONFIDENTIALITY OF INFORMATION.—

11 (1) IN GENERAL.—The Committee shall protect
12 from disclosure any proprietary information sub-
13 mitted by a United States person and marked as
14 business confidential information, unless the person
15 submitting the information—

16 (A) had notice, at the time of submission,
17 that the information would be released by the
18 Committee; or

19 (B) subsequently consents to the release of
20 the information.

21 (2) TREATMENT AS TRADE SECRETS.—Propri-
22 etary information submitted by a United States per-
23 son pursuant to this section shall be—

24 (A) considered to be trade secrets and
25 commercial or financial information (as those

1 terms are used for purposes of section
2 552b(c)(4) of title 5, United States Code); and

3 (B) exempt from disclosure without the ex-
4 press approval of the person.

5 (h) RULEMAKING.—The President may prescribe
6 such licenses, orders, and regulations as are necessary to
7 carry out this section, including with respect to the process
8 by which United States persons may submit petitions pur-
9 suant to subsection (c).

10 **SEC. 314. FOSTERING ENERGY DEVELOPMENT ALIGNED**
11 **WITH PARTNER COUNTRY NEEDS.**

12 (a) IN GENERAL.—The Secretary may not exclude or
13 otherwise limit the provision of funds that would otherwise
14 have been available under any Federal law or regulation
15 to support natural gas and civil nuclear energy projects,
16 including market development, infrastructure, technology,
17 or technical assistance on the basis that—

18 (1) such projects result in new carbon emissions
19 or associated infrastructure;

20 (2) a higher-cost and lower-emissions alter-
21 native is available; or

22 (3) lower cost alternatives are available where
23 pricing does not take into account dispatchability,
24 given the importance of flexible generation for en-
25 suring a stable and reliable power supply.

1 (b) PARTNER COUNTRY DRIVEN ENERGY
2 PROJECTS.—In prioritizing energy projects for which
3 United States allies and partners are seeking assistance
4 authorized to be appropriated under Federal law the Sec-
5 retary should take into consideration—

6 (1) the objectives of improving—

7 (A) energy access within the partner coun-
8 try;

9 (B) energy security; and

10 (C) economic needs of the host country;

11 (2) appropriate coordination with host country
12 government authorities; and

13 (3) the national security or foreign policy inter-
14 ests of the United States.

15 (c) ADDITIONAL FUNDING.—Federal foreign assist-
16 ance funds allocated to an energy project—

17 (1) shall be in addition to investments made by
18 the United States private sector and the private sec-
19 tor of United States partners or allied countries; and

20 (2) should not displace or complicate private
21 sector involvement in the development of host coun-
22 try energy resources.

23 (d) CHIEF OF MISSION AUTHORITY.—The Secretary
24 shall be responsible for the management and operation of
25 commercial engagements on all energy projects conducted

1 under chief of mission authority at all United States em-
2 bassies.

3 **SEC. 315. OPPOSITION OF UNITED STATES TO AN INCREASE**
4 **IN WEIGHT OF CHINESE RENMINBI IN SPE-**
5 **CIAL DRAWING RIGHTS BASKET OF INTER-**
6 **NATIONAL MONETARY FUND.**

7 (a) IN GENERAL.—The Secretary of the Treasury
8 shall instruct the United States Governor of, and the
9 United States Executive Director at, the International
10 Monetary Fund to use the voice and vote of the United
11 States to oppose any increase in the weight of the Chinese
12 renminbi in the basket of currencies used to determine the
13 value of Special Drawing Rights, unless the Secretary of
14 the Treasury has submitted a written report to the Com-
15 mittee on Banking, Housing, and Urban Affairs of the
16 Senate and the Committee on Financial Services of the
17 House of Representatives that includes a certification
18 that—

19 (1) the PRC is in compliance with all its obliga-
20 tions under Article VIII of the Articles of Agreement
21 of the Fund;

22 (2) during the preceding 12 months, there has
23 not been a report submitted under section 3005 of
24 the Omnibus Trade and Competitiveness Act of
25 1988 (22 U.S.C. 5305) or section 701 of the Trade

1 Facilitation and Trade Enforcement Act of 2015 (19
2 U.S.C. 4421) in which the PRC has been found to
3 have manipulated its currency; and

4 (3) the PRC has instituted and is implementing
5 the policies and practices necessary to ensure that
6 the renminbi is freely usable (within the meaning of
7 Article XXX(f) of the Articles of Agreement of the
8 Fund).

9 (b) SUNSET.—Subsection (a) shall have no force or
10 effect beginning on the date that is 10 years after the date
11 of the enactment of this Act.

12 **SEC. 316. STRENGTHENING CONGRESSIONAL OVERSIGHT**
13 **OF SPECIAL DRAWING RIGHTS AT INTER-**
14 **NATIONAL MONETARY FUND.**

15 Section 6 of the Special Drawing Rights Act (22
16 U.S.C. 286q) is amended—

17 (1) in subsection (a)—

18 (A) by striking “each basic period” and in-
19 serting “any 10-year period”; and

20 (B) by inserting “25 percent of” before
21 “the United States quota”; and

22 (2) in subsection (b)(1)—

23 (A) by inserting “, or consent to or acqui-
24 esce in such an allocation,” before “without
25 consultations”; and

1 (B) by striking “90 days” and inserting
2 “180 days”.

3 **SEC. 317. SECURITY AND OVERSIGHT FOR INTERNATIONAL**
4 **LANDHOLDINGS.**

5 (a) REVIEW BY COMMITTEE ON FOREIGN INVEST-
6 MENT IN THE UNITED STATES OF CERTAIN AGRICUL-
7 TURAL REAL ESTATE TRANSACTIONS.—Section
8 721(a)(4)(B) of the Defense Production Act of 1950, as
9 amended by section 308, is further amended by adding
10 at the end the following:

11 “(vii) Any acquisition or transfer of
12 an interest, other than a security, in agri-
13 cultural land held by a person that is a na-
14 tional of, or is organized under the laws or
15 otherwise subject to the jurisdiction of, a
16 country—

17 “(I) designated as a nonmarket
18 economy country pursuant to section
19 771(18) of the Tariff Act of 1930 (19
20 U.S.C. 1677(18)); or

21 “(II) identified as a country that
22 poses a risk to the national security of
23 the United States in the most recent
24 annual report on worldwide threats
25 issued by the Director of National In-

1 telligence pursuant to section 108B of
2 the National Security Act of 1947 (50
3 U.S.C. 3043b) (commonly known as
4 the ‘Annual Threat Assessment’).”.

5 (b) REVIEW BY COMMITTEE ON FOREIGN INVEST-
6 MENT IN THE UNITED STATES OF REAL ESTATE TRANS-
7 ACTIONS NEAR MILITARY INSTALLATIONS.—Section
8 721(a)(4)(B) of the Defense Production Act of 1950, as
9 amended by subsection (a) and sections 102(a)(1)(B) and
10 308(a), is further amended by adding at the end the fol-
11 lowing:

12 “(viii) Any acquisition or transfer of
13 an interest, other than a security, in any
14 form of real estate that is located not more
15 than 50 miles from a military installation
16 (as defined in section 2801(c)(4) of title
17 10, United States Code) other than resi-
18 dential property held by a person that is a
19 national of, or is organized under the laws
20 or otherwise subject to the jurisdiction of,
21 a country described in clause (vii).”.

22 (c) EXPANSION OF MEMBERSHIP IN COMMITTEE ON
23 FOREIGN INVESTMENT IN THE UNITED STATES.—Section
24 721(k)(6) of the Defense Production Act of 1950 (50
25 U.S.C. 4565(k)(6)) is amended to read as follows:

1 “(6) OTHER MEMBERS.—The chairperson shall
2 include the heads of relevant departments, agencies,
3 and offices (or the designee of any such head) in any
4 review or investigation under subsection (b), on the
5 basis of the facts and circumstances of the covered
6 transaction under review or investigation.”.

7 (d) PROHIBITION ON USE OF FUNDS FOR CERTAIN
8 AGRICULTURAL REAL ESTATE HOLDINGS.—No assist-
9 ance, including subsidies, may be provided by any Federal
10 agency to a person for an agricultural real estate holding
11 wholly or partly owned by a person that is a national of,
12 or is organized under the laws or otherwise subject to the
13 jurisdiction of, a country described in section
14 721(a)(4)(B)(viii) of the Defense Production Act of 1950,
15 as added by subsection (a).

16 (e) DISCLOSURE REQUIREMENTS FOR FOREIGN AG-
17 RICULTURAL REAL ESTATE HOLDINGS.—

18 (1) REPORTING REQUIREMENTS.—Section 2(a)
19 of the Agricultural Foreign Investment Disclosure
20 Act of 1978 (7 U.S.C. 3501(a)) is amended—

21 (A) in the first sentence of the matter pre-
22 ceding paragraph (1)—

23 (i) by inserting “, or enters into a
24 leasing agreement the period of which is

1 longer than 5 years with respect to agricul-
2 tural land,” after “agricultural land”; and

3 (ii) by striking “acquisition or trans-
4 fer” and inserting “acquisition, transfer, or
5 lease”; and

6 (B) in paragraph (4), by striking “ac-
7 quired or transferred” and inserting “acquired,
8 transferred, or leased”.

9 (2) REVOCATION OF MINIMUM ACREAGE RE-
10 QUIREMENT.—Section 9(1) of the Agricultural For-
11 eign Investment Disclosure Act of 1978 (7 U.S.C.
12 3508(1)) is amended by inserting “, subject to the
13 condition that the Secretary may not exclude land
14 from this definition based on the acreage of the
15 land” before the semicolon at the end.

16 (f) REPORTS OF HOLDINGS OF AGRICULTURAL LAND
17 IN THE UNITED STATES BY FOREIGN PERSONS.—Section
18 6 of the Agricultural Foreign Investment Disclosure Act
19 of 1978 (7 U.S.C. 3505) is amended—

20 (1) by striking the section designation and
21 heading and all that follows through “Not later
22 than” and inserting the following:

23 **“SEC. 6. REPORTS.**

24 “(a) TRANSMISSION OF REPORTS TO STATES.—Not
25 later than”; and

1 (2) by adding at the end the following:

2 “(b) ANNUAL REPORT.—

3 “(1) IN GENERAL.—The Secretary shall pre-
4 pare and make publicly available an annual report
5 describing holdings of agricultural land by foreign
6 persons, as determined by the reports submitted
7 pursuant to section 2, including—

8 “(A) an analysis of the countries with the
9 most extensive agricultural land holdings on a
10 State-by-State and county-by-county basis;

11 “(B) data and an analysis of agricultural
12 land holdings in each county in the United
13 States by a foreign person from—

14 “(i) the People’s Republic of China;

15 “(ii) the Russian Federation; or

16 “(iii) any other country that the Sec-
17 retary determines to be appropriate;

18 “(C) an analysis of the sectors and indus-
19 tries for which the agricultural land holdings
20 are used; and

21 “(D) in consultation with the Director of
22 the United States Geological Survey, an identi-
23 fication of countries that own or lease water
24 rights and mineral deposits on a State-by-State
25 and county-by-county basis.

1 “(2) TRANSMISSION TO STATES.—The Sec-
2 retary shall transmit each report prepared pursuant
3 to paragraph (1) to each State department of agri-
4 culture or appropriate State agency described in
5 subsection (a) in conjunction with the applicable re-
6 ports transmitted pursuant to that subsection.”.

7 **SEC. 318. INTELLECTUAL PROPERTY VIOLATORS LIST.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of the enactment of this Act, and not less frequently
10 than annually thereafter for the following 5 years, the Sec-
11 retary, in coordination with the Secretary of Commerce,
12 the Attorney General, the United States Trade Represent-
13 ative, and the Director of National Intelligence, shall cre-
14 ate a list (referred to in this section as the “IP violators
15 list”) that identifies—

16 (1) all centrally administered state-owned enter-
17 prises incorporated in the People’s Republic of
18 China that have benefitted from—

19 (A) a significant act or series of acts of in-
20 tellectual property theft that subjected a United
21 States economic sector or particular company
22 incorporated in the United States to harm; or

23 (B) an act or government policy of involun-
24 tary or coerced technology transfer of intellec-

1 tual property ultimately owned by a company
2 incorporated in the United States; and

3 (2) any corporate officer of, or principal share-
4 holder with controlling interests in, an entity de-
5 scribed in paragraph (1).

6 (b) RULES FOR IDENTIFICATION.—To determine
7 whether there is a credible basis for determining that a
8 company should be included on the IP violators list, the
9 Secretary, in coordination with the Secretary of Com-
10 merce, the United States Trade Representative, and the
11 Director of National Intelligence, shall consider—

12 (1) any finding by a United States court that
13 the company has violated relevant United States
14 laws intended to protect intellectual property rights;
15 or

16 (2) substantial and credible information re-
17 ceived from any entity described in subsection (e) or
18 other interested persons.

19 (c) CONSULTATION.—In carrying out this section, the
20 Secretary, in coordination with the Secretary of Com-
21 merce, the United States Trade Representative, and the
22 Director of National Intelligence, may consult, as nec-
23 essary and appropriate, with—

24 (1) other Federal agencies, including inde-
25 pendent agencies;

1 (2) the private sector;

2 (3) civil society organizations with relevant ex-
3 pertise; and

4 (4) the Governments of Australia, of Canada, of
5 the European Union, of Japan, of New Zealand, of
6 South Korea, and of the United Kingdom.

7 (d) REPORT.—

8 (1) IN GENERAL.—The Secretary shall publish,
9 in the Federal Register, an annual report that—

10 (A) lists the companies engaged in the ac-
11 tivities described in subsection (a)(1);

12 (B) describes the circumstances sur-
13 rounding actions described in subsection (a)(2),
14 including any role of the Government of the
15 People’s Republic of China;

16 (C) assesses, to the extent practicable, the
17 economic advantage derived by the companies
18 engaged in the activities described in subsection
19 (a)(1); and

20 (D) assesses whether each company en-
21 gaged in the activities described in subsection
22 (a)(1) is using or has used the stolen intellec-
23 tual property in commercial activity in Aus-
24 tralia, Canada, the European Union, Japan,

1 New Zealand, South Korea, the United King-
2 dom, or the United States.

3 (2) FORM.—The report published pursuant to
4 paragraph (1) shall be published in unclassified
5 form, but may include a classified annex.

6 (e) DECLASSIFICATION AND RELEASE.—The Direc-
7 tor of National Intelligence may authorize the declassifica-
8 tion of information, as appropriate, used to prepare the
9 report published pursuant to subsection (d).

10 (f) REQUIREMENT TO PROTECT BUSINESS-CON-
11 FIDENTIAL INFORMATION.—

12 (1) IN GENERAL.—The Secretary and the heads
13 of all other Federal agencies involved in the produc-
14 tion of the IP violators list shall protect from disclo-
15 sure any proprietary information submitted by a pri-
16 vate sector participant and marked as business-con-
17 fidential information, unless the party submitting
18 the confidential business information—

19 (A) had notice, at the time of submission,
20 that such information would be released by the
21 Secretary; or

22 (B) subsequently consents to the release of
23 such information.

24 (2) NONCONFIDENTIAL VERSION OF REPORT.—
25 If confidential business information is provided by a

1 private sector participant, a nonconfidential version
2 of the report under subsection (d) shall be published
3 in the Federal Register that summarizes or deletes,
4 if necessary, such confidential business information.

5 (3) TREATMENT AS TRADE SECRETS.—Proprietary
6 information submitted by a private party pur-
7 suant to this section—

8 (A) shall be considered to be trade secrets
9 and commercial or financial information (as de-
10 fined under section 552(b)(4) of title 5, United
11 States Code); and

12 (B) shall be exempt from disclosure with-
13 out the express approval of the private party.

14 **SEC. 319. ANNUAL REVIEW OF THE PRESENCE OF CHINESE**
15 **COMPANIES IN UNITED STATES CAPITAL**
16 **MARKETS.**

17 (a) DEFINED TERM.—In this section, the term “ap-
18 propriate committees of Congress” means—

19 (1) the Committee on Foreign Relations of the
20 Senate;

21 (2) the Select Committee on Intelligence of the
22 Senate;

23 (3) the Committee on Banking, Housing, and
24 Urban Affairs of the Senate;

1 (4) the Committee on Foreign Affairs of the
2 House of Representatives;

3 (5) the Permanent Select Committee on Intel-
4 ligence of the House of Representatives; and

5 (6) the Committee on Financial Services of the
6 House of Representatives.

7 (b) REPORT.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act, and an-
10 nually thereafter for the following 5 years, the Sec-
11 retary, in consultation with the Director of National
12 Intelligence and the Secretary of the Treasury, shall
13 submit an unclassified report to the appropriate
14 committees of Congress that describes the risks
15 posed to the United States by the presence in
16 United States capital markets of companies incor-
17 porated in the PRC.

18 (2) MATTERS TO BE INCLUDED.—The report
19 required under paragraph (1) shall—

20 (A) identify companies incorporated in the
21 PRC that—

22 (i) are listed or traded on 1 or more
23 stock exchanges within the United States,
24 including over-the-counter market and “A
25 Shares” added to indexes and exchange-

1 traded funds out of mainland exchanges in
2 the PRC; and

3 (ii) based on the factors for consider-
4 ation described in paragraph (3), have
5 knowingly and materially contributed to—

6 (I) activities that undermine
7 United States national security;

8 (II) serious abuses of internation-
9 ally recognized human rights; or

10 (III) a substantially increased fi-
11 nancial risk exposure for United
12 States-based investors;

13 (B) describe the activities of the companies
14 identified pursuant to subparagraph (A), and
15 their implications for the United States; and

16 (C) develop policy recommendations for the
17 United States Government, State governments,
18 United States financial institutions, United
19 States equity and debt exchanges, and other
20 relevant stakeholders to address the risks posed
21 by the presence in United States capital mar-
22 kets of the companies identified pursuant to
23 subparagraph (A).

24 (3) FACTORS FOR CONSIDERATION.—In pre-
25 paring the report required under paragraph (1), the

1 President shall consider whether a company identi-
2 fied pursuant to paragraph (2)(A)—

3 (A) has materially contributed to the devel-
4 opment or manufacture, or sold or facilitated
5 procurement by the People’s Liberation Army,
6 of lethal military equipment or component parts
7 of such equipment;

8 (B) has contributed to the construction
9 and militarization of features in the South
10 China Sea;

11 (C) has been sanctioned by the United
12 States or has been determined to have con-
13 ducted business with sanctioned entities;

14 (D) has engaged in an act or a series of
15 acts of intellectual property theft;

16 (E) has engaged in corporate or economic
17 espionage;

18 (F) has contributed to the proliferation of
19 nuclear or missile technology in violation of
20 United Nations Security Council resolutions or
21 United States sanctions;

22 (G) has contributed to the repression of re-
23 ligious and ethnic minorities within the PRC,
24 including in the Xinjiang Uyghur Autonomous
25 Region or the Tibet Autonomous Region;

1 (H) has contributed to the development of
2 technologies that enable censorship directed or
3 directly supported by the Government of the
4 PRC;

5 (I) has failed to comply fully with Federal
6 securities laws (including required audits by the
7 Public Company Accounting Oversight Board)
8 and “material risk” disclosure requirements of
9 the Securities and Exchange Commission; or

10 (J) has contributed to other activities or
11 behavior determined to be relevant by the Presi-
12 dent.

13 (c) FORM.—The report required under subsection
14 (b)(1) shall be submitted in unclassified form, but may
15 include a classified annex.

16 (d) PUBLICATION.—The unclassified portion of the
17 report under subsection (b)(1) shall be made accessible to
18 the public online through relevant United States Govern-
19 ment websites.

20 **SEC. 320. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
21 **PROCUREMENT OF CERTAIN BATTERIES.**

22 (a) LIMITATION.—Beginning on October 1, 2027,
23 none of the funds appropriated or otherwise made avail-
24 able for the Department of State may be obligated or ex-

1 pended to procure a battery produced by an entity speci-
2 fied in subsection (b).

3 (b) ENTITIES SPECIFIED.—The entities specified in
4 this subsection are the following:

5 (1) Contemporary Amperex Technology Com-
6 pany, Limited (also known as “CATL”).

7 (2) BYD Company, Limited.

8 (3) Envision Energy, Limited.

9 (4) EVE Energy Company, Limited.

10 (5) Gotion High tech Company, Limited.

11 (6) Hithium Energy Storage Technology com-
12 pany, Limited.

13 (7) Any successor to an entity specified in para-
14 graphs (1) through (6).

15 (c) TREATMENT OF PRODUCTION.—For purposes of
16 this section, a battery shall be treated as having been pro-
17 duced by an entity specified in subsection (b) if such enti-
18 ty—

19 (1) assembles or manufactures the final prod-
20 uct; or

21 (2) creates or otherwise provides a majority of
22 the components used in the battery.

23 (d) NATIONAL INTEREST WAIVER.—The Secretary
24 may waive the limitation under subsection (a) if the Sec-

1 retary submits to the appropriate congressional commit-
2 tees—

3 (1) a written determination that such waiver is
4 important to the national interests of the United
5 States; and

6 (2) a detailed explanation of how such waiver is
7 important to such interests.

8 **SEC. 321. ENDING SUPPORT FOR PRC CONTRACTS AT THE**
9 **WORLD BANK.**

10 (a) INVESTMENT PROJECT FINANCING CON-
11 TRACTS.—The Secretary of the Treasury shall instruct the
12 United States Executive Director at the International
13 Bank for Reconstruction and Development to use the
14 voice, vote, and influence of the United States—

15 (1) to limit the awarding of Investment Project
16 Financing contracts to entities or individuals orga-
17 nized under the laws of, or otherwise subject to the
18 jurisdiction of, the People’s Republic of China, in-
19 cluding entities owned or controlled by the Govern-
20 ment of the People’s Republic of China;

21 (2) to limit the awarding of Investment Project
22 Financing contracts to entities listed on—

23 (A) the Non-SDN Chinese Military-Indus-
24 trial Complex Entities List (“NS-CMIC List”)
25 or any of their subsidiaries;

1 (B) entities or individuals on the Specially
2 Designated Nationals List (“SDN List”);

3 (C) the Consolidated Sanctions List
4 (“Non-SDN List”);

5 (D) the Sectoral Sanctions Identifications
6 List (“SSI List”);

7 (E) the Foreign Sanctions Evaders List
8 (“FSE List”);

9 (F) the List of Foreign Financial Institu-
10 tions Subject to Correspondent Account or Pay-
11 able-Through Account Sanctions (“CAPTA
12 List”);

13 (G) the Non-SDN Menu-Based Sanctions
14 List (“NS-MBS List”);

15 (H) the Covered List;

16 (I) the Entity List;

17 (J) the Military End-User List; and

18 (K) the Consolidated Screening List; and

19 (3) to encourage the adoption of sanctions and
20 export control lists as appropriate as criteria in fu-
21 ture iterations of the World Bank Procurement
22 Framework or successor guidance documents for In-
23 vestment Project Financing projects.

24 (b) REPORT.—Beginning in the first calendar year
25 beginning after the date of the enactment of this Act, the

1 Department of the Treasury, as part of the Annual Report
2 to Congress from the Chairman of the National Advisory
3 Council on International Monetary and Financial Policies,
4 shall include—

5 (1) information regarding any contracts award-
6 ed by the World Bank Group, the European Bank
7 for Reconstruction and Development, the Asian De-
8 velopment Bank, the African Development Bank,
9 and the Inter-American Development Bank to enti-
10 ties described in paragraphs (1) and (2) of sub-
11 section (a) during the preceding calendar year, in-
12 cluding—

13 (A) the title or other identifying name of
14 the project;

15 (B) a description of the project;

16 (C) the location of the project;

17 (D) the amount of funding or financing al-
18 located for the project;

19 (E) the amount of funding or financing
20 disbursed under the project; and

21 (F) a summary of the status of the imple-
22 mentation of the project;

23 (2) to the greatest extent possible, information
24 regarding any other entities that submitted bids for
25 Investment Project Financing contracts ultimately

1 awarded to persons or entities described in para-
2 graph (1) or (2) of subsection (a) during the pre-
3 ceding calendar year;

4 (3) records of votes held by the World Bank
5 Group Boards of Governors in the preceding cal-
6 endar year regarding policies related to the World
7 Bank Procurement Framework; and

8 (4) any changes to the Framework resulting
9 from such votes.

10 **SEC. 322. REPORT ON UNITED STATES DEVELOPMENT EF-**

11 **FORTS TO COUNTER THE PRC'S BELT AND**

12 **ROAD INITIATIVE.**

13 (a) **DEFINED TERM.**—In this section, the term “ap-
14 propriate congressional committees” means—

15 (1) the Committee on Foreign Relations of the
16 Senate; and House Committee on Foreign Affairs;

17 (2) the Committee on Commerce, Science, and
18 Transportation of the Senate;

19 (3) the Committee on Banking, Housing, and
20 Urban Affairs of the Senate;

21 (4) the Committee on Finance of the Senate;

22 (5) the Committee on Foreign Affairs of the
23 House of Representatives;

24 (6) the Committee on Energy and Commerce of
25 the House of Representatives;

1 (7) the Committee on Financial Services of the
2 House of Representatives; and

3 (8) the Committee on Ways and Means of the
4 House of Representatives.

5 (b) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary shall sub-
7 mit a report to the appropriate congressional committees
8 that includes—

9 (1) a description of the current interagency
10 process for coordinating international development
11 projects and investments among—

12 (A) the Department of State;

13 (B) the United States Agency for Inter-
14 national Development;

15 (C) the Millennium Challenge Corporation;

16 (D) the United States Trade and Develop-
17 ment Agency;

18 (E) the Department of Commerce;

19 (F) the Department of the Treasury;

20 (G) the Export-Import Bank of the United
21 States;

22 (H) the Office of the United States Trade
23 Representative; and

24 (I) other executive branch agencies that
25 the Secretary considers relevant to such report;

1 (2) a list of interagency priorities when identi-
2 fying and pursuing joint or complementary inter-
3 national development projects;

4 (3) the extent to which the interagency process
5 for identifying and pursuing international develop-
6 ment projects considers competition with the PRC
7 and its Belt and Road Initiative;

8 (4) the extent to which such interagency proc-
9 ess consults with the Department of Defense for
10 guidance on projects or investments that might ad-
11 vance United States national security interests as
12 laid out in the National Security Strategy and the
13 National Defense Strategy;

14 (5) an interagency strategy for identifying
15 international development projects that can be pur-
16 sued jointly or in a complementary fashion with
17 other United States development agencies and initia-
18 tives, including how United States Government de-
19 velopment agencies can work together to counter the
20 PRC's Belt and Road Initiative;

21 (6) how the interagency process works with
22 global partners and allies, including international de-
23 velopment bodies, to compete with the PRC and its
24 Belt and Road Initiative; and

1 (7) strategic industries or regions where the
2 United States Government and its foreign partners
3 should pursue more international development
4 projects in order to compete with the PRC and its
5 Belt and Road initiative.

6 **TITLE IV—STRENGTHENING SE-**
7 **CURITY ALLIANCES AND**
8 **PARTNERSHIPS**

9 **Subtitle A—International Security**
10 **Partners**

11 **SEC. 401. DEFINED TERM.**

12 In this subtitle, the term “appropriate committees of
13 Congress” means—

14 (1) the Committee on Foreign Relations of the
15 Senate;

16 (2) the Committee on Armed Services of the
17 Senate;

18 (3) the Committee on Foreign Affairs of the
19 House of Representatives; and

20 (4) the Committee on Armed Services of the
21 House of Representatives.

22 **SEC. 402. RESTRICTION ON TRACK 1.5 DIALOGUES WITH**
23 **THE PEOPLE’S REPUBLIC OF CHINA.**

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

1 (1) the PRC has undertaken a breathtaking ex-
2 pansion of its nuclear weapons and missile arsenal
3 and is now engaged in a sprint to strategic parity
4 with the United States;

5 (2) the PRC has failed to respond to United
6 States efforts to participate in confidence-building
7 measures related to strategic issues or to establish
8 official dialogues with the United States on crisis
9 stability and arms race stability;

10 (3) the PRC is not implementing previously
11 agreed to military-to-military confidence-building
12 measures that require notification of major military
13 exercises, nor is it adhering to the Memorandum of
14 Understanding on the Rules of Behavior for Safety
15 of Air and Maritime Encounters between the De-
16 partment of Defense of the United States of Amer-
17 ica and the Ministry of National Defense of the Peo-
18 ple's Republic of China, done at Washington and
19 Beijing November 9, 2014, or its supplemental
20 agreements;

21 (4) the PRC is failing to adhere to its commit-
22 ment under Article VI of the Treaty on the Non-
23 Proliferation of Nuclear Weapons, done at Wash-
24 ington, London, and Moscow July 1, 1968 (com-
25 monly referred to as the "Nuclear Nonproliferation

1 Treaty’ or the “NPT”), “to pursue negotiations in
2 good faith on effective measures relating to cessation
3 of the nuclear arms race at an early date and to nu-
4 clear disarmament, and on a treaty on general and
5 complete disarmament under strict and effective
6 international control”;

7 (5) the PRC’s nuclear weapons expansion is de-
8 signed to undermine extended deterrence commit-
9 ments made by the United States to allies in the
10 Indo-Pacific region;

11 (6) Sino-Russian nuclear energy cooperation is
12 designed in part to generate additional fissile mate-
13 rial to help fuel the PRC’s nuclear weapons expan-
14 sion;

15 (7) the Chinese Communist Party (CCP) does
16 not share the United States interest in preventing
17 proliferation and has been a central contributor to
18 fostering the nuclear weapons and ballistic missile
19 programs of Pakistan, North Korea, and Iran;

20 (8) the United States should not continue to so-
21 licit Chinese participation in arms control talks;

22 (9) multilateral fora like P-5 meetings of the
23 nuclear-weapon states (as defined in the Nuclear
24 Nonproliferation Treaty) are ineffective and are used

1 by the Chinese Communist Party to create the ap-
2 pearance of cooperation; and

3 (10) the United States should cease funding
4 and participating in Track 1.5 dialogues with the
5 PRC on nuclear weapons, strategic space, and mis-
6 sile defense, which—

7 (A) have not led to beneficial outcomes in
8 government-to-government discussions on those
9 topics; and

10 (B) provide the PRC with insight and
11 know-how into nuclear strategy and other topics
12 without providing reciprocal insight for the
13 United States.

14 (b) DEFINED TERM.—In this section, the term
15 “Track 1.5 dialogue” means a dialogue or other meeting
16 on a policy issue or issues that includes nongovernment
17 representatives and government representatives.

18 (c) LIMITATION ON USE OF FUNDS.—No amounts
19 appropriated or otherwise made available to the Depart-
20 ment of State or the Department of Defense may be obli-
21 gated or expended for any diplomatic or military-to-mili-
22 tary Track 1.5 dialogues on nuclear, missile defense, or
23 space policy with any entity under the direct control of
24 the Chinese Communist Party or the Government of the
25 People’s Republic of China, including the Ministry of For-

1 eign Affairs, the Ministry of Defense, or the People’s Lib-
2 eration Army of the People’s Republic of China.

3 **SEC. 403. REFOCUSING INTERNATIONAL SECURITY EF-**
4 **FORTS FOR STRATEGIC COMPETITION.**

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

7 (1) the size of the United States diplomatic
8 corps and the civil service workforce of the Depart-
9 ment of State must be sufficient to meet the current
10 and emerging security challenges of the 21st cen-
11 tury, particularly those posed by the People’s Repub-
12 lic of China and the Russian Federation;

13 (2) an increased focus on the PRC in the inter-
14 national security sphere is necessary to achieve ob-
15 jectives of the Department in strategic affairs and
16 nonproliferation;

17 (3) the focus described in paragraph (2) must
18 be implemented with attention on increasing the
19 number of Foreign Service officers and civil servants
20 at the Department—

21 (A) to ensure the Department is resourced
22 at sufficient levels such that diplomatic tools re-
23 main central to the implementation of a long-
24 term competitive strategy with the PRC; and

1 (B) to coordinate with efforts of allies and
2 partners to improve the security of the United
3 States and advance allied interests in the face
4 of the military modernization and expansion of
5 the PRC;

6 (4) the centrality of traditional legally binding
7 arms control agreements in United States national
8 security policy is likely to diminish in an era of stra-
9 tegic competition with the Russian Federation and
10 the PRC;

11 (5) emerging technologies such as cyber, artifi-
12 cial intelligence, quantum technologies, space,
13 hypersonic missiles, and fractional orbit bombard-
14 ment systems, and advances in missile defense sys-
15 tems, will increasingly impact the strategic balance
16 between the United States and its great power ad-
17 versaries; and

18 (6) strategic threats will be increasingly ad-
19 dressed through risk reduction measures such as the
20 promotion of international norms in multilateral fo-
21 rums, increasing communication and predictability
22 with adversaries, and close cooperation and security
23 integration with allies and partners.

24 (b) STATEMENT OF POLICY.—It shall be the policy
25 of the United States—

1 (1) to ensure funding levels for the Department
2 of State for international security reflect the impor-
3 tance and significance of the Indo-Pacific region to
4 the political, economic, and security interests of the
5 United States;

6 (2) to increase funding and the proportion of
7 personnel dedicated to the Indo-Pacific region re-
8 spective to the international security budget of the
9 Department of State; and

10 (3) to confront the current limitations on
11 United States Foreign Service Officer exposure to
12 the Russian Federation by maintaining education
13 and focus on Russian culture, politics, military strat-
14 egy, and language.

15 (c) ACTION PLAN.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of the enactment of this Act, the Sec-
18 retary shall submit to the appropriate congressional
19 committees an action plan that—

20 (A) identifies the requirements to advance
21 the international security objectives of the
22 United States in the Indo-Pacific region and
23 the personnel and budgetary resources needed
24 to meet those requirements, assuming an un-
25 constrained resource environment;

1 (B) identifies the offices responsible for
2 managing bilateral and multilateral arms con-
3 trol, nonproliferation, and disarmament agree-
4 ments that are expired, are expiring, or the
5 United States has withdrawn from, and a de-
6 scription of how the missions of those offices
7 could be revised to focus on competitive strate-
8 gies and risk reduction initiatives in the Indo-
9 Pacific region;

10 (C) identifies any staff positions related to
11 arms control efforts that adversaries are not
12 participating in or cooperating with, and a de-
13 scription of how those positions could be reallo-
14 cated;

15 (D) includes a plan for increasing the por-
16 tion of the international security budget of the
17 Department of State dedicated to the Indo-Pa-
18 cific region, including through the reallocation
19 of personnel and resources, with a focus on the
20 threat posed by the military modernization and
21 expansion of the PRC;

22 (E) includes a plan for increasing the
23 number of positions in bureaus of the Depart-
24 ment that report to the Under Secretary of
25 State for Arms Control and International Secu-

1 rity and in overseas missions with responsibility
2 for the Indo-Pacific region, including a descrip-
3 tion of such increases and how such increases
4 will advance United States objectives in the
5 Indo-Pacific region;

6 (F) describes concrete, annual benchmarks
7 that the Department will meet in implementing
8 the action plan; and

9 (G) describes any barriers to implementing
10 the action plan.

11 (2) UPDATES.—During the 2-year period begin-
12 ning on the date on which the action plan is sub-
13 mitted pursuant to paragraph (1), the Secretary
14 shall submit to the appropriate congressional com-
15 mittees semiannual updates on the implementation
16 of the action plan that includes—

17 (A) supporting data; and

18 (B) a detailed assessment of benchmarks
19 that have been met.

20 **SEC. 404. REPORT ON DIPLOMATIC OUTREACH WITH RE-**
21 **SPECT TO PRC MILITARY INSTALLATIONS**
22 **OVERSEAS.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of the enactment of this Act, the Secretary, in con-
25 sultation with the Secretary of Defense, shall submit a re-

1 port to the appropriate committees of Congress regarding
2 United States diplomatic engagement with other countries
3 that host or are considering hosting any military installa-
4 tion of the Government of the PRC.

5 (b) MATTERS TO BE INCLUDED.—The report re-
6 quired under subsection (a) shall—

7 (1) list the countries that currently host or are
8 considering hosting any military installation of the
9 Government of the PRC;

10 (2) describe in detail United States diplomatic
11 and related efforts to engage countries that are con-
12 sidering hosting a military installation of the Gov-
13 ernment of the PRC, and the results of such efforts;

14 (3) assess the adverse impact on United States
15 interests of the Government of the PRC successfully
16 establishing a military installation at any of the lo-
17 cations it is currently considering;

18 (4) describe and list any commercial ports out-
19 side of the PRC that the United States Government
20 assesses could be used by the Government of the
21 PRC for military purposes, and any diplomatic ef-
22 forts to engage the governments of the countries
23 where such ports are located;

1 (5) describe the impact of the military installa-
2 tions of the Government of the PRC on United
3 States interests; and

4 (6) include lessons learned from the diplomatic
5 experience of addressing the PRC's first overseas
6 base in Djibouti.

7 (c) FORM OF REPORT.—The report required under
8 subsection (a) shall be submitted in classified form, but
9 may include an unclassified summary.

10 **SEC. 405. LIMITATION ON ASSISTANCE TO COUNTRIES**

11 **HOSTING PRC MILITARY INSTALLATIONS.**

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

14 (1) although it casts the Belt and Road Initia-
15 tive as a development initiative, the PRC is also uti-
16 lizing the Belt and Road Initiative to advance its
17 own security interests, including to expand its power
18 projection capabilities and facilitate greater access
19 for the People's Liberation Army through overseas
20 military installations; and

21 (2) the expansion of the People's Liberation
22 Army globally through overseas military installations
23 will undermine the medium- and long-term security
24 of the United States and the security and develop-
25 ment of strategic partners in critical regions around

1 the world, which is at odds with United States goals
2 to promote peace, prosperity, and self-reliance
3 among partner nations, including through the Mil-
4 lennium Challenge Corporation.

5 (b) LIMITATION ON ASSISTANCE.—Except as pro-
6 vided under subsection (c), for fiscal years 2024 through
7 2033, the government of a country that is hosting on its
8 territory a military installation of the Government of the
9 People’s Republic of China or facilitates the expansion of
10 the presence of the People’s Liberation Army for purposes
11 other than participating in United Nations peacekeeping
12 operations or for temporary humanitarian, medical, and
13 disaster relief operations in such country shall not be eligi-
14 ble for assistance under section 609 or 616 of the Millen-
15 nium Challenge Act of 2003 (22 U.S.C. 7708, 7715).

16 (c) NATIONAL INTEREST WAIVER.—The President,
17 on a case by case basis, may waive the limitation under
18 subsection (b) if the President submits to the appropriate
19 congressional committees—

20 (1) a written determination that such waiver is
21 important to the national interests of the United
22 States; and

23 (2) a detailed explanation of how the waiver is
24 important to such interests.

1 **SEC. 406. AMENDMENT TO THE STOP HARBORING IRANIAN**
2 **PETROLEUM ACT.**

3 The Stop Harboring Iranian Petroleum Act (division
4 J of Public Law 118–50) is amended—

5 (1) by redesignating section 6 as section 7; and

6 (2) inserting after section 5 the following:

7 **“SEC. 6. COOPERATIVE AGREEMENTS TO PROTECT AMERI-**
8 **CANS FROM DRONE ATTACKS.**

9 “(a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that—

11 “(1) the United States condemns the January
12 28, 2024, drone attack on Tower 22 in Jordan by
13 Iranian-backed militias that tragically took the lives
14 of 3 American servicemembers and wounded 47 oth-
15 ers;

16 “(2) one-way attack drones and similar low-cost
17 armed unmanned aerial systems are the most dan-
18 gerous asymmetric threat employed by Iranian-
19 aligned militias against Americans and American in-
20 terests;

21 “(3) United States defense against drones relies
22 on a patchwork of defensive systems, and the United
23 States and like-minded partners need to develop de-
24 fensive systems that leverage innovation and are re-
25 sponsive to rapidly changing technology and attack
26 methodologies;

1 “(4) the United States should improve coopera-
2 tion with like-minded partners to systematically map
3 out, expose, and disrupt missile and drone procure-
4 ment networks used by the Iran-backed Houthi
5 rebels in Yemen and other Iranian proxies targeting
6 United States forces and assets and United States
7 allies and partners in the region;

8 “(5) the partner countries of the United States,
9 including Iraq, Jordan, and countries on the Ara-
10 bian Peninsula, face urgent and emerging threats
11 from unmanned aerial systems and other unmanned
12 aerial vehicles;

13 “(6) joint research and development to counter
14 unmanned aerial systems will serve the national se-
15 curity interests of the United States and its partners
16 in Iraq, Jordan, and on the Arabian Peninsula;

17 “(7) development of counter Unmanned Air-
18 craft Systems technology will reduce the impacts of
19 these attacks, build deterrence, and increase regional
20 stability; and

21 “(8) the United States and partners in Iraq,
22 Jordan, and on the Arabian Peninsula should con-
23 tinue to work together to protect against the threat
24 from unmanned aerial systems.

1 “(b) DEFINED TERM.—In this section, the term
2 ‘Arabian Peninsula’ means Bahrain, Kuwait, Oman,
3 Qatar, Saudi Arabia, the United Arab Emirates, and
4 Yemen.

5 “(c) AUTHORITY TO ENTER INTO A COOPERATIVE
6 AGREEMENT TO PROTECT AMERICANS IN IRAQ, JORDAN,
7 AND ON THE ARABIAN PENINSULA FROM WEAPONIZED
8 UNMANNED AERIAL SYSTEMS.—

9 “(1) IN GENERAL.—The President is author-
10 ized to enter into a cooperative project agreement
11 with Iraq, Jordan, and countries on the Arabian Pe-
12 ninsula under the authority of section 27 of the
13 Arms Export Control Act (22 U.S.C. 2767) to carry
14 out research on and development, testing, evalua-
15 tion, and joint production (including follow-on sup-
16 port) of defense articles and defense services to de-
17 tect, track, and destroy armed unmanned aerial sys-
18 tems that threaten the United States and its part-
19 ners in Iraq, Jordan, and on the Arabian Peninsula.

20 “(2) APPLICABLE REQUIREMENTS.—

21 “(A) IN GENERAL.—The cooperative
22 project agreement described in paragraph (1)—

23 “(i) shall provide that any activities
24 carried out pursuant to such agreement
25 are subject to—

1 “(I) the applicable requirements
2 described in subparagraphs (A), (B),
3 and (C) of section 27(b)(2) of the
4 Arms Export Control Act (22 U.S.C.
5 2767(b)(2)); and

6 “(II) any other applicable re-
7 quirements of the Arms Export Con-
8 trol Act (22 U.S.C. 2751 et seq.) with
9 respect to the use, transfer, and secu-
10 rity of such defense articles and de-
11 fense services under such Act;

12 “(ii) shall establish a framework to
13 negotiate the rights to intellectual property
14 developed under such agreement; and

15 “(iii) shall be defensive in nature.

16 “(B) CONGRESSIONAL NOTIFICATION RE-
17 QUIREMENTS.—Notwithstanding section 27(g)
18 of the Arms Export Control Act (22 U.S.C.
19 2767(g)), any defense articles that result from
20 a cooperative project agreement shall be subject
21 to the requirements under subsections (b) and
22 (c) of section 36 of such Act (22 U.S.C. 2776).

23 “(d) RULE OF CONSTRUCTION WITH RESPECT TO
24 USE OF MILITARY FORCE.—Nothing in this section may

1 be construed as an authorization for the use of military
2 force.”.

3 **SEC. 407. MISSILE TECHNOLOGY CONTROL REGIME PROVI-**
4 **SIONS.**

5 (a) DEFINITIONS.—In this section, the terms “Mis-
6 sile Technology Control Regime”, “MTCR”, and “MTCR
7 equipment or technology” have the meanings given such
8 terms in section 74(a) of the Arms Export Control Act
9 (22 U.S.C. 2797c(a)).

10 (b) MODIFICATION OF CERTAIN PROVISIONS RELAT-
11 ING TO BILATERAL AGREEMENTS AND AUKUS DEFENSE
12 TRADE COOPERATION UNDER THE ARMS EXPORT CON-
13 TROL ACT.—Section 38(j)(1)(C)(ii) of the Arms Export
14 Control Act (22 U.S.C. 2778(j)(1)(C)(ii)) is amended—

15 (1) by striking subclauses (I), (II), and (III);

16 and

17 (2) by redesignating subclauses (IV), (V), (VI),
18 and (VII) as subclauses (I), (II), (III), and (IV), re-
19 spectively.

20 (c) REPORT.—

21 (1) IN GENERAL.—Not later than 90 days after
22 the date of the enactment of this Act, the Secretary
23 shall submit a report to the appropriate congres-
24 sional committees that includes—

1 (A) the opportunities and challenges
2 United States participation in the Missile Tech-
3 nology Control Regime create—

4 (i) in addressing missile proliferation
5 threats, including a comprehensive descrip-
6 tion of diplomatic and technical engage-
7 ments with allies and partners regarding
8 MTCR participation, guidelines, and
9 standards; and

10 (ii) regarding security cooperation
11 with allies and partners, including a com-
12 prehensive description of diplomatic and
13 technical engagements with allies and part-
14 ners regarding MTCR participation, guide-
15 lines, and standards;

16 (B) an update on MTCR-related delibera-
17 tions and engagements specific to North Atlan-
18 tic Treaty Organization allies, Australia, and
19 other partners and allies in the Indo-Pacific, in-
20 cluding—

21 (i) technical consultations, diplomatic
22 engagements, and export control regime
23 consultations and assistance; and

24 (ii) an enumeration of planned modi-
25 fications to or recommended changes to

1 address the need for expedited sales and
2 transfer of MTCR-controlled systems to
3 address threats to United States national
4 security, including in the Indo-Pacific re-
5 gion;

6 (C) a detailed description and assessment
7 of disinformation and misinformation cam-
8 paigns or activities seeking to discredit or un-
9 dermine global nonproliferation regimes, includ-
10 ing such campaigns or activities conducted by
11 the PRC, Iran, Russia, and North Korea and
12 their assessed impact on such regimes;

13 (D) a detailed description of Russia's ef-
14 forts to disrupt consensus based decisions at
15 the MTCR;

16 (E) a detailed description and assessment
17 of cooperation between the PRC, Iran, Russia,
18 and North Korea relating to MTCR equipment
19 or technologies;

20 (F) a comprehensive list, disaggregated by
21 category of MTCR equipment or technology, of
22 all countries that sought to purchase MTCR
23 equipment or technologies during the 10-year
24 period ending on the date of the enactment of
25 this Act, including—

1 (i) average time for an approval or
2 disapproval decision;

3 (ii) reasoning and procedures that led
4 to an approval or disapproval decision; and

5 (iii) details about countries that have
6 repeatedly overcome the presumption of
7 denial standard if and how the Department
8 of State expedited considerations for fur-
9 ther requests; and

10 (G) a comprehensive list, disaggregated by
11 category of MTCR equipment or technology, of
12 United States persons that have sought to ex-
13 port MTCR equipment or technologies to other
14 countries, including—

15 (i) average time for an approval or
16 disapproval decision;

17 (ii) reasoning and procedures that led
18 to an approval or disapproval decision;

19 (iii) information on those United
20 States persons who have challenged any
21 disapproval decision; and

22 (iv) a detailed explanation of the proc-
23 ess United States persons can follow to ap-
24 peal a disapproval decision, including a de-
25 tailed licensing process that such persons

1 should expect to follow to in order to re-
2 ceive consideration for an approval deci-
3 sion.

4 (2) FORM.—The report required under para-
5 graph (1) shall be submitted in unclassified form,
6 but may include a classified annex.

7 **SEC. 408. STRENGTHENING EXTENDED NUCLEAR DETER-**
8 **RENCE IN THE KOREAN THEATER OF OPER-**
9 **ATIONS.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) United States extended deterrence commit-
12 ments to South Korea have failed to keep pace with
13 the nuclear and strategic threats in East Asia, in
14 particular those posed by North Korea.

15 (2) In response to North Korea’s nuclear and
16 missile program and the March 2010 sinking of the
17 ROKS Cheonan (a South Korean Navy frigate) the
18 Department of Defense established the United
19 States-Republic of Korea Extended Deterrence Pol-
20 icy Committee (referred to in this section as the
21 “EDPC”) in October 2010—

22 (A) to strengthen deterrence of North
23 Korea; and

24 (B) to enhance assurance of the South Ko-
25 rean public.

1 (3) In 2012, the EDPC agreed to begin work
2 on a Tailored Deterrence Strategy which was en-
3 dorsed at the 45th United States-Republic of Korea
4 Security Consultative Meeting on October 2nd, 2013
5 and completed in 2014.

6 (4) In 2015, the EDPC was merged with the
7 Counter Missile Capabilities Committee and re-
8 named the Deterrence Strategy Committee with the
9 express purpose of strengthening extended deter-
10 rence in response to advances in North Korea’s nu-
11 clear and missile programs.

12 (5) North Korea conducted 2 nuclear weapons
13 tests in 2016. In response to urgent requests from
14 the Government of South Korea to further strength-
15 en extended deterrence, the United States and South
16 Korea formed the Extended Deterrence Strategy
17 Consultation Group (referred to in this section as
18 the “EDSCG”) with the Department of State and
19 the Department of Defense co-chairing the EDSCG
20 in a “2+2” format.

21 (6) The purposes of the EDSCG are—

22 (A) to elevate consultations to more senior
23 levels;

1 (B) to develop concrete deterrence meas-
2 ures in response to the evolving threat from
3 North Korea; and

4 (C) to strengthen assurance of the South
5 Korean public.

6 (7) The establishment of the Nuclear Consult-
7 ative Group (referred to in this section as the
8 “NCG”) between the United States and the Repub-
9 lic of Korea during President Yoon Suk Yeol’s visit
10 to the United States on April 26, 2023, reflected a
11 recognition—

12 (A) of the accelerating threat posed by the
13 North Korea’s nuclear weapons and missile pro-
14 gram; and

15 (B) that previous alliance attempts to
16 strengthen assurance of South Korea had prov-
17 en unsuccessful.

18 (8) It is clear that the EDPC and the EDSCG
19 were unsuccessful in assuring South Korea or
20 strengthening deterrence because they failed to iden-
21 tify concrete changes to our defense posture in the
22 Korean theater of operations and United States offi-
23 cials were unwilling to adjust long-standing policies
24 with regard to extended deterrence.

1 (9) For the NCG to be more effective than its
2 predecessor groups, the NCG must adopt a program
3 of work embracing the need—

4 (A) to adjust the United States defense
5 posture in the Korean theater of operations to
6 include consideration of deploying United
7 States nuclear assets and restoring United
8 States nuclear infrastructure in the region;

9 (B) to establish a crisis consultation mech-
10 anism to be convened in response to North Ko-
11 rean nuclear threats and consult on alliance de-
12 terrence related decision making;

13 (C) to increase alliance nuclear planning
14 activities related to consequence management
15 and the conduct conventional operations in a
16 weapons of mass destruction environment; and

17 (D) to explore options to increase South
18 Korean contributions to operations related to
19 nuclear burden sharing.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that—

22 (1) the United States-Republic of Korea alli-
23 ance is a bilateral, integrated alliance that benefits
24 both countries;

1 (2) South Korea shares the burden of maintain-
2 ing stability on the Korean Peninsula and the larger
3 region by maintaining a large standing army of
4 more than 3,000,000 personnel, with 500,000 on ac-
5 tive duty, and spends 2.7 percent of its gross domes-
6 tic product on defense-related expenditures; and

7 (3) the NCG can strengthen the alliance be-
8 tween the Government of the United States and the
9 Government of South Korea by deepening the ability
10 of such governments to plan, consult, and conduct
11 exercises on issues related to nuclear deterrence.

12 (c) REPORT ON THE IMPLEMENTATION OF THE NU-
13 CLEAR CONSULTATIVE GROUP.—

14 (1) IN GENERAL.—Not later than 90 days after
15 the date of the enactment of this Act, the Secretary
16 and the Secretary of Defense shall jointly submit a
17 report to the appropriate congressional committees
18 and the congressional defense committees that in-
19 cludes a description of—

20 (A) the organization of the NCG, including
21 co-chairs and interagency participants from the
22 United States;

23 (B) the scope of the operations, activities
24 and initiatives of the NCG and how such activi-
25 ties connect to the Security Consultative Mech-

1 anism and the Military Consultative Mechanism
2 between South Korea and the United States;

3 (C) the relationship of the NCG to existing
4 extended deterrence mechanisms of the South
5 Korea and the United States, including the
6 DSC and the EDSCG;

7 (D) the frequency and circumstances under
8 which the NCG convenes; and

9 (E) how the NCG addresses strategic plan-
10 ning, crisis consultation, and military exercises.

11 (2) FORM.—The report required under para-
12 graph (1) shall be submitted in unclassified form,
13 but may include a classified annex.

14 (3) BRIEFING.—Not later than 180 days after
15 date of the enactment of this Act, and every 180
16 days thereafter until December 31, 2026, the Sec-
17 retary and the Secretary of Defense shall brief the
18 appropriate congressional committees, the Com-
19 mittee on Armed Services of the Senate, and the
20 Committee on Armed Services of the House of Rep-
21 resentatives regarding the outcomes of NCG meet-
22 ings.

1 **Subtitle B—Indo-Pacific Allies and**
2 **Partners**

3 **PART I—TAIWAN**

4 **SEC. 411. DEVELOPMENT OF ECONOMIC TOOLS TO DETER**
5 **AGGRESSION BY PEOPLE'S REPUBLIC OF**
6 **CHINA AGAINST TAIWAN.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the United States must be prepared to take im-
9 mediate action to impose sanctions with respect to any
10 military or non-military entities owned, controlled, or act-
11 ing at the direction of the Government of the PRC or the
12 Chinese Communist Party that are supporting actions by
13 the Government of the PRC or the Chinese Communist
14 Party to—

15 (1) overthrow or dismantle the governing insti-
16 tutions in Taiwan;

17 (2) occupy any territory controlled or adminis-
18 tered by Taiwan;

19 (3) violate the territorial integrity of Taiwan; or

20 (4) take significant action against Taiwan, in-
21 cluding—

22 (A) conducting a naval blockade of Tai-
23 wan;

24 (B) seizing any outlying island of Taiwan;

25 or

1 (C) perpetrating a significant cyber attack
2 on Taiwan.

3 (b) DEFINED TERM.—In this section, the term “ap-
4 appropriate congressional committees” means—

5 (1) the Committee on Foreign Relations of the
6 Senate;

7 (2) the Committee on Banking, Housing, and
8 Urban Affairs of the Senate;

9 (3) the Committee on Commerce, Science, and
10 Transportation of the Senate;

11 (4) the Committee on Foreign Affairs of the
12 House of Representatives;

13 (5) the Committee on Financial Services of the
14 House of Representatives; and

15 (6) the Committee on Energy and Commerce of
16 the House of Representatives.

17 (c) TASK FORCE.—Not later than 180 days after the
18 date of the enactment of this Act, the Office of Sanctions
19 Coordination of the Department of State and the Office
20 of Foreign Asset Control of the Department of the Treas-
21 ury, in coordination with the Office of the Director of Na-
22 tional Intelligence, shall establish an interagency task
23 force (referred to in this section as the “Task Force”) to
24 identify military or non-military entities that could be sub-
25 ject to sanctions imposed by the United States imme-

1 diately following any action or actions taken by the PRC
2 that demonstrate an attempt to achieve or has the signifi-
3 cant effect of achieving the physical or political control of
4 Taiwan, including by taking any of the actions described
5 in paragraphs (1) through (4) of subsection (a).

6 (d) STRATEGY.—Not later than 180 days after the
7 establishment of the Task Force, the Task Force shall
8 submit to the appropriate congressional committees a
9 strategy for identifying targets under this section, which
10 shall include—

11 (1) an assessment of how existing sanctions re-
12 gimes could be used to impose sanctions with respect
13 to entities identified pursuant to subsection (c);

14 (2) a strategy for developing or proposing, as
15 appropriate, new sanctions authorities that might be
16 required to impose sanctions with respect to such
17 entities;

18 (3) an analysis of the potential economic con-
19 sequences to the United States, and to allies and
20 partners of the United States, of imposing various
21 types of sanctions with respect to those entities and
22 assess measures that could be taken to mitigate
23 those consequences, including through the use of li-
24 censes, exemptions, carve-outs, and other forms of
25 relief;

1 (4) a strategy for working with allies and part-
2 ners of the United States—

3 (A) to leverage sanctions and other eco-
4 nomic tools to deter or respond to aggression
5 against Taiwan;

6 (B) to identify and resolve potential im-
7 pediments to coordinating sanctions-related ef-
8 forts with respect to responding to or deterring
9 aggression against Taiwan; and

10 (C) to identify industries, sectors, or goods
11 and services with respect to which the United
12 States and allies and partners of the United
13 States can take coordinated action through
14 sanctions or other economic tools that will have
15 a significant negative impact on the economy of
16 the PRC;

17 (5) an assessment of the resource gaps and
18 needs at the Department of State, the Department
19 of the Treasury, and other Federal agencies, as ap-
20 propriate, to most effectively use sanctions and other
21 economic tools to respond to the threat posed by the
22 PRC;

23 (6) recommendations on how best to target
24 sanctions and other economic tools against individ-
25 uals, entities, and economic sectors in the PRC, tak-

1 ing into account the role of those targets in sup-
2 porting policies and activities of the Government of
3 the PRC or the Chinese Communist Party that pose
4 a threat to the national security or foreign policy in-
5 terests of the United States, the negative economic
6 implications of those sanctions and tools for that
7 government, including its ability to achieve its objec-
8 tives with respect to Taiwan, and the potential im-
9 pact of those sanctions and tools on the stability of
10 the global financial system, including with respect
11 to—

12 (A) state-owned enterprises;

13 (B) officials of the Government of the
14 PRC;

15 (C) financial institutions associated with
16 the Government of the PRC; and

17 (D) companies in the PRC that are not
18 formally designated by the Government of the
19 PRC as state-owned enterprises; and

20 (7) the identification of any foreign military or
21 non-military entities that would likely be used to
22 achieve the outcomes specified in subsection (a)(1),
23 including entities in the shipping, logistics, energy
24 (including oil and gas), aviation, ground transpor-
25 tation, and technology sectors.

1 (e) REPORT.—

2 (1) IN GENERAL.—Not later than 60 days after
3 the submission of the strategy required under sub-
4 section (d), and semiannually thereafter, the Task
5 Force shall submit a report to the appropriate con-
6 gressional committees that includes information re-
7 garding—

8 (A) any entities identified pursuant to sub-
9 section (c) or (d)(7);

10 (B) any new authorities needed to impose
11 sanctions with respect to those entities;

12 (C) potential economic impacts on the
13 PRC, the United States, and allies and partners
14 of the United States of imposing sanctions with
15 respect to those entities, as well as mitigation
16 measures that could be employed to limit dele-
17 terious impacts on the United States and allies
18 and partners of the United States;

19 (D) the status of coordination with allies
20 and partners of the United States on sanctions
21 and other economic tools identified under this
22 section;

23 (E) resource gaps and recommendations to
24 enable the Department of State and the De-
25 partment of the Treasury to use sanctions to

1 more effectively respond to the malign activities
2 of the Government of the PRC; and

3 (F) any additional resources that may be
4 necessary to carry out the strategy.

5 (2) FORM.—Each report required under para-
6 graph (1) shall be submitted in classified/form.

7 **SEC. 412. TREATMENT OF THE GOVERNMENT OF TAIWAN.**

8 (a) IN GENERAL.—The Department of State and
9 other United States Government agencies shall—

10 (1) treat the democratically elected Government
11 of Taiwan as the legitimate representative of the
12 people of Taiwan; and

13 (2) end the outdated practice of referring to the
14 Government in Taiwan as the “authorities”.

15 (b) NO RESTRICTIONS.—Notwithstanding the contin-
16 ued supporting role of the American Institute in, Taiwan
17 in carrying out United States foreign policy and protecting
18 United States interests in Taiwan, the United States Gov-
19 ernment shall not place any restrictions on the ability of
20 officials of the Department of State and other United
21 States Government agencies from interacting directly and
22 routinely with counterparts in the Government of Taiwan,
23 including restricting the travel of senior officials of Tai-
24 wan in the United States, including restricting the travel
25 of senior officials of Taiwan in the United States.

1 **SEC. 413. WAR RESERVE STOCK PROGRAM FOR TAIWAN.**

2 (a) IN GENERAL.—Notwithstanding section 514 of
3 the Foreign Assistance Act of 1961 (22 U.S.C. 2321h),
4 the President may transfer to Taiwan any or all of the
5 items described in subsection (b).

6 (b) ITEMS DESCRIBED.—The items referred to in
7 subsection (a) are armor, artillery, automatic weapons am-
8 munition, missiles, and other munitions that are—

9 (1) obsolete or surplus items;

10 (2) in the inventory of the Department of De-
11 fense;

12 (3) intended for use as reserve stocks for Tai-
13 wan; and

14 (4) located in a stockpile in Taiwan.

15 (c) CONGRESSIONAL NOTIFICATION.—Not later than
16 30 days before making any transfer under this section,
17 the President shall submit a notification identifying the
18 items to be transferred and the concessions to be received
19 to the appropriate congressional committees, the Com-
20 mittee on Armed Services of the Senate, and the Com-
21 mittee on Armed Services of the House of Representatives.

22 **SEC. 414. PROPER TREATMENT OF TAIWAN GOVERNMENT**
23 **REPRESENTATIVES.**

24 (a) DEFINED TERM.—In this section, the term “offi-
25 cial purposes” means—

26 (1) the wearing of official uniforms;

1 (2) conducting government-hosted ceremonies
2 or functions; and

3 (3) appearances on Department of State social
4 media accounts promoting engagements with Tai-
5 wan.

6 (b) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, none of the funds appropriated or otherwise
8 made available for the Department of State for fiscal year
9 2025 may be used to prepare, propose, draft, review, or
10 promulgate any regulation, guidance, or executive order,
11 or to otherwise implement, administer, or enforce any pol-
12 icy that restricts the ability of members of the armed
13 forces and government representatives from the Republic
14 of China (Taiwan) or the Taipei Economic and Cultural
15 Representative Office (TECRO) to display, for official
16 purposes—

17 (1) the flag of the Republic of China (Taiwan);
18 or

19 (2) the corresponding emblems or insignia of
20 military units.

21 **SEC. 415. AMERICAN INSTITUTE IN TAIWAN.**

22 The position of Director of the American Institute in
23 Taiwan's Taipei office—

24 (1) shall be subject to the advice and consent
25 of the Senate; and

1 (2) shall have the title of “Representative”.

2 **PART II—SOUTH CHINA AND EAST CHINA SEA**

3 **SANCTIONS**

4 **SEC. 421. SHORT TITLE.**

5 This part may be cited as the “South China Sea and
6 East China Sea Sanctions Act of 2024”.

7 **SEC. 422. SANCTIONS WITH RESPECT TO CHINESE PERSONS**

8 **RESPONSIBLE FOR CHINA’S ACTIVITIES IN**

9 **THE SOUTH CHINA SEA AND THE EAST CHINA**

10 **SEA.**

11 (a) DEFINITIONS.—In this section:

12 (1) ACCOUNT; CORRESPONDENT ACCOUNT; PAY-
13 ABLE-THROUGH ACCOUNT.—The terms “account”,
14 “correspondent account”, and “payable-through ac-
15 count” have the meanings given such terms in sec-
16 tion 5318A of title 31, United States Code.

17 (2) ALIEN.—The term “alien” has the meaning
18 given such term in section 101(a) of the Immigra-
19 tion and Nationality Act (8 U.S.C. 1101(a)).

20 (3) CHINESE PERSON.—The term “Chinese
21 person” means—

22 (A) an individual who is a citizen or na-
23 tional of the People’s Republic of China; or

24 (B) an entity organized under the laws of
25 the People’s Republic of China or otherwise

1 subject to the jurisdiction of the Government of
2 the People’s Republic of China.

3 (4) FINANCIAL INSTITUTION.—The term “fi-
4 nancial institution” means a financial institution
5 specified in subparagraph (A), (B), (C), (D), (E),
6 (F), (G), (H), (I), (J), (K), (M), (N), (P), (R), (T),
7 (Y), or (Z) of section 5312(a)(2) of title 31, United
8 States Code.

9 (5) FOREIGN FINANCIAL INSTITUTION.—The
10 term “foreign financial institution” has the meaning
11 given such term in section 1010.605 of title 31,
12 Code of Federal Regulations (or any corresponding
13 similar regulation or ruling).

14 (6) GOOD.—The term “good” means any arti-
15 cle, natural or manmade substance, material, supply,
16 or manufactured product, including inspection and
17 test equipment, and excluding technical data.

18 (7) PERSON.—The term “person” means any
19 individual or entity.

20 (8) UNITED STATES PERSON.—The term
21 “United States person” means—

22 (A) a United States citizen or an alien law-
23 fully admitted for permanent residence to the
24 United States;

1 (B) an entity organized under the laws of
2 the United States or of any jurisdiction within
3 the United States, including a foreign branch of
4 such an entity; or

5 (C) any person in the United States.

6 (b) INITIAL IMPOSITION OF SANCTIONS.—On or after
7 the date that is 120 days after the date of the enactment
8 of this Act, the President may impose the sanctions de-
9 scribed in subsection (c) with respect to any Chinese per-
10 son, including any senior official of the Government of the
11 People’s Republic of China, that the President deter-
12 mines—

13 (1) is responsible for or significantly contributes
14 to large-scale reclamation, construction, militariza-
15 tion, or ongoing supply of outposts in disputed areas
16 of the South China Sea;

17 (2) is responsible for or significantly contributes
18 to, or has engaged in, directly or indirectly, actions,
19 including the use of coercion, to inhibit another
20 country from protecting its sovereign rights to ac-
21 cess offshore resources in the South China Sea, in-
22 cluding in such country’s exclusive economic zone,
23 consistent with such country’s rights and obligations
24 under international law;

1 (3) is responsible for or complicit in, or has en-
2 gaged in, directly or indirectly, actions that signifi-
3 cantly threaten the peace, security, or stability of
4 disputed areas of the South China Sea or areas of
5 the East China Sea administered by Japan or the
6 Republic of Korea, including through the use of ves-
7 sels and aircraft by the People’s Republic of China
8 to occupy or conduct extensive research or drilling
9 activity in those areas;

10 (4) has materially assisted, sponsored, or pro-
11 vided financial, material, or technological support
12 for, or goods or services to, or in support of, any
13 person subject to sanctions pursuant to paragraph
14 (1), (2), or (3); or

15 (5) is owned or controlled by, or has acted for
16 or on behalf of, directly or indirectly, any person
17 subject to sanctions pursuant to paragraph (1), (2),
18 or (3).

19 (c) SANCTIONS DESCRIBED.—The sanctions that
20 may be imposed with respect to a person described in sub-
21 section (b) are the following:

22 (1) BLOCKING OF PROPERTY.—The President
23 may, in accordance with the International Emer-
24 gency Economic Powers Act (50 U.S.C. 1701 et
25 seq.), block and prohibit all transactions in all prop-

1 erty and interests in property of the person if such
2 property and interests in property are in the United
3 States, come within the United States, or are or
4 come within the possession or control of a United
5 States person.

6 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR
7 PAROLE.—

8 (A) VISAS, ADMISSION, OR PAROLE.—In
9 the case of an alien, the alien may be—

10 (i) inadmissible to the United States;

11 (ii) ineligible to receive a visa or other
12 documentation to enter the United States;

13 and

14 (iii) otherwise ineligible to be admitted
15 or paroled into the United States or to re-
16 ceive any other benefit under the Immigra-
17 tion and Nationality Act (8 U.S.C. 1101 et
18 seq.).

19 (B) CURRENT VISAS REVOKED.—

20 (i) IN GENERAL.—An alien described
21 in subparagraph (A) may be subject to rev-
22 ocation of any visa or other entry docu-
23 mentation regardless of when the visa or
24 other entry documentation is or was
25 issued.

1 (ii) IMMEDIATE EFFECT.—A revoca-
2 tion under clause (i) may—

3 (I) take effect immediately; and

4 (II) cancel any other valid visa or
5 entry documentation that is in the
6 alien's possession.

7 (3) EXCLUSION OF CORPORATE OFFICERS.—

8 The President may direct the Secretary to deny a
9 visa to, and the Secretary of Homeland Security to
10 exclude from the United States, any alien that the
11 President determines is a corporate officer or prin-
12 cipal of, or a shareholder with a controlling interest
13 in, the person.

14 (4) EXPORT SANCTION.—The President may
15 order the United States Government not to issue
16 any specific license and not to grant any other spe-
17 cific permission or authority to export any goods or
18 technology to the person under—

19 (A) the Export Control Reform Act of
20 2018 (50 U.S.C. 4801 et seq.); or

21 (B) any other statute that requires the
22 prior review and approval of the United States
23 Government as a condition for the export or re-
24 export of goods or services.

1 (5) INCLUSION ON ENTITY LIST.—The Presi-
2 dent may include the entity on the entity list main-
3 tained by the Bureau of Industry and Security of
4 the Department of Commerce and set forth in Sup-
5 plement No. 4 to part 744 of the Export Adminis-
6 tration Regulations, for activities contrary to the na-
7 tional security or foreign policy interests of the
8 United States.

9 (6) BAN ON INVESTMENT IN EQUITY OR DEBT
10 OF SANCTIONED PERSON.—The President may, pur-
11 suant to such regulations or guidelines as the Presi-
12 dent may prescribe, prohibit any United States per-
13 son from investing in or purchasing equity or debt
14 instruments of the person.

15 (7) BANKING TRANSACTIONS.—The President
16 may, pursuant to such regulations as the President
17 may prescribe, prohibit any transfers of credit or
18 payments between financial institutions or by,
19 through, or to any financial institution, to the extent
20 that such transfers or payments are subject to the
21 jurisdiction of the United States and involve any in-
22 terest of the person.

23 (8) CORRESPONDENT AND PAYABLE-THROUGH
24 ACCOUNTS.—In the case of a foreign financial insti-
25 tution, the President may prohibit the opening, and

1 prohibit or impose strict conditions on the maintain-
2 ing, in the United States of a correspondent account
3 or a payable-through account by the foreign finan-
4 cial institution.

5 (d) EXCEPTIONS.—

6 (1) INAPPLICABILITY OF NATIONAL EMER-
7 GENCY REQUIREMENT.—The requirements under
8 section 202 of the International Emergency Eco-
9 nomic Powers Act (50 U.S.C. 1701) shall not apply
10 for purposes of subsection (c)(1).

11 (2) EXCEPTION FOR INTELLIGENCE, LAW EN-
12 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
13 TIES.—Sanctions under this section shall not apply
14 to any authorized intelligence, law enforcement, or
15 national security activities of the United States.

16 (3) COMPLIANCE WITH UNITED NATIONS HEAD-
17 QUARTERS AGREEMENT.—Paragraphs (2) and (3) of
18 subsection (c) shall not apply if admission of an
19 alien to the United States is necessary to permit the
20 United States to comply with the Agreement regard-
21 ing the Headquarters of the United Nations, signed
22 at Lake Success, June 26, 1947, and entered into
23 force, November 21, 1947, between the United Na-
24 tions and the United States.

1 (4) EXCEPTION RELATING TO IMPORTATION OF
2 GOODS.—The authority or a requirement to impose
3 sanctions under this section shall not include the au-
4 thority or a requirement to impose sanctions on the
5 importation of goods.

6 (e) IMPLEMENTATION; PENALTIES.—

7 (1) IMPLEMENTATION.—The President may ex-
8 ercise all authorities provided under sections 203
9 and 205 of the International Emergency Economic
10 Powers Act (50 U.S.C. 1702 and 1704) to carry out
11 this section.

12 (2) PENALTIES.—The penalties provided for in
13 subsections (b) and (c) of section 206 of the Inter-
14 national Emergency Economic Powers Act (50
15 U.S.C. 1705) shall apply to a person that violates,
16 attempts to violate, conspires to violate, or causes a
17 violation of regulations prescribed under subsection
18 (c)(1) to the same extent that such penalties apply
19 to a person that commits an unlawful act described
20 in subsection (a) of such section 206.

21 **SEC. 423. SENSE OF CONGRESS REGARDING PORTRAYALS**
22 **OF THE SOUTH CHINA SEA OR THE EAST**
23 **CHINA SEA AS PART OF CHINA.**

24 It is the sense of Congress that the Government Pub-
25 lishing Office should not publish any map, document,

1 record, electronic resource, or other paper of the United
2 States (other than materials relating to hearings held by
3 committees of Congress or internal work product of a Fed-
4 eral agency) portraying or otherwise indicating that it is
5 the position of the United States that the territory or air-
6 space in the South China Sea that is disputed among 2
7 or more parties or the territory or airspace of areas ad-
8 ministered by Japan or the Republic of Korea, including
9 in the East China Sea, is part of the territory or airspace
10 of the People’s Republic of China.

11 **SEC. 424. SENSE OF CONGRESS ON 2016 PERMANENT**
12 **COURT OF ARBITRATION’S TRIBUNAL RUL-**
13 **ING ON ARBITRATION CASE BETWEEN THE**
14 **PHILIPPINES AND THE PEOPLE’S REPUBLIC**
15 **OF CHINA.**

16 (a) FINDING.—Congress finds that on July 12, 2016,
17 a tribunal of the Permanent Court of Arbitration found
18 in the arbitration case between the Philippines and the
19 PRC under the United Nations Convention on the Law
20 of the Sea that the People’s Republic of China’s claims,
21 including those to offshore resources and “historic rights”,
22 were unlawful, and that the tribunal’s ruling is final and
23 legally binding on both parties.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that—

1 (1) the United States and the international
2 community should reject the unlawful claims of the
3 PRC within the exclusive economic zone or on the
4 continental shelf of the Philippines, as well as the
5 maritime claims of the PRC beyond a 12-nautical-
6 mile territorial sea from the islands it claims in the
7 South China Sea;

8 (2) the provocative behavior of the PRC, includ-
9 ing coercing other countries with claims in the South
10 China Sea and preventing those countries from ac-
11 cessing offshore resources, undermines peace and
12 stability in the South China Sea;

13 (3) the international community should—

14 (A) support and adhere to the ruling de-
15 scribed in subsection (a) in compliance with
16 international law; and

17 (B) take all necessary steps to support the
18 rules-based international order in the South
19 China Sea; and

20 (4) all claimants in the South China Sea
21 should—

22 (A) refrain from engaging in destabilizing
23 activities, including illegal occupation or efforts
24 to unlawfully assert control over disputed
25 claims;

1 (B) ensure that disputes are managed
2 without intimidation, coercion, or force;

3 (C) clarify or adjust claims in accordance
4 with international law; and

5 (D) uphold the principle that territorial
6 and maritime claims, including over territorial
7 waters or territorial seas, must be derived from
8 land features and otherwise comport with inter-
9 national law.

10 **SEC. 425. REPORT ON COUNTRIES THAT RECOGNIZE CHI-**
11 **NESE SOVEREIGNTY OVER THE SOUTH CHINA**
12 **SEA OR THE EAST CHINA SEA.**

13 (a) IN GENERAL.—Not later than 60 days after the
14 date of the enactment of this Act, and annually thereafter
15 until the date that is 3 years after such date of enactment,
16 the Secretary shall submit to the appropriate congress-
17 sional committees a report identifying each country that
18 the Secretary determines has taken an official and stated
19 position to recognize, after such date of enactment, the
20 sovereignty of the People’s Republic of China over terri-
21 tory or airspace disputed by one or more countries in the
22 South China Sea or the territory or airspace of areas of
23 the East China Sea administered by Japan or the Repub-
24 lic of Korea.

1 (b) FORM.—The report required by subsection (a)
2 shall be submitted in unclassified form, but may include
3 a classified annex if the Secretary determines it is nec-
4 essary for the national security interests of the United
5 States to do so.

6 (c) PUBLIC AVAILABILITY.—The Secretary shall pub-
7 lish the unclassified part of the report required by sub-
8 section (a) on a publicly available website of the Depart-
9 ment of State.

10 **PART III—PACIFIC ISLANDS**

11 **SEC. 431. ESTABLISHING A SENIOR OFFICIAL FOR THE** 12 **COMPACTS OF FREE ASSOCIATION AT THE** 13 **DEPARTMENT OF STATE.**

14 (a) IN GENERAL.—The Secretary shall designate a
15 senior official at the Department of State, who shall—

16 (1) negotiate and oversee the Department of
17 State’s role in implementing and maintaining the
18 Compacts of Free Association (referred to in this
19 section as the “Compacts”) at the Department of
20 State and the conduct of United States foreign pol-
21 icy with respect to countries affiliated with the
22 United States under such Compacts; and

23 (2) report to the Assistant Secretary of State
24 for Indo-Pacific Affairs.

1 (b) DUTIES.—The senior official designated pursuant
2 to subsection (a) shall—

3 (1) be responsible for the conduct of United
4 States foreign policy with respect to—

5 (A) the Republic of Palau;

6 (B) the Marshall Islands; and

7 (C) the Federated States of Micronesia;

8 (2) assist the Assistant Secretary of State for
9 Indo-Pacific Affairs in providing overall direction,
10 coordination, and supervision of interdepartmental
11 activities of the United States Government in the
12 countries listed under paragraph (1), including en-
13 suring the timely transfer of assistance and provi-
14 sion of benefits through the Department of the Inte-
15 rior, as laid out in the Compacts;

16 (3) oversee and evaluate the adequacy and ef-
17 fectiveness of United States policy with respect to
18 these countries as well as the plans, programs, re-
19 sources, and performance for implementing that pol-
20 icy, including activities implemented by the Depart-
21 ment of the Interior;

22 (4) directly supervise the policy and operations
23 of the Compacts and provide guidance to relevant
24 United States missions within the Indo-Pacific re-
25 gion;

1 (5) direct and oversee the provision of an ade-
2 quate, regular flow of information to posts abroad
3 about United States Government policies, policy de-
4 liberations, and diplomatic exchanges with regards
5 to the Compacts and the freely associated states, es-
6 pecially on matters that may result in initiatives,
7 policy actions, or other official representations of
8 Department policy abroad; and

9 (6) ensure the continuity of responsibilities and
10 benefits as laid out in the Compacts, consistent with
11 United States national interests in the Indo-Pacific
12 region.

13 **SEC. 432. ENHANCEMENT OF DIPLOMATIC SUPPORT AND**
14 **ECONOMIC ENGAGEMENT WITH PACIFIC IS-**
15 **LAND COUNTRIES.**

16 (a) **DEFINED TERM.**—In this section, the term “ap-
17 propriate committees of Congress” means—

18 (1) the Committee on Foreign Relations of the
19 Senate;

20 (2) the Committee on Commerce, Science, and
21 Transportation of the Senate;

22 (3) the Committee on Energy and Natural Re-
23 sources of the Senate;

24 (4) the Committee on Appropriations of the
25 Senate;

1 (5) the Committee on Foreign Affairs of the
2 House of Representatives;

3 (6) the Committee on Energy and Commerce of
4 the House of Representatives;

5 (7) the Committee on Natural Resources of the
6 House of Representatives; and

7 (8) the Committee on Appropriations of the
8 House of Representatives.

9 (b) HIRING AUTHORITY.—The Secretary and the
10 Secretary of Commerce may hire local staff in Pacific is-
11 land countries for the purpose of providing increased dip-
12 lomatic support and promoting increased economic and
13 commercial engagement between the United States and
14 Pacific island countries.

15 (c) AVAILABILITY OF FUNDS.—

16 (1) IN GENERAL.—Of the amounts appro-
17 priated or otherwise made available to the Depart-
18 ment of State for fiscal year 2025, not more than
19 \$10,000,000 may be used to carry out the Department
20 of State’s responsibilities under this section.

21 (2) IN GENERAL.—Of the amounts appro-
22 priated or otherwise made available to the Depart-
23 ment of Commerce for fiscal year 2025, not more
24 than \$10,000,000 may be used to carry out the De-

1 partment of Commerce’s responsibilities under this
2 section.

3 (3) TERMINATION.—The availability of funds
4 under paragraphs (1) and (2) shall expire on Octo-
5 ber 1, 2028.

6 (d) REPORT.—Not later than 1 year after the date
7 of the enactment of this Act, and annually thereafter for
8 the following 5 years, the Secretary and the Secretary of
9 Commerce shall submit a report to the appropriate com-
10 mittees of Congress that describes the activities of the De-
11 partment of State and the Department of Commerce lo-
12 cally-employed staff in Pacific island countries, includ-
13 ing—

14 (1) a detailed description of the additional dip-
15 lomatic, economic, and commercial engagement and
16 activities in the Pacific island countries provided by
17 locally-employed staff; and

18 (2) an assessment of the impact of the activities
19 with respect to the diplomatic, economic, and secu-
20 rity interests of the United States.

21 (e) EXCEPTION FOR AMERICAN SAMOA.—The Sec-
22 retary may treat the territory of American Samoa as a
23 foreign country, as appropriate, while carrying out this
24 section.

1 **PART IV—INDIAN OCEAN REGION STRATEGIC**
2 **REVIEW**

3 **SEC. 441. SHORT TITLE.**

4 This part may be cited as the “Indian Ocean Region
5 Strategic Review Act of 2024”.

6 **SEC. 442. FINDINGS.**

7 Congress finds the following:

8 (1) The United States—

9 (A) has vitally important political, eco-
10 nomic, and security interests in the Indian
11 Ocean region; and

12 (B) is uniquely positioned to capitalize on
13 opportunities that will advance such interests.

14 (2) The United States needs to engage and co-
15 operate with partners in the Indo-Pacific region, in-
16 cluding India, Japan, Australia, and island countries
17 located within such region—

18 (A) to bolster regional governance;

19 (B) to increase sustainable economic devel-
20 opment; and

21 (C) to strengthen cooperation on security
22 challenges such as threats to freedom of naviga-
23 tion and environmental disasters.

24 (3) It is within the United States interests to
25 better understand the political, security, economic,

1 and environmental issues faced by the governments
2 of Indian Ocean region countries.

3 **SEC. 443. STATEMENT OF POLICY.**

4 It is the policy of the United States, with respect to
5 the Indian Ocean region, as part of the United States
6 broader strategy for engagement in the Indo-Pacific to
7 strengthen engagement with Indian Ocean region coun-
8 tries (including the governments, civil society, academia,
9 and private sectors of such countries) and to enhance
10 meaningful diplomatic, security, and economic relations
11 with allies and partners of the United States in the Indian
12 Ocean region by—

13 (1) promoting cohesive political ties between the
14 United States and Indian Ocean region countries
15 through active participation in regional organiza-
16 tions and strengthening bilateral diplomatic relations
17 with such allies and partners;

18 (2) continuing to strengthen bilateral security
19 relationships between the United States and part-
20 ners within the Indian Ocean region and build the
21 bilateral security relationship between the United
22 States and India, for the purpose of regularizing se-
23 curity cooperation by building upon foundational
24 agreements concerning intelligence sharing, military
25 communication, and naval cooperation;

1 (3) engaging with India to better understand
2 and operationalize economic and political opportuni-
3 ties across the Indian Ocean region;

4 (4) enhancing economic connectivity and com-
5 mercial exchange between the United States and In-
6 dian Ocean region countries;

7 (5) maintaining the freedom of navigation of
8 international waters within the Indian Ocean region
9 in accordance with international law;

10 (6) cooperating with the Governments of Indian
11 Ocean region countries regarding security chal-
12 lenges, including issues relating to piracy and illegal
13 fishing;

14 (7) supporting the ability of such governments,
15 and of nongovernmental organizations within the In-
16 dian Ocean region, to respond to environmental dis-
17 asters and work to mitigate potential future disas-
18 ters with resilient infrastructure;

19 (8) facilitating cooperation between the United
20 States and allies and partners of the United States
21 in the Indian Ocean region to build capacity in mari-
22 time security and maritime domain awareness;

23 (9) promoting cooperation with United States
24 allies in the Indo-Pacific region (including Japan
25 and Australia), major defense partners (including

1 India), and NATO allies (including the United King-
2 dom and France), to support a rules-based order in
3 the Indo-Pacific region; and

4 (10) understanding resources and costs re-
5 quired for the United States to effectively engage
6 diplomatically and economically in the Indian Ocean
7 region.

8 **SEC. 444. DEFINITIONS.**

9 In this part:

10 (1) APPROPRIATE CONGRESSIONAL COMMIT-
11 TEES.—The term “appropriate congressional com-
12 mittees” means—

13 (A) the Committee on Foreign Relations of
14 the Senate;

15 (B) the Committee on Armed Services of
16 the Senate;

17 (C) the Committee on Foreign Affairs of
18 the House of Representatives; and

19 (D) the Committee on Armed Services of
20 the House of Representatives.

21 (2) INDIAN OCEAN REGION.—The term “Indian
22 Ocean region” means—

23 (A) the Indian Ocean, including the Ara-
24 bian Sea and the Bay of Bengal; and

1 (B) the littoral areas surrounding the In-
2 dian Ocean, including the east coast of Africa.

3 (3) INDIAN OCEAN REGION COUNTRY.—The
4 term “Indian Ocean region country” means any
5 country located within or surrounding the Indian
6 Ocean region.

7 **SEC. 445. STRATEGY AND IMPLEMENTATION PLAN RELAT-**
8 **ING TO THE INDIAN OCEAN REGION.**

9 (a) STRATEGY.—Not later than 180 days after the
10 date of the enactment of this Act, the Secretary, in coordi-
11 nation with the Secretary of Defense and the Adminis-
12 trator of the United States Agency for International De-
13 velopment, shall submit to the appropriate congressional
14 committees a multi-year strategy and implementation plan
15 for United States engagements and posture to support the
16 interests of the United States in the Indian Ocean region.

17 (b) MATTERS.—The strategy submitted pursuant to
18 subsection (a) shall include—

19 (1) the identification of the political, economic,
20 and security goals and opportunities of the United
21 States in the Indian Ocean region;

22 (2) an explanation of the political, economic,
23 and security goals of Indian Ocean region countries
24 and a detailed description of areas with respect to

1 which such interests align with the goals of the
2 United States;

3 (3) a list detailing the economic and political ef-
4 forts of the PRC with respect to the Indian Ocean
5 region, particularly with respect to the engagement
6 by the PRC with each country located within the In-
7 dian Ocean region;

8 (4) a description and analysis of challenges, in-
9 cluding countries and specific projects, to the en-
10 gagement with Indian Ocean region countries as a
11 result of—

12 (A) disparate policy goals across the de-
13 partments and agencies of the United States
14 Government; and

15 (B) disparate definitions of the term “In-
16 dian Ocean region” across the Department of
17 State, the Department of Defense, and the
18 United States Agency for International Devel-
19 opment;

20 (5) a list detailing efforts to improve coopera-
21 tion between the United States and Australia, India,
22 and Japan (referred to in this section as the “Quad-
23 rilateral Dialogue” or the “Quad”) through coordi-
24 nation between members of the Quad with respect to
25 diplomacy and development priorities, joint military

1 exercises and operations, and other activities that
2 promote and balance the political, economic, and se-
3 curity interests of the United States with respect to
4 Indian Ocean region countries;

5 (6) an overview of efforts to support the eco-
6 nomic connectivity and development of island coun-
7 tries located within the Indian Ocean region, includ-
8 ing through—

9 (A) the United States-India-Japan Tri-
10 lateral Infrastructure Working Group;

11 (B) the Asia-Africa Growth Corridor; and

12 (C) other efforts to expand and enhance
13 connectivity across the Indo-Pacific region (in-
14 cluding with the countries of Southeast Asia)
15 that maintain high standards of investment and
16 support for civil society and people-to-people
17 connectivity;

18 (7) a description of how the United States may
19 engage with regional intergovernmental organiza-
20 tions and multilateral organizations, including the
21 Indian Ocean Rim Association and the United Na-
22 tions, to promote the political, economic, and secu-
23 rity goals of the United States in the Indian Ocean
24 region;

1 (8) a description of how the United States may
2 facilitate cooperation between Indian Ocean region
3 countries (including the governments, civil society,
4 academia, and private sectors of such countries) and
5 Taiwan through Taiwan's New Southbound Policy;

6 (9) a review of the diplomatic posture of the
7 United States in the Indian Ocean region, includ-
8 ing—

9 (A) an assessment of United States diplo-
10 matic engagement with Indian Ocean region
11 countries without a permanent United States
12 embassy or diplomatic mission;

13 (B) an assessment of means by which to
14 improve cooperation by the United States with
15 the Maldives, the Seychelles, and Comoros;

16 (C) an assessment of the sufficiency of
17 United States diplomatic personnel and facili-
18 ties available in the Indian Ocean region to
19 achieve the policy described in section 444;

20 (D) a description of any resources required
21 to fill identified gaps with respect to such diplo-
22 matic posture; and

23 (E) a description of the bilateral and mul-
24 tilateral diplomatic goals of the Department of
25 State that the Secretary of State deems nec-

1 essary to achieve the policy described in section
2 444;

3 (10) a review of the agreements entered into
4 between the United States and Indian Ocean region
5 countries for the purpose of facilitating the military
6 operations of the United States pursuant to bilateral
7 and multilateral agreements;

8 (11) a description of any efforts to expand the
9 naval and coast guard cooperation between the
10 United States and India and other Indian Ocean re-
11 gion countries through the negotiation of additional
12 agreements;

13 (12) a strategy for strengthening security co-
14 operation between the United States and partners
15 within the Indian Ocean region, including through
16 the provision of security assistance, which should in-
17 clude—

18 (A) a summary of the security priorities,
19 objectives, and actions of the prospective recipi-
20 ent country;

21 (B) a description of the means by which
22 the United States may support such security
23 priorities, objectives, and actions while pro-
24 moting the political, economic, and security

1 goals of the United States in the Indian Ocean
2 region; and

3 (C) an assessment of the capabilities,
4 training, and funding needed for Indian Ocean
5 region countries to push back against shared
6 challenges in the region; and

7 (13) a plan to expand the diplomatic and devel-
8 opment presence of the United States with respect
9 to the governments of island countries located within
10 the Indian Ocean region, including a description of
11 any resources or policy tools required to expand the
12 ability of the United States to support high-quality
13 infrastructure resiliency projects in such countries.

14 (c) INCLUSION.—The strategy submitted pursuant to
15 subsection (a) may be submitted to the appropriate con-
16 gressional committees as a part of any other strategy re-
17 lating to the Indo-Pacific region.

18 (d) REPORTS ON IMPLEMENTATION.—Not later than
19 1 year after the date on which the Secretary submits the
20 strategy required under subsection (a), and 1 year later,
21 the Secretary shall submit a report to the appropriate con-
22 gressional committees that describes the progress made to-
23 ward implementing such strategy.

1 **SEC. 446. MODIFICATION TO UNITED STATES-CHINA ECO-**
2 **NOMIC AND SECURITY REVIEW COMMISSION.**

3 (a) MODIFICATION.—Section 1238(c)(2)(E) of the
4 Floyd D. Spence National Defense Authorization Act for
5 Fiscal Year 2001 (22 U.S.C. 7002(c)(2)(E)) is amend-
6 ed—

7 (1) by inserting “(including in the Indian
8 Ocean region)” after “deployments of the People’s
9 Republic of China military”; and

10 (2) by adding at the end the following: “In this
11 subparagraph, the term ‘Indian Ocean region’ means
12 the Indian Ocean (including the Arabian Sea and
13 the Bay of Bengal) and the littoral areas sur-
14 rounding the Indian Ocean (including the East
15 Coast of Africa).”.

16 (b) APPLICABILITY.—The amendments made by sub-
17 section (a) shall apply with respect to each report sub-
18 mitted pursuant to section 1238(c) of the Floyd D. Spence
19 National Defense Authorization Act for Fiscal Year 2001
20 (22 U.S.C. 7002(c)) on or after the date of the enactment
21 of this Act.

1 **Subtitle C—Countering Espionage**
2 **and Surveillance Entities in Cuba**

3 **SEC. 451. SHORT TITLES.**

4 This subtitle may be cited as the “Countering Espio-
5 nage and Surveillance Entities in Cuba Act” or the
6 “CEASE Act”.

7 **SEC. 452. IMPOSITION OF SANCTIONS WITH RESPECT TO**
8 **MILITARY AND INTELLIGENCE FACILITIES OF**
9 **THE PEOPLE’S REPUBLIC OF CHINA IN CUBA.**

10 (a) DEFINITIONS.—In this section:

11 (1) ALIEN.—The term “alien” has the meaning
12 given such term in section 101 of the Immigration
13 and Nationality Act (8 U.S.C. 1101).

14 (2) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means—

17 (A) the Committee on Foreign Relations of
18 the Senate;

19 (B) the Select Committee on Intelligence
20 of the Senate;

21 (C) the Committee on Foreign Affairs of
22 the House of Representatives; and

23 (D) the Permanent Select Committee on
24 Intelligence of the House of Representatives.

1 (3) FOREIGN PERSON.—The term “foreign per-
2 son” means a person that is not a United States
3 person.

4 (4) GOOD.—The term “good” means any arti-
5 cle, natural or manmade substance, material, supply,
6 or manufactured product, including inspection and
7 test equipment, and excluding technical data.

8 (5) PERSON.—The term “person” means an in-
9 dividual or entity.

10 (6) UNITED STATES PERSON.—The term
11 “United States person” means—

12 (A) an individual who is a United States
13 citizen or an alien lawfully admitted for perma-
14 nent residence to the United States;

15 (B) an entity organized under the laws of
16 the United States or any jurisdiction within the
17 United States, including a foreign branch of
18 such an entity; or

19 (C) any person in the United States.

20 (b) IN GENERAL.—The President shall impose the
21 sanctions described in subsection (c) with respect to any
22 foreign person that the President determines engages in
23 or has engaged in a significant transaction or trans-
24 actions, or any significant dealings with, or has provided

1 significant material support to or for a military or intel-
2 ligence facility of the PRC in Cuba.

3 (c) SANCTIONS DESCRIBED.—The sanctions de-
4 scribed in this subsection with respect to a foreign person
5 are the following:

6 (1) ASSET BLOCKING.—The exercise of all pow-
7 ers granted to the President by the International
8 Emergency Economic Powers Act (50 U.S.C. 1701
9 et seq.) to the extent necessary to block and prohibit
10 all transactions in all property and interests in prop-
11 erty of the foreign person if such property and inter-
12 ests in property are in the United States, come with-
13 in the United States, or are or come within the pos-
14 session or control of a United States person.

15 (2) EXCLUSION FROM THE UNITED STATES
16 AND REVOCATION OF VISA OR OTHER DOCUMENTA-
17 TION.—In the case of a foreign person who is an
18 alien, denial of a visa to, and exclusion from the
19 United States of, the alien, and revocation in accord-
20 ance with section 221(i) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1201(i)), of any visa or other
22 documentation of the alien.

23 (d) IMPLEMENTATION; PENALTIES.—

24 (1) IMPLEMENTATION.—The President shall ex-
25 ercise all authorities provided under sections 203

1 and 205 of the International Emergency Economic
2 Powers Act (50 U.S.C. 1702 and 1704) to carry out
3 this section.

4 (2) PENALTIES.—A person that violates, at-
5 tempts to violate, conspires to violate, or causes a
6 violation of subsection (c)(1) or any regulation, li-
7 cense, or order issued to carry out that subsection
8 shall be subject to the penalties set forth in sub-
9 sections (b) and (c) of section 206 of the Inter-
10 national Emergency Economic Powers Act (50
11 U.S.C. 1705) to the same extent as a person that
12 commits an unlawful act described in subsection (a)
13 of such section.

14 (e) EXCEPTIONS.—

15 (1) IMPORTATION OF GOODS.—The authorities
16 and requirements to impose sanctions under this
17 section shall not include the authority or a require-
18 ment to impose sanctions on the importation of
19 goods.

20 (2) COMPLIANCE WITH UNITED NATIONS HEAD-
21 QUARTERS AGREEMENT.—Sanctions described in
22 subsection (c)(2) shall not apply to an alien if admit-
23 ting the alien into the United States is necessary to
24 permit the United States to comply with the Agree-
25 ment regarding the Headquarters of the United Na-

1 tions, signed at Lake Success June 26, 1947, and
2 entered into force November 21, 1947, between the
3 United Nations and the United States, or other ap-
4 plicable international obligations.

5 (f) NATIONAL SECURITY WAIVER.—The President
6 may waive the imposition of sanctions under this section
7 with respect to a foreign person, on a case-by-case basis
8 for renewable periods of 180 days, if the President sub-
9 mits to the appropriate congressional committees a deter-
10 mination that such waiver is in the vital national security
11 interests of the United States.

12 (g) TERMINATION OF SANCTIONS.—Notwithstanding
13 any other provision of law, this section shall terminate on
14 the date that is 30 days after the date on which the Presi-
15 dent determines and certifies to the appropriate congres-
16 sional committees (and Congress has not enacted legisla-
17 tion disapproving the determination within that 30-day pe-
18 riod) that all military or intelligence facilities of the PRC
19 in Cuba have been closed.

20 **SEC. 453. CODIFICATION OF CUBA RESTRICTED LIST.**

21 The President may not remove any entity or sub-
22 entity from the List of Restricted Entities and Subentities
23 Associated with Cuba of the Department of State (com-
24 monly known as the “Cuba Restricted List”) if that entity
25 or subentity was on such list as of July 1, 2024.

1 **Subtitle D—Countering China**
2 **Globally**

3 **SEC. 461. SENSE OF CONGRESS REGARDING CHINA’S SUP-**
4 **PORT FOR RUSSIA IN UKRAINE.**

5 It is the sense of Congress that—

6 (1) the PRC and the Russian Federation are
7 strengthening their relationship to advance their mu-
8 tual fundamental interests in countering and weak-
9 ening the United States and the transatlantic alli-
10 ance as well as creating divisions between the United
11 States and its allies and partners;

12 (2) the PRC is supporting Russia’s unprovoked,
13 full-scale, and brutal invasion of Ukraine, including
14 through—

15 (A) increasing trade with Russia by 30
16 percent in 2022, and by another 26.3 percent
17 in 2023;

18 (B) purchasing massive amounts of Rus-
19 sian crude oil, coal, and natural gas under em-
20 bargo by the transatlantic alliance;

21 (C) selling high-precision machinery, elec-
22 tronics, microelectronics, components of weap-
23 ons and weapons systems, base metals, textiles
24 and apparel, vehicles, ships, and aircraft to
25 Russia;

1 (D) abetting sanctions evasion in countries
2 bordering Russia; and

3 (E) amplifying Russian propaganda and
4 false information;

5 (3) the PRC has explored providing weapons
6 and ammunition to the Russian Federation in order
7 to support that country's unlawful, imperialist war
8 of aggression against Ukraine;

9 (4) the Government of the PRC is not taking
10 sufficient action to prevent PRC-based companies
11 from exporting lethal equipment to the Russian Fed-
12 eration, as revealed by the credible evidence that
13 PRC companies and entities have—

14 (A) shipped unmanned aerial vehicles to
15 Russia that were designated on customs forms
16 as being “for use in the special military oper-
17 ation”;

18 (B) supplied Iran with drone parts that
19 were later used by Russian forces in Ukraine;

20 (C) sent “Tiger” armored personnel car-
21 riers to Chechen forces, raising the possibility
22 that these vehicles being could be deployed to
23 Ukraine;

1 (D) shipped tens of thousands of kilograms
2 of smokeless gunpowder to a munitions factory
3 in Russia;

4 (E) provided Russia with optical parts
5 used in tanks and armored vehicles;

6 (F) permitted Russian purchases of nitro-
7 cellulose; and

8 (G) allowed the shipment of engines for
9 both missiles and drones to Russia;

10 (5) because of this ongoing support for Russia's
11 war against Ukraine, the United States has sanc-
12 tioned dozens of PRC and Hong Kong-based enti-
13 ties;

14 (6) the PRC's support for Russia's war against
15 Ukraine threatens European stability and security,
16 including that of those countries that the United
17 States is committed to defend under the terms of
18 the North Atlantic Treaty;

19 (7) the United States, the European Union,
20 and European countries must continue and increase
21 implementation of sanctions and other appropriate
22 punitive economic tools against PRC firms sup-
23 porting the Russian Federation's war against
24 Ukraine, including those supporting Russian para-
25 military organizations;

1 (8) the North Atlantic Treaty Organization’s
2 (referred to in this section as “NATO”) 2022 Stra-
3 tegic Concept correctly recognizes the need to pre-
4 pare for and respond to the threats posed by the
5 PRC to Euro-Atlantic security, including threats de-
6 rived from its relationship with the Russian Federa-
7 tion and its efforts to divide United States and Eu-
8 ropean allies;

9 (9) NATO members must work to implement
10 and build on steps identified in NATO’s Strategic
11 Concept, including—

12 (A) building greater NATO expertise on
13 the PRC and its military and intelligence
14 apparatuses;

15 (B) using NATO summits as an oppor-
16 tunity to check progress and update priorities;

17 (C) making any needed adjustments to
18 NATO’s operational plans to account for the
19 ownership or involvement of PRC state-owned
20 enterprises and other entities in space, key sea-
21 ports, communications nodes, and airports; and

22 (D) instituting standards for NATO mem-
23 ber nations’ sales to the PRC or purchases of
24 PRC-owned, security-related infrastructure,
25 companies, and capabilities;

1 (10) the PRC has been clear about its desire to
2 be included in diplomatic discussions about ending
3 Russia’s war in Ukraine, including through the Feb-
4 ruary 2023 publication of a 12-point position paper
5 on the “political settlement of the Ukraine crisis”
6 and the appointment of a Special Envoy for Eur-
7 asian Affairs;

8 (11) the PRC has done nothing to deliver tan-
9 gible outcomes on the elements of its position paper
10 beyond symbolic actions, including a statement
11 warning against nuclear saber rattling and a single
12 phone call with Ukraine’s president;

13 (12) although the PRC’s position paper calls
14 for the full implementation of the July 2022 United
15 Nations-brokered Black Sea Grain Initiative as a
16 means to maintain global food security, and despite
17 Xi Jinping’s emphasis on food security for his own
18 country, Beijing did nothing to pressure the Russian
19 Federation to return to the deal, which it abrogated
20 in July 2023;

21 (13) in February 2023, President Joseph R.
22 Biden rightly dismissed the PRC’s “peace plan” (re-
23 ferring to the 12-point position paper), stating that
24 it would not help “anyone other than Russia”;

1 (14) the Biden Administration’s statements to
2 PRC officials and public pronouncements since May
3 2023 that the United States is open to a “construc-
4 tive role” for the PRC in Ukraine, even describing
5 it as potentially “beneficial,” are deeply misguided
6 and concerning;

7 (15) given the PRC’s full support for Russia,
8 Xi Jinping and the Government of the PRC should
9 not be viewed as impartial brokers that will bring
10 this war to an end on terms that will be positive for
11 Ukraine, its independence, and the security of Eu-
12 rope;

13 (16) although Russia and the PRC have dis-
14 agreements, both countries—

15 (A) have independently concluded that
16 their partnership is critical to their shared ob-
17 jective of countering the United States power;
18 and

19 (B) will not be swayed from this belief by
20 strategies to drive a wedge between the 2 coun-
21 tries;

22 (17) openness to PRC diplomatic involvement
23 in Ukraine would set a precedent for allowing fur-
24 ther PRC involvement in European security issues,

1 while also allowing Xi Jinping to present himself as
2 a responsible party to the international community;

3 (18) the PRC's role in a diplomatic peace set-
4 tlement in Ukraine would clear the way for that
5 country's substantial involvement in Ukraine's re-
6 construction, allowing the PRC to benefit economi-
7 cally after it supported the aggressor and under-
8 mining broader United States efforts to counter
9 PRC malign influence in Europe;

10 (19) as earlier PRC investments in Ukraine
11 targeted strategic sectors, any post-war PRC invest-
12 ments in Ukraine would give the PRC access to val-
13 uable military technology and know-how, as Ukraine
14 inherited roughly one third of the Soviet Union's de-
15 fense-industrial base and 15 percent of Soviet mili-
16 tary research and development facilities, and during
17 its war against Russia, has made great strides in the
18 development of certain defense items;

19 (20) given China's documented track record on
20 corruption, a role for the PRC in Ukraine's recon-
21 struction would undercut extensive ongoing United
22 States and European efforts to align Ukrainian gov-
23 ernance and anti-corruption standards with those of
24 Western institutions, as well as the European
25 Union's progress in helping Ukraine adhere to the

1 standards required for its prospective entry into the
2 European Union;

3 (21) it is of vital importance that the United
4 States and Europe remain united in confronting the
5 security and economic risks posed by a significant
6 PRC role in diplomatic efforts to end Russia's war
7 in Ukraine, executing policies that account for great-
8 er Sino-Russian alignment, and working together
9 closely on planning ahead for reconstruction to en-
10 sure that the PRC does not become Ukraine's only
11 option;

12 (22) the United States, in collaboration with its
13 partners, should support European countries tar-
14 geted by Chinese economic coercion and other at-
15 tempts to exert undue influence , either with respect
16 to Ukraine or other issues; and

17 (23) United States allies and partners in the
18 Indo-Pacific, including Australia, Japan, Taiwan,
19 and South Korea—

20 (A) view the success of Ukraine's struggle
21 against Russian aggression as a key factor for
22 deterring Chinese aggression in the Indo-Pa-
23 cific; and

24 (B) have demonstrated this conviction by
25 providing humanitarian and military assistance

1 to Ukraine and building ties with allies in Eu-
2 rope through defense industry relationships.

3 **SEC. 462. ENHANCING UNITED STATES-AFRICA TRADE AND**
4 **INVESTMENT FOR PROSPERITY.**

5 (a) STATEMENT OF POLICY.—It is the policy of the
6 United States to increase United States investment in Af-
7 rica, and to promote and facilitate trade between the
8 United States and Africa, focused on key countries and
9 sectors, that supports mutual economic growth and devel-
10 opment outcomes, long-term development of markets, and
11 the strategic interests of the United States.

12 (b) IN GENERAL.—

13 (1) ESTABLISHMENT.—The President shall es-
14 tablish an office within a bureau of the United
15 States Agency for International Development (re-
16 ferred to in this section as “USAID”) to coordinate
17 the activities of the United States Government re-
18 lated to increasing trade and investment between the
19 United States and Africa, which—

20 (A) should include representation from rel-
21 evant agencies designated by the President;

22 (B) identifies priority countries and sectors
23 for United States foreign investment in coun-
24 tries in Africa and sectors and countries that
25 support United States economic growth and

1 promotes trade based on the analysis required
2 in subsection (c);

3 (C) coordinates activities and implementing
4 mechanisms, including at United States embas-
5 sies in Africa, to carry out the policy set forth
6 in subsection (a), including by—

7 (i) providing program support and
8 guidance to implement the policy described
9 in subsection (a);

10 (ii) providing information and analysis
11 to United States companies and investors
12 in countries and sectors identified pursu-
13 ant to subparagraph (B);

14 (iii) serving, as needed, as an informa-
15 tion clearinghouse for the United States
16 Government for businesses, investors, and
17 civic organizations, and others in the
18 United States seeking information related
19 to investing in Africa; and

20 (iv) connecting such entities with
21 teams at United States embassies overseas;
22 and

23 (D) identifies barriers to trade and invest-
24 ment in priority countries and sectors and iden-
25 tifies concrete actions that will be taken to ad-

1 dress them, including strengthening programs
2 and activities aimed at improving the enabling
3 environment in those countries.

4 (2) ORGANIZATION.—

5 (A) IN GENERAL.—The office established
6 pursuant to paragraph (1) shall be led by an
7 Executive Director who shall be designated by
8 the USAID Administrator, and who shall—

9 (i) lead the interagency efforts de-
10 scribed in subsection (a);

11 (ii) identify, not later than 90 days of
12 the release of the analysis required in sub-
13 section (c), a list of priority countries for
14 the purposes of carrying out this Act;

15 (iii) plan, coordinate, and oversee the
16 policies, activities, and programs of United
17 States Government Agencies, in the United
18 States and in overseas missions, involved
19 in promoting or facilitating trade, and in-
20 vestment activities between the United
21 States and Africa, and development and
22 coordination of relevant activities meant to
23 improve the enabling environment;

24 (iv) identify and provide information
25 about investment opportunities, market in-

1 formation, and United States Government
2 programs to support trade and investment
3 activities in priority countries and sectors
4 identified in paragraph (1)(A); and

5 (v) convene, not less frequently than
6 quarterly, a committee consisting of the di-
7 rectors from each agency designated under
8 subparagraph (B) to provide strategic
9 guidance and coordination for the policy,
10 programs, and activities of Prosper Africa.

11 (B) DESIGNATION OF PARTICIPATING DE-
12 PARTMENTS.—The President shall designate
13 Federal departments and agencies to partici-
14 pate in support of the policy set forth in sub-
15 section (a) and direct the head of each of des-
16 ignated agency—

17 (i) to designate an employee to serve
18 as a focal point for each agencies' respec-
19 tive activities related to subsection (a), who
20 shall coordinate the relevant activities of
21 their respective agency and liaise with the
22 Executive Director designated pursuant to
23 subparagraph (A); and

1 (ii) to designate an employee to serve
2 at United States embassies in priority
3 countries identified in paragraph (1)(A).

4 (3) STAFFING.—In order to carry out sub-
5 section (a)—

6 (A) the Executive Director shall have the
7 authority, as appropriate, to hire employees and
8 contractors in a manner that is consistent with
9 existing hiring authorities of USAID to support
10 the execution of efforts in paragraph (2), and
11 shall be supported, as appropriate, by staff de-
12 tailed from any Federal agency designated pur-
13 suant to paragraph (2)(B); and

14 (B) the Chief of Mission in priority coun-
15 tries—

16 (i) shall take an active and direct
17 leadership role in promoting, supporting,
18 and facilitating activities pursuant to sub-
19 section (a);

20 (ii) shall designate a Foreign Service
21 Officer, a Foreign Commercial Service Of-
22 ficer, or other direct hire person under
23 Chief of Mission Authority to lead an
24 interagency team to support activities pur-
25 suant to subsection (a) who shall—

1 (I) conduct assessments of mar-
2 ket conditions and business operating
3 environments;

4 (II) identify investment opportu-
5 nities;

6 (III) foster relationships and
7 communications between United
8 States investors and businesses and
9 African businesses and individuals
10 within their country of responsibility;
11 and

12 (IV) carry out other duties as
13 necessary; and

14 (iii) is authorized to hire locally em-
15 ployed staff with relevant experience to
16 support the activities of the team estab-
17 lished pursuant to clause (ii).

18 (c) MARKET AND SECTOR ANALYSIS.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, and
21 every 4 years thereafter until 2031, the Executive
22 Director of Prosper Africa shall commission and
23 publish a study of the investment environment in Af-
24 rica that incorporates—

1 (A) an analysis of which markets are the
2 most promising for private investment;

3 (B) an analysis of African markets that
4 identifies which industries and sectors United
5 States firms have an advantage in comparison
6 to other sources of foreign direct investment;
7 and

8 (C) an analysis of perceived and actual
9 barriers to United States private investment,
10 including—

11 (i) significant legal and regulatory
12 constraints to foreign investment and busi-
13 ness operating environments;

14 (ii) reputational risks;

15 (iii) investor information gaps; and

16 (iv) access to and affordability of cap-
17 ital, labor markets, currency volatility, and
18 infrastructure.

19 (2) AGREEMENT.—To produce the study re-
20 quired under paragraph (1), the Executive Director
21 may enter into an agreement with a qualified United
22 States private sector consultant or subject matter
23 expert who shall conduct the study.

24 (3) DISTRIBUTION.—The Administrator of the
25 United States Agency for International Development

1 shall submit each study required under paragraph
2 (1) to the appropriate congressional committees and
3 shall make each such study publicly available.

4 (4) PRIORITY COUNTRIES.—The Executive Di-
5 rector shall identify the priority countries of the
6 Prosper Africa program, pursuant to subsection
7 (b)(2)(A)(2), based on the findings of the study re-
8 quired under paragraph (1).

9 (d) SMALL AND MEDIUM ENTERPRISES.—To the ex-
10 tent practicable, Prosper Africa shall promote and facili-
11 tate investments in small and medium enterprises, includ-
12 ing by establishing and supporting relationships between
13 United States Government institutions, philanthropic in-
14 stitutions, and private lenders to mobilize blended finance
15 for small and medium enterprises in Africa.

16 (e) SUPPORT FOR DIASPORA INVESTMENT.—

17 (1) IN GENERAL.—Prosper Africa shall seek to
18 support and facilitate investments in Africa by
19 United States citizens and residents who identify as
20 members of the African Diaspora.

21 (2) PRESIDENT’S ADVISORY COUNCIL ON AFRI-
22 CAN DIASPORA ENGAGEMENT IN THE UNITED
23 STATES.—The Prosper Africa Coordinator shall con-
24 sult with the President’s Advisory Council on Afri-
25 can Diaspora Engagement in the United States (re-

1 ferred to in this subsection as “the Council”), estab-
2 lished by Executive Order 14089, on issues relating
3 to increasing, developing, and sustaining investments
4 in Africa by United States members of the African
5 diaspora.

6 (A) MEMBERSHIP.—The Executive Direc-
7 tor shall recommend to the President for ap-
8 pointment to the Council not fewer than 3 indi-
9 viduals who have significant relevant experience
10 in the fields of trade, private investment, eco-
11 nomics, or international development, or other
12 relevant fields.

13 (B) ANNUAL REPORT.—The Council shall
14 publish an annual report on investment in Afri-
15 ca by United States members of the African di-
16 aspora and barriers to increased investment by
17 the diaspora.

18 (3) DIASPORA BUSINESS FORUMS.—The Pros-
19 per Africa Coordinator shall organize public meet-
20 ings throughout the United States with members of
21 the African Diaspora community that—

22 (A) provide a forum for communication,
23 education, and information about investment
24 opportunities; and

1 (B) may be coordinated with local civic,
2 community, and business organizations, as ap-
3 propriate.

4 (f) BUSINESS ENABLING ENVIRONMENT.—The Pros-
5 per Africa Coordinator, in coordination with the respective
6 Chiefs of Mission at designated United States Embassies,
7 shall seek to strengthen the business enabling environment
8 in Africa by—

9 (1) identifying barriers to United States invest-
10 ment on a country-by-country basis;

11 (2) identifying existing development and tech-
12 nical assistance programs that can serve to eliminate
13 the barriers in paragraph (1);

14 (3) ensuring country development cooperation
15 strategies and regional development cooperation
16 strategies incorporate program and activities, fo-
17 cused on addressing specific barriers to private sec-
18 tor investment as identified in paragraph (1); and

19 (4) providing policy advice and technical assist-
20 ance to select African countries to develop and im-
21 prove regulatory and legal structures, taxation and
22 customs regimes, policy frameworks, and other rel-
23 evant structures and practices to improve the oper-
24 ating environments for businesses and eliminate
25 other barriers to competition.

1 (g) EVALUATION.—Not later than 1 year after the
2 date of enactment of this Act, the Comptroller General
3 of the United States shall submit to the appropriate con-
4 gressional committees a report containing recommenda-
5 tions for improving effectiveness of United States Govern-
6 ment actions to carry out subsection (a), including by eval-
7 uating the effectiveness of the organizational structure
8 and staffing of this section the effectiveness of the steps
9 undertaken to carry out subsection (d) and the applica-
10 bility of metrics used to produce this report.

11 **SEC. 463. REPORT ON HORN OF AFRICA.**

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

14 (1) it is in the interest of the United States to
15 engage in diplomatic efforts in the Red Sea region
16 that counter PRC influence through increased
17 United States engagement that—

18 (A) promotes the strengthening of free,
19 open, transparent, democratic partners;

20 (B) encourages international dialogue on
21 shared transnational security issues;

22 (C) assesses the root causes of forced mi-
23 gration and cooperatively responds to vulnerable
24 refugees;

1 (D) maintains secure and free navigation
2 of international waters to encourage inter-
3 national economic integration and mitigate
4 threats;

5 (E) prevents and counters violent extre-
6 mism, as well as the illicit activities that enable
7 terrorist activities; and

8 (F) monitors and combats illegal, unre-
9 ported, and unregulated fishing;

10 (2) increased United States engagement in the
11 Horn of Africa and Red Sea region has presented an
12 opportunity to build and strengthen security co-
13 operation with key partners in that region;

14 (3) the Red Sea region includes a strategic
15 maritime choke point, the Bab-al-Mandeb Strait,
16 which—

17 (A) connects the Red Sea to the Gulf of
18 Aden; and

19 (B) is essential to support United States
20 national security interests, including countering
21 the flows of Iranian lethal aid to Yemen and fa-
22 cilitating the free flow of commerce;

23 (4) increased United States engagement with
24 Somaliland, which occupies a strategic geographic lo-
25 cation in the Horn of Africa and is adjacent to stra-

1 tegic maritime routs in the Red Sea and Gulf of
2 Aden could—

3 (A) contribute to the achievement of
4 United States national security interests given
5 the evolving security situating in the region;
6 and

7 (B) could provide flexibility with regards to
8 the delivery of humanitarian assistance in the
9 Horn of Africa region and beyond; and

10 (5) security cooperation in the Red Sea and
11 Gulf of Aden region is critical—

12 (A) to maintaining a de facto ceasefire in
13 Yemen; and

14 (B) to further a political resolution to the
15 Yemeni conflict.

16 (b) STATEMENT OF POLICY.—It is the policy of the
17 United States—

18 (1) to establish and maintain an approach to-
19 wards the Red Sea region that promotes United
20 States economic, political, and security interests in
21 the region;

22 (2) to facilitate and support sustained regional
23 dialogue between the United States and countries in
24 the Red Sea region and other non-littoral states that
25 have interests in the Red Sea region by creating

1 lasting mechanisms for cooperative, multinational ef-
2 forts to advance democracy, human rights, good gov-
3 ernance, combat illegal, unregulated, and unreported
4 fishing; counter-terrorism, counter-smuggling, con-
5 flict prevention, resolution, and adaptation in and
6 surrounding the Red Sea region;

7 (3) to preserve and enhance a free, stable, pros-
8 perous Red Sea region by supporting and defending
9 principles that contribute to such conditions, includ-
10 ing by supporting—

11 (A) the sovereignty and self-determination
12 of countries in the Red Sea region;

13 (B) sustainable economic development;

14 (C) increased democratization and respect
15 for internationally recognized human rights;

16 (D) transparent and accountable govern-
17 ance;

18 (E) prudent management of natural re-
19 sources and enhanced food security;

20 (F) protection of migrants and refugees;

21 and

22 (G) women and girls with attention to gen-
23 der-based violence in the region;

24 (4) to secure the safe transit of vessels through
25 the Red Sea waterways and mitigate threats to mar-

1 itime security posed by malign actors, including the
2 Houthis in Yemen, by—

3 (A) helping build the capacity of partner
4 countries and sharing information with regional
5 partners, where appropriate;

6 (B) securing coastal infrastructure critical
7 to the interests of the United States, including
8 United States military bases, ports, undersea
9 communication cables, oil pipelines, and depots;

10 (C) supporting, where appropriate, law en-
11 forcement and defense capabilities of Red Sea
12 region partners;

13 (D) enabling partner nations' defensive ca-
14 pabilities and encouraging counter-smuggling
15 operations; and

16 (E) reducing human, narcotics, and arms
17 trafficking, piracy, and illegal, unregulated, and
18 unreported fishing;

19 (5) to bolster preventative diplomacy to prevent
20 conflicts and to support the peaceful resolution of
21 conflict within and among countries;

22 (6) to analyze and address natural and man-
23 made environmental threats in cooperation with our
24 partners in the region, including risk of oil spills, lo-

1 cysts, threats to regional water supplies, and devel-
2 opmental activities;

3 (7) to encourage principled, transparent foreign
4 investment and trade, with a particular emphasis on
5 the Horn of Africa, including by United States and
6 Western corporations;

7 (8) to ensure foreign investments and presence,
8 including economic, military, or otherwise, do not re-
9 sult in the destabilization of any countries;

10 (9) to help countries address opaque invest-
11 ments and undue influence by malign actors and
12 promote and assist with the development of strate-
13 gies to ensure transparency and fair treatment by
14 foreign actors;

15 (10) to help countries respond to violent ex-
16 tremist groups that threaten stability and disrupt
17 their funding and weapons supplies;

18 (11) to increase United States diplomatic pres-
19 ence and influence;

20 (12) to counter PRC military, diplomatic, eco-
21 nomic and cultural influence in the Red Sea region
22 through increased United States engagement, in-
23 cluding democracy and governance assistance, eco-
24 nomic assistance, infrastructure investment and se-
25 curity assistance and cooperation; and

1 (13) to mitigate threats posed by the Houthis
2 in Yemen to regional stability and to vessels
3 transiting the Red Sea or Gulf of Aden by enabling
4 partner nations' defensive capabilities and encour-
5 aging counter-smuggling operations.

6 (c) STRATEGY.—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary, in con-
8 sultation with the Secretary of Defense, the Administrator
9 of the United States Agency for International Develop-
10 ment, and the heads of other relevant Federal Government
11 agencies, shall submit to the appropriate congressional
12 committees a 5-year integrated strategy for the Red Sea
13 region that includes—

14 (1) a clear articulation of the security, political,
15 and economic interests of the United States, with
16 special emphasis on the promotion of the policy ob-
17 jectives in subsection (b);

18 (2) plans for ensuring the Red Sea Security
19 Forum required under subsection (f) will further
20 shared interests between the United States and part-
21 ners and allies in democracy, human rights, inclusive
22 governance, economic development, anti-corruption,
23 counter-terrorism, conflict prevention and resolution,
24 and other relevant areas;

1 (3) plans for fostering regional cooperation on
2 issues, such as migration, including forced migration
3 and its root causes, and supporting refugee assist-
4 ance;

5 (4) plans for increasing United States economic
6 engagement in the region through diplomatic and,
7 where applicable, programmatic support for—

8 (A) a rules-based investment climate;

9 (B) United States private sector invest-
10 ment;

11 (C) regional economic integration, if and
12 as appropriate; and

13 (D) an assessment that clearly identifies
14 the implications of investment schemes of ma-
15 lign actors and strategic competitors in the Red
16 Sea region;

17 (5) plans for ensuring engagement, as appro-
18 priate, of initiatives such as Prosper Africa, Power
19 Africa, the Middle East Partnership Initiative, and
20 expertise of independent United States Government
21 agencies, such as the Development Finance Corpora-
22 tion, the United States African Development Foun-
23 dation, and other relevant United States Govern-
24 ment programs to carry out activities that advance

1 United States security, environment, energy, and
2 economic interests in the Red Sea region;

3 (6) plans for supporting specific programs and
4 activities required to help bolster military and civil-
5 ian capacity to prevent and counter violent extre-
6 mism, to reduce human, narcotics, and arms traf-
7 ficking, and to maintain the secure and free flow of
8 United States and partner military and commercial
9 vessels informed by a county by country assessment
10 of the gaps left by current programming, and in ac-
11 cordance with international humanitarian law;

12 (7) plans for protecting coastal infrastructure
13 critical to United States interests and, where appro-
14 priate, enhance partner government capacity to that
15 end, including United States military bases, ports,
16 undersea communication cables, and oil pipelines
17 and depots; and

18 (8) plans for countering Russian and PRC mili-
19 tary, diplomatic, economic and cultural influence in
20 the Red Sea region.

21 (d) CONSULTATION.—Not later than 120 days after
22 the date of enactment of this Act, the Secretary shall con-
23 sult with the appropriate congressional committees on the
24 strategy detailed in subsection (c).

25 (e) POLICY AND DIPLOMATIC COORDINATION.—

1 (1) ESTABLISHMENT OF NEW POSITION.—

2 There may be established within the Department of
3 State an Office of the United States Senior Coordi-
4 nator for the Red Sea Region, which shall be led by
5 a Senate-confirmed Senior Coordinator who shall
6 work closely with the Bureaus of African Affairs,
7 Near Eastern Affairs, relevant Department bureaus
8 and offices, the Department of Defense, the United
9 States Agency for International Development and
10 others in the United States Government to develop,
11 integrate, and coordinate a strategic approach to-
12 wards the Red Sea region and who shall—

13 (A) be subject to the advice and consent of
14 the Senate;

15 (B) report directly to the Under Secretary
16 of State for Political Affairs;

17 (C) coordinate the development and lead
18 the implementation of the strategy required
19 under subsection (c);

20 (D) ensure, in consultation with the Assist-
21 ant Secretary of State for African Affairs and
22 the Assistant Secretary of State for Near East-
23 ern Affairs, that United States Ambassadors in
24 the Red Sea region—

25 (i) are aware of such strategy; and

1 (ii) are taking concrete actions on a
2 regular basis in the countries in which they
3 serve to help further such strategy;

4 (E) ensure relevant Department of State
5 programs and activities being carried out in the
6 Red Sea region are coordinated in such a way
7 that they advance the policy and strategy de-
8 scribed in [section b and c];

9 (F) coordinate, through the establishment
10 of an interagency working group, with the As-
11 sistant Administrators for Africa, the Middle
12 East, and other relevant USAID bureaus, and
13 with the Deputy Assistant Secretaries of De-
14 fense for Africa and the Middle East at Depart-
15 ment of Defense to identify programs and ac-
16 tivities of their respective bureaus and agencies
17 that will support the strategy described in sub-
18 section (c);

19 (G) lead United States diplomatic efforts
20 on transnational issues in the Red Sea region;
21 and

22 (H) ensure that appropriate congressional
23 committees are regularly informed relative to
24 Red Sea and Gulf of Aden issues.

1 (2) DIPLOMATIC POSTS.—Not later than 180
2 days after the date of the enactment of this Act, the
3 Secretary shall submit a report to the appropriate
4 congressional committees that examines—

5 (A) the feasibility of adding at least 1 ad-
6 ditional position to United States diplomatic
7 posts at each of the embassies in the Red Sea
8 region;

9 (B) any other explicit personnel plans to
10 increase reporting on, among other issues, polit-
11 ical, economic, and security engagement in the
12 Red Sea region by actors from outside the re-
13 gion, especially the PRC, the Russian Federa-
14 tion, Iran, the Republic of Türkiye, and the
15 Arabian Gulf countries; and

16 (C) actions taken by countries that could
17 have a destabilizing effect on the Red Sea re-
18 gion.

19 (3) ESTABLISHMENT OF REPORTING CAT-
20 EGORY.—Not later than 30 days after the date of
21 the enactment of this Act, the Secretary shall create
22 a Red Sea region category within the internal re-
23 porting system of the Department of State to enable
24 readers from throughout the United States Govern-

1 ment to better identify and access reporting per-
2 taining to the Red Sea region.

3 (f) RED SEA SECURITY FORUM.—The Secretary, in
4 consultation with the Secretary of Defense and the Admin-
5 istrator of the United States Agency for International De-
6 velopment, shall convene an annual security forum involv-
7 ing United States and foreign diplomatic, development
8 and defense officials, representatives of multilateral orga-
9 nizations, and civil society to identify and develop ap-
10 proaches to shared challenges in the Red Sea region, in-
11 cluding—

12 (1) countering PRC influence;

13 (2) maritime security and transnational threats
14 including counter-terrorism, piracy and arms, and
15 narcotics trafficking;

16 (3) food security;

17 (4) trade;

18 (5) forced migration; and

19 (6) environmental security.

20 (g) REPORTING REQUIREMENT.—Not later than 1
21 year after the date of the enactment of this Act, and annu-
22 ally for the following 4 years, the Secretary shall submit
23 a report to the appropriate congressional committees that
24 includes—

1 (1) the status of the implementation of the
2 strategy required under subsection (c);

3 (2) a description of the engagement of inter-
4 national actors in countries in Africa that are part
5 of the Red Sea region, with special emphasis on the
6 PRC, the Russian Federation, Iran, the Republic of
7 Türkiye, and Arabian Gulf countries, the implica-
8 tions of their engagement for the national security
9 interests of the United States, and steps taken to
10 counter the influence of the aforementioned inter-
11 national actors;

12 (3) a detailed description of the illicit networks
13 that move people, narcotics, and arms across the
14 Red Sea region;

15 (4) a discussion of key foreign investors and in-
16 vestments in the Red Sea region initiated over the
17 previous year, including by United States and for-
18 eign actors;

19 (5) a country-by-country itemization of all
20 United States democracy and governance assistance
21 provided to countries in the Red Sea region, broken
22 down by program and by funding sources and levels,
23 along with an identification of the intended and ac-
24 tual outcomes;

1 (6) a country-by-country itemization of all
2 United States security assistance provided to coun-
3 tries in the Red Sea region, along with an identifica-
4 tion of the security capabilities of countries in the
5 Red Sea region, intended gaps in capabilities that
6 United States assistance is intended to fill, and ac-
7 tual outcomes;

8 (7) an assessment of the extent to which a sus-
9 tained United States presence in Somaliland
10 would—

11 (A) support United States policy focused
12 on the Red Sea region, including the “pro-
13 motion of conflict avoidance and resolution”;

14 (B) improve cooperation on counter-ter-
15 rorism and intelligence sharing, including by—

16 (i) degrading and ultimately defeating
17 the terrorist threat posed by Al-Shabaab,
18 the Islamic State in Somalia, and other
19 terrorist groups operating in Somalia; and

20 (ii) countering the malign influence of
21 the Iranian regime and its terror proxies;

22 (C) enhance cooperation on counter-traf-
23 ficking, including the trafficking of humans,
24 wildlife, weapons, and illicit goods;

1 (D) support trade and development in the
2 region;

3 (8) recommendations for facilitating the dis-
4 tribution of humanitarian assistance in the Horn of
5 Africa; and

6 (9) recommendation for countering the presence
7 of the Russian Federation and the PRC in the Horn
8 of Africa, including by detailing—

9 (A) the PRC's interest in access to port fa-
10 cilities in Djibouti, Mombasa, Massawa, and
11 Assab;

12 (B) the PRC's role in fomenting unrest in
13 the Sool region of Somaliland; and

14 (C) the role Somaliland's relationship with
15 the Republic of China (Taiwan) counters PRC
16 influence in the region and contributes to
17 United States interests.

18 (h) FORM.—The report required under this section
19 shall be unclassified to the maximum extent practicable,
20 but may include a classified annex.

21 **SEC. 464. SENSE OF CONGRESS ON JACKSON-VANIK.**

22 It is the sense of Congress that it is in the interests
23 of the United States to waive the application of section
24 402(e) of the Trade Act of 1974 (19 U.S.C. 2432(e)) with
25 respect to Uzbekistan (upon Uzbekistan's accession to the

1 World Trade Organization) and with respect to
2 Kazakhstan.

3 **Subtitle E—United States Interests**
4 **in International Organizations**

5 **SEC. 471. GLOBAL PEACE OPERATIONS INITIATIVE.**

6 Section 552 of the Foreign Assistance Act of 1961
7 (22 U.S.C. 2348a) is amended by adding at the end the
8 following:

9 “(e) None of the funds authorized to be appropriated
10 or otherwise made available to carry out this chapter, in-
11 cluding for the Global Peace Operations Initiative of the
12 Department of State, may be used to train or support for-
13 eign military forces in peacekeeping training exercises im-
14 plemented by the Government of the People’s Republic of
15 China or the People’s Liberation Army, unless, by not
16 later than October 1 of each year, the Secretary certifies
17 to the Committee on Foreign Relations of the Senate and
18 the Committee on Foreign Affairs of the House of Rep-
19 resentatives that such training or support is important to
20 the national security interests of the United States.”.

21 **SEC. 472. OFFICE ON MULTILATERAL STRATEGY AND PER-**
22 **SONNEL.**

23 The Bureau of International Organization Affairs of
24 the Department of State shall create and maintain, within

1 the Bureau, the Office on Multilateral Strategy and Per-
2 sonnel, which shall—

3 (1) create, coordinate, and maintain a whole-of-
4 government strategy to strengthen United States en-
5 gagement and leadership with multilateral institu-
6 tions;

7 (2) coordinate United States Government ef-
8 forts related to the United Nations Junior Profes-
9 sional Office program (referred to in this section as
10 “JPO”), including—

11 (A) recruiting qualified individuals who
12 represent the United States rich diversity to
13 apply for United States-sponsored JPO posi-
14 tions;

15 (B) collecting and collating information
16 about United States-sponsored JPOs from
17 across the United States Government;

18 (C) establishing and providing orientation
19 and other training to United States-sponsored
20 JPOs;

21 (D) maintaining regular contact with cur-
22 rent and former United States-sponsored JPOs,
23 including providing career and professional ad-
24 vice to United States-sponsored JPOs;

1 (E) making strategic decisions, including
2 regarding the location and duration of United
3 States-sponsored JPO positions, to strengthen
4 United States national security interests and
5 the competitive advantage of United States-
6 sponsored JPOs for future employment;

7 (F) sponsoring events, including represen-
8 tational events, as appropriate, to support
9 United States-sponsored JPOs; and

10 (G) evaluating the efficacy of the United
11 States JPO strategy and its implementation at
12 regular intervals;

13 (3) coordinate and oversee a whole-of-govern-
14 ment United States strategy and efforts in relation
15 to promoting qualified candidates, including can-
16 didates from partner or allied nations, to elected or
17 appointed to senior positions at multilateral institu-
18 tions, including—

19 (A) creating a whole-of-government strat-
20 egy that identifies and prioritizes upcoming
21 openings of leadership positions at multilateral
22 organizations;

23 (B) identifying and recruiting qualified
24 candidates to apply or run for such positions;
25 and

1 (C) creating and implementing a strategy
2 to obtain the support necessary for candidates
3 for such positions, including—

4 (i) liaising and coordinating with
5 international partners to promote can-
6 didates; and

7 (ii) working with embassies to lobby
8 other officials needed to support relevant
9 candidates;

10 (4) promote detail and transfer opportunities
11 for qualified United States personnel to multilateral
12 organizations under section 3343 or 3581 of title 5,
13 United States Code, including—

14 (A) by liaising with multilateral institu-
15 tions to promote and identify detail and trans-
16 fer opportunities;

17 (B) by developing and maintaining a data-
18 base of detail and transfer opportunities to mul-
19 tilateral organizations;

20 (C) by promoting such detail and transfer
21 opportunities within the United States Govern-
22 ment and making such database available to
23 those eligible for details and transfers; and

24 (D) by facilitating any relevant orientation,
25 training, or materials for detailees and trans-

1 ferees, including debriefing detailees and trans-
2 ferees upon their return to the United States
3 Government; and

4 (5) develop and oversee official and regular
5 United States Government fellowships at multilat-
6 eral institutions to provide United States Govern-
7 ment personnel additional opportunities to undertake
8 details at multilateral institutions.

9 **SEC. 473. AUTHORIZATION OF APPROPRIATIONS FOR JUN-**
10 **IOR PROFESSIONAL OFFICER POSITIONS AND**
11 **UNITED STATES CANDIDATES FOR LEADER-**
12 **SHIP POSITIONS IN MULTILATERAL INSTITU-**
13 **TIONS.**

14 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There
15 are authorized to be appropriated \$10,000,000, for each
16 of the fiscal years 2024 through 2030, which, upon appro-
17 priation, shall remain available until expended and shall
18 be used by the Secretary to support Junior Professional
19 Officer positions at multilateral institutions, including
20 by—

21 (1) recruiting, training, and hosting events re-
22 lated to such positions; and

23 (2) promoting United States candidates for
24 leadership positions at multilateral institutions.

1 (b) CONGRESSIONAL NOTIFICATION.—Not later than
2 15 days before obligating any funds appropriated pursu-
3 ant to subsection (a), the Secretary shall notify the Com-
4 mittee on Foreign Relations of the Senate, the Committee
5 on Appropriations of the Senate, the Committee on For-
6 eign Affairs of the House of Representatives, and the
7 Committee on Appropriations of the House of Representa-
8 tives regarding the amount and proposed use of such
9 funds.

10 **SEC. 474. SAFEGUARDING THE INTEGRITY OF THE UNITED**
11 **NATIONS SYSTEM.**

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

14 (1) the United Nations system is critical to ad-
15 vancing peace and security, internationally recog-
16 nized human rights, and development;

17 (2) the United States benefits from opportuni-
18 ties at the United Nations to engage in multilateral
19 diplomacy—

20 (A) to advance its own interests; and

21 (B) to work with other members of the
22 international community to address complex
23 and shared challenges; and

24 (3) the United States has an interest in safe-
25 guarding the integrity the United Nations system.

1 (b) PRIORITIZING THE UNITED NATIONS SYSTEM.—

2 The Secretary, in coordination with the Permanent Rep-
3 resentative of the United States to the United Nations,
4 as appropriate, shall prioritize the United Nations system,
5 including by instructing the senior leadership of the
6 United States Mission to the United Nations and other
7 United States missions to the United Nations—

8 (1) to promote United States participation in
9 the United Nations system, and that of United
10 States allies and partners who are committed to up-
11 holding the integrity of the United Nations;

12 (2) to ensure that United Nations employees
13 are held accountable to their obligation to uphold
14 the United Nations charter, rules, and regulations;

15 (3) to monitor and counter undue influence, es-
16 pecially by authoritarian governments, within the
17 United Nations system;

18 (4) to promote the participation and inclusion
19 of Taiwan throughout the United Nations system
20 and its affiliated agencies and bodies; and

21 (5) to advance other priorities deemed relevant
22 by the Secretary and the Permanent Representative
23 of the United States to the United Nations to safe-
24 guard the integrity of the United Nations system.

1 **SEC. 475. DEPARTMENT OF STATE REPORT ON THE PEO-**
2 **PLE'S REPUBLIC OF CHINA'S UNITED NA-**
3 **TIONS PEACEKEEPING EFFORTS.**

4 (a) ANNUAL REPORT.—Not later than January 31
5 of each year through January 31, 2027, the Secretary
6 shall submit a report to the appropriate congressional
7 committees describing the People's Republic of China's
8 United Nations peacekeeping efforts.

9 (b) ELEMENTS.—The report required under sub-
10 section (a) shall include an assessment of the PRC's con-
11 tributions to United Nations peacekeeping missions, in-
12 cluding—

13 (1) a detailed list of the placement of PRC
14 peacekeeping troops;

15 (2) a list of the number of troops participating
16 in the United Nations Peacekeeping Mission from
17 the PRC, the United States, and other permanent
18 members of the United Nations Security Council;

19 (3) an estimate of when the PRC is expected to
20 surpass the United States as the top financial con-
21 tributor to the United Nations peacekeeping oper-
22 ations;

23 (4) an estimate of the amount of money that
24 the PRC receives from the United Nations for its
25 peacekeeping efforts;

1 (5) an estimate of the portion of the money the
2 PRC receives for its peacekeeping operations and
3 troops that comes from United States contributions
4 to United Nations peacekeeping efforts;

5 (6) an analysis comparing the locations of PRC
6 peacekeeping troops and the locations of “One Belt,
7 One Road” projects; and

8 (7) an assessment of the number of Chinese
9 United Nations peacekeepers who are part of the
10 People’s Liberation Army or the People’s Armed Po-
11 lice, including the rank, division, branch, and theater
12 command of such peacekeepers.

13 **TITLE V—INVESTING IN OUR**
14 **VALUES THROUGH SANC-**
15 **TIONS AND UNITED NATIONS**
16 **REFORMS**

17 **SEC. 501. IMPOSITION OF SANCTIONS WITH RESPECTS TO**
18 **SYSTEMATIC RAPE, COERCIVE ABORTION,**
19 **FORCED STERILIZATION, OR INVOLUNTARY**
20 **CONTRACEPTIVE IMPLANTATION IN THE**
21 **XINJIANG UYGHUR AUTONOMOUS REGION.**

22 (a) IN GENERAL.—Section 6(a)(1) of the Uyghur
23 Human Rights Policy Act of 2020 (Public Law 116–145;
24 22 U.S.C. 6901 note) is amended—

1 (1) by redesignating subparagraphs (E) and
2 (F) as subparagraphs (F) and (G), respectively; and

3 (2) by inserting after subparagraph (D) the fol-
4 lowing:

5 “(E) Systematic rape, coercive abortion,
6 forced sterilization, involuntary contraceptive
7 implantation policies and practices, or any other
8 type of sexual or gender based violence.”.

9 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
10 ment made by subsection (a)—

11 (1) shall take effect on the date of the enact-
12 ment of this Act; and

13 (2) shall apply with respect to the first report
14 required under section 6(a)(1) of the Uyghur
15 Human Rights Policy Act of 2020 (Public Law 116–
16 145; 22 U.S.C. 6901 note) submitted after such
17 date of enactment.

18 **SEC. 502. REMOVAL OF MEMBERS OF THE UNITED NATIONS**
19 **HUMAN RIGHTS COUNCIL THAT COMMIT**
20 **HUMAN RIGHTS ABUSES.**

21 The President shall direct the Permanent Represent-
22 ative of the United States to the United Nations to use
23 the voice, vote, and influence of the United States—

24 (1) to reform the process for suspending the
25 rights of membership on the United Nations Human

1 Rights Council for countries whose governments
2 commit gross and systemic violations of human
3 rights, including—

4 (A) seeking to lower the threshold vote at
5 the United Nations General Assembly for sus-
6 pension of the rights of membership to a simple
7 majority;

8 (B) ensuring information detailing a mem-
9 ber country's human rights record is publicly
10 available before a vote on suspension of its
11 rights of membership; and

12 (C) making the vote of each country on the
13 suspension of rights of membership from the
14 United Nations Human Rights Council publicly
15 available;

16 (2) to reform the rules for electing members to
17 the United Nations Human Rights Council to seek
18 to ensure United Nations members whose govern-
19 ments have committed gross and systemic violations
20 of internationally recognized human rights are not
21 elected to the Human Rights Council; and

22 (3) to oppose the election to the Human Rights
23 Council of any United Nations member—

24 (A) the government of which has been de-
25 termined to be engaging in a consistent pattern

1 of gross violations of internationally recognized
2 human rights pursuant to section 116 or sec-
3 tion 502B of the Foreign Assistance Act of
4 1961 (22 U.S.C. 2151n and 2304);

5 (B) currently designated as a state sponsor
6 of terrorism;

7 (C) currently designated as a Tier 3 coun-
8 try under section 110(b)(1)(C) the Trafficking
9 Victims Protection Act of 2000 (22 U.S.C.
10 7101(b)(1)(C));

11 (D) the government of which is identified
12 on the list published by the Secretary pursuant
13 to section 404(b) of the Child Soldiers Preven-
14 tion Act of 2008 (22 U.S.C. 2370c-1(b)) as a
15 government that recruits and uses child sol-
16 diers; or

17 (E) the government of which the United
18 States determines to have committed genocide,
19 crimes against humanity, war crimes, or ethnic
20 cleansing.

1 **SEC. 503. UNITED NATIONS POLICY AND INTERNATIONAL**
2 **ENGAGEMENT ON THE REINCARNATION OF**
3 **THE DALAI LAMA AND RELIGIOUS FREEDOM**
4 **OF TIBETAN BUDDHISTS.**

5 (a) REAFFIRMATION OF POLICY.—It is the policy of
6 the United States, as provided under section 342(b) of di-
7 vision FF of the Consolidated Appropriations Act, 2021
8 (Public Law 116–260), that any “interference by the Gov-
9 ernment of the People’s Republic of China or any other
10 government in the process of recognizing a successor or
11 reincarnation of the 14th Dalai Lama and any future
12 Dalai Lamas would represent a clear abuse of the right
13 to religious freedom of Tibetan Buddhists and the Tibetan
14 people”.

15 (b) INTERNATIONAL EFFORTS TO PROTECT RELI-
16 GIOUS FREEDOM OF TIBETAN BUDDHISTS.—The Sec-
17 retary should engage with United States allies and part-
18 ners to—

19 (1) support Tibetan Buddhist religious leaders’
20 sole religious authority to identify and install the
21 15th Dalai Lama;

22 (2) oppose claims by the Government of the
23 People’s Republic of China that the PRC has the
24 authority to decide for Tibetan Buddhists the 15th
25 Dalai Lama; and

1 (3) reject interference by the Government of the
2 People’s Republic of China in the religious freedom
3 of Tibetan Buddhists.

4 **TITLE VI—ADVANCING OVER-**
5 **SIGHT OF INTERNATIONAL**
6 **LIFE SCIENCES RESEARCH**

7 **SEC. 601. SHORT TITLE.**

8 This title may be cited as the “Biological Weapons
9 Act of 2024”.

10 **SEC. 602. DEFINITIONS.**

11 In this title:

12 (1) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES.—The term “appropriate congressional com-
14 mittees” means—

15 (A) the Committee on Foreign Relations of
16 the Senate;

17 (B) the Committee on Armed Services of
18 the Senate;

19 (C) the Select Committee on Intelligence of
20 the Senate;

21 (D) the Committee on Foreign Affairs of
22 the House of Representatives;

23 (E) the Committee on Armed Services of
24 the House of Representatives; and

1 (F) the Permanent Select Committee on
2 Intelligence of the House of Representatives.

3 (2) BIOLOGICAL WEAPONS CONVENTION.—The
4 term “Biological Weapons Convention” means the
5 Convention on the Prohibition of the Development,
6 Production and Stockpiling of Bacteriological and
7 Toxin Weapons and on their Destruction, done at
8 Washington, London, and Moscow, April 10, 1972.

9 (3) DUAL USE RESEARCH OF CONCERN.—The
10 term “dual-use research of concern” is life sciences
11 research that—

12 (A) involves an international partner; and

13 (B) based on current understanding, can
14 be reasonably anticipated to provide knowledge,
15 information, products, or technologies that
16 could be directly misapplied to pose a signifi-
17 cant threat with broad potential consequences
18 to public health and safety, agricultural crops
19 and other plants, animals, the environment, ma-
20 teriel, or national security.

21 (4) OTHER INTERNATIONAL LIFE SCIENCES RE-
22 SEARCH OF CONCERN.—The term “other inter-
23 national life sciences research of concern” means re-
24 search that—

1 (A) is conducted by or with an inter-
2 national partner;

3 (B) involves, or is anticipated to involve—

4 (i) enhancing a potential pandemic
5 pathogen;

6 (ii) the characterization of pathogens
7 with pandemic potential; or

8 (iii) modifying a pathogen in such a
9 way that it could acquire pandemic poten-
10 tial; or

11 (C) involves enhancing the pathogenicity,
12 contagiousness, or transmissibility of viruses or
13 bacteria in ways or for purposes that can be
14 reasonably anticipated to pose a threat to public
15 health and safety or national security.

16 **SEC. 603. STATEMENT OF POLICY.**

17 It is the policy of the United States—

18 (1) to conduct rigorous scrutiny of and regu-
19 larly review international biological, bacteriological,
20 virological, and other relevant research collaboration
21 that could be weaponized or reasonably considered
22 dual-use research of concern, and incorporate na-
23 tional security and nonproliferation considerations
24 and country-specific conditions into decisions regard-
25 ing such collaborations;

1 (2) to ensure that, in the search for solutions
2 to pressing global health challenges, United States
3 Government support for public health research and
4 other actions does not advance the capabilities of
5 foreign adversaries in the area of dual-use research
6 of concern or inadvertently contribute to the pro-
7 liferation of biological weapons technologies; and

8 (3) to declassify, to the maximum extent pos-
9 sible, all intelligence relevant to the PRC's compli-
10 ance or lack of compliance with its obligations under
11 the Biological Weapons Convention, and other na-
12 tional security concerns regarding PRC biological,
13 bacteriological, virological, and other relevant re-
14 search that could be weaponized or reasonably con-
15 sidered dual-use research of concern that may be
16 outside the scope of the Biological Weapons Conven-
17 tion.

18 **SEC. 604. AMENDMENTS TO THE SECRETARY OF STATE'S**
19 **AUTHORITY UNDER THE ARMS CONTROL AND**
20 **DISARMAMENT ACT.**

21 (a) RESEARCH, DEVELOPMENT, AND OTHER STUD-
22 IES.—Section 301(a) of the Arms Control and Disar-
23 mament Act (22 U.S.C. 2571(a)) is amended by inserting
24 “biological, virological,” after “bacteriological”.

25 (b) OVERSIGHT OF DUAL-USE RESEARCH.—

1 (1) IN GENERAL.—Title III of the Arms Con-
2 trol and Disarmament Act (22 U.S.C. 2571 et seq.)
3 is amended by adding at the end the following:

4 **“SEC. 309. AUTHORITIES WITH RESPECT TO DUAL-USE RE-**
5 **SEARCH OF CONCERN AND OTHER INTER-**
6 **NATIONAL LIFE SCIENCES RESEARCH OF**
7 **CONCERN.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) APPROPRIATE COMMITTEES OF CON-
10 GRESS.—The term ‘appropriate committees of Con-
11 gress’ means—

12 “(A) the Committee on Foreign Relations
13 of the Senate;

14 “(B) the Committee on Health, Education,
15 Labor, and Pensions of the Senate;

16 “(C) the Committee on Foreign Affairs of
17 the House of Representatives; and

18 “(D) the Committee on Energy and Com-
19 merce of the House of Representatives.

20 “(2) DUAL-USE RESEARCH OF CONCERN.—The
21 term ‘dual-use research of concern’ has the meaning
22 given such term in section 602 of the Biological
23 Weapons Act of 2024.

24 “(3) OTHER INTERNATIONAL LIFE SCIENCES
25 RESEARCH OF CONCERN.—The term ‘other inter-

1 national life sciences research of concern’ has the
2 same meaning as defined by section 602 of the Bio-
3 logical Weapons Act of 2024.

4 “(b) OVERSIGHT OF DUAL USE RESEARCH OF CON-
5 CERN AND OTHER INTERNATIONAL LIFE SCIENCES RE-
6 SEARCH OF CONCERN.—The Secretary, with respect to
7 oversight of dual-use research of concern and other inter-
8 national life sciences research of concern, shall—

9 “(1) ensure robust and consistent Department
10 of State participation in interagency processes and
11 review mechanisms;

12 “(2) require the Administrator of the United
13 States Agency for International Development to re-
14 port to, and consult with, the Department of State
15 regarding any proposed programs, projects, initia-
16 tives, or funding for dual-use research of concern or
17 other international life sciences research of concern;

18 “(3) evaluate whether proposed international
19 scientific and technological cooperation activities in
20 which the United States Government participates
21 that involves dual-use research of concern or other
22 international life sciences research of concern, in-
23 cluding research related to biological agents, toxins,
24 and pathogens, aligns with the United States Na-

1 tional Security Strategy and related strategic docu-
2 ments;

3 “(4) direct the Department of State—

4 “(A) to implement prohibitions and en-
5 hanced restrictions on high-risk life sciences re-
6 search with United States adversaries, espe-
7 cially the People’s Republic of China, the Rus-
8 sian Federation, the Islamic Republic of Iran,
9 and the Democratic People’s Republic of Korea;
10 and

11 “(B) to adhere to such prohibitions and
12 enhanced restrictions when participating in
13 interagency processes and review mechanisms
14 related to dual-use research of concern and
15 other international life sciences research of con-
16 cern;

17 “(5) create, in consultation with other Federal
18 departments and agencies, policies and processes for
19 post-award oversight of grants and funding for dual-
20 use research of concern and other international life
21 sciences research of concern that—

22 “(A) are aligned with existing laws and
23 regulations;

24 “(B) provide grants or funding from other
25 Federal departments and agencies; and

1 “(C) keep the Department of State ap-
2 prised of any national security or foreign policy
3 concerns that may arise with respect to a
4 project funded by another Federal department
5 or agency;

6 “(6) conduct periodic reviews of the adequacy
7 of consultative mechanisms with other Federal de-
8 partments and agencies with respect to oversight of
9 dual-use research of concern and other international
10 life sciences research of concern, especially consult-
11 ative mechanisms mandated in United States law,
12 and identify recommendations for improving such
13 consultative mechanisms;

14 “(7) direct Chiefs of Mission to ensure—

15 “(A) country team assessments are sub-
16 mitted to the Department of State and the head
17 of the Federal department or agency proposing
18 to sponsor programs and collaborations to scru-
19 tinize whether such programs or collaborations
20 involve dual-use research of concern or other
21 life international life sciences research of con-
22 cern; and

23 “(B) such assessments are integrated into
24 relevant interagency processes; and

1 “(8) direct Chiefs of Mission to increase em-
2 bassy reporting in other countries on dual-use re-
3 search of concern, other international life sciences
4 research of concern, biosecurity hazards trends in
5 the development of synthetic biology and bio-
6 technology, and other related matters.

7 “(c) REPORTS TO CONGRESS.—Not later than 1 year
8 after the date of the enactment of this Act, and biennially
9 thereafter for the following 5 years, the Secretary shall
10 submit a report to the appropriate congressional commit-
11 tees that describes the implementation of subsection (b).

12 “(d) ANNUAL REPORT ON APPROVALS OF COLLABO-
13 RATION.—Not later than 1 year after the date of the en-
14 actment of this Act, and annually thereafter for the fol-
15 lowing 5 years, the Secretary should shall submit to the
16 appropriate committees of Congress a report describing
17 any research or other collaboration, including transfer
18 agreements, memoranda of understanding, joint research
19 projects, training, and conferences that involve significant
20 knowledge transfer, that meets the definitions outlined in
21 subsection (c) that was approved or not objected to by the
22 Secretary of State and the justification for such approval
23 or lack of an objection.”.

1 **SEC. 605. REPORT ON THREATS RELATED TO SPECIFIC**
2 **DUAL USE RESEARCH OF CONCERN AND**
3 **OTHER INTERNATIONAL LIFE SCIENCES RE-**
4 **SEARCH OF CONCERN.**

5 Not later than 1 year after the date of enactment
6 of this Act and annually thereafter, the Secretary shall
7 submit to the Foreign Relations Committee of the Senate
8 and the Foreign Affairs Committee of the House of Rep-
9 resentatives an assessment of the key national security
10 risks of dual-use research of concern or other international
11 life sciences research of concern, including—

12 (1) major issues the Department of State is
13 prioritizing with respect to the misuse or
14 weaponization of, or that be reasonably anticipated
15 to be misused or weaponized, biological, bacterio-
16 logical, and virological research, or the misuse or
17 weaponization of, or that be reasonably anticipated
18 to be misused or weaponized, any other category of
19 dual-use research of concern or other international
20 life sciences research of concern by state and non-
21 state actors;

22 (2) the Department of State's efforts to develop
23 and promote measures to prevent such misuse,
24 weaponization, or proliferation of dual-use research
25 of concern or other international life sciences re-
26 search of concern;

1 (3) an assessment of targeted national level and
2 government directed policies, research initiatives, or
3 other relevant efforts focused on dual-use research
4 of concern or other international life sciences re-
5 search of concern, including—

6 (A) the People’s Republic of China;

7 (B) the Russian Federation;

8 (C) the Islamic Republic of Iran;

9 (D) the Democratic People’s Republic of
10 Korea;

11 (E) any other nation identified in the re-
12 port required under section 403 of the Arms
13 Control and Disarmament Act (22 U.S.C.
14 2593a); and

15 (F) any terrorist group or malign non-
16 state actor;

17 (4) an assessment of the national security con-
18 cerns posed by any of the activities described in
19 paragraph (1) or (3);

20 (5) a description of collaboration between osten-
21 sibly civilian entities, including research laboratories,
22 and military entities, involving the activities identi-
23 fied in paragraph (3);

24 (6) a description of the confidence-building
25 measures or other attempts by the countries referred

1 to in paragraph (3) to justify, clarify, or explain the
2 activities described in such paragraph;

3 (7) the extent to which the Secretary assesses
4 the Biological Weapons Convention and any other
5 relevant international agreements account for or
6 keep pace with the security threats of the activities
7 identified in paragraph (3);

8 (8) a description of the process used by the
9 United States Government, including the role of the
10 Department of State, to approve and review funding
11 or other support, including subgrants in other coun-
12 tries for dual-use research of concern or other life
13 sciences research of concern, including research re-
14 lated to biological agents, toxins, and pathogens that
15 poses, or can reasonably be anticipated to pose, a
16 risk of misuse, weaponization, or other threat to
17 United States national security;

18 (9) a list and description of United States Gov-
19 ernment interagency mechanisms and international
20 groups or coordinating bodies on biosecurity and
21 dual-use research of concern in which the Depart-
22 ment of State is a member or has a formal role; and

23 (10) a description of any obstacles or challenges
24 to the ability of United States Government to ad-
25 dress the requirements specified in this section, in-

1 including a description of gaps in authorities, intel-
2 ligence collection and analysis, organizational re-
3 sponsibilities, and resources.

4 **SEC. 606. REPORT ON UNITED STATES FUNDING RESEARCH**
5 **WITH THE PRC.**

6 (a) IN GENERAL.—The President shall—

7 (1) not later than 400 days after the date of
8 the enactment of this Act, conduct a formal review
9 regarding all United States Government-funded re-
10 search collaboration initiatives conducted with inter-
11 national partners during the 20-year period ending
12 on such date of enactment with the PRC related to
13 research areas that pose potential biological weapons
14 proliferation risks or meet the criteria of dual-use
15 research of concern or other international life
16 sciences research of concern; and

17 (2) not later than 15 days after completing the
18 review pursuant to paragraph (1), submit a written,
19 unclassified report, which may include a classified
20 annex, to—

21 (A) the Committee on Foreign Relations of
22 the Senate;

23 (B) the Committee on Health, Education,
24 Labor, and Pensions of the Senate;

1 (C) the Committee on Armed Services of
2 the Senate;

3 (D) the Committee on Foreign Affairs of
4 the House of Representatives;

5 (E) the Committee on Energy and Com-
6 merce of the House of Representatives; and

7 (F) the Committee on Armed Services of
8 the House of Representatives.

9 (b) ELEMENTS.—The report required under sub-
10 section (a)(2) shall—

11 (1) provide a detailed description and example
12 of projects of the initiatives identified pursuant to
13 subsection (a), the current status of such programs,
14 including—

15 (A) dates of initiation and termination;
16 and

17 (B) the criteria for granting approval of
18 funding;

19 (2) outline the procedures used to approve or
20 deny such grants or other funding, including the co-
21 ordination, if any, between agencies responsible for
22 public health preparedness and biomedical research
23 agencies, including the Department of Health and
24 Human Services, and national security agencies, in-

1 including the Department of State, the Department of
2 Defense, and the intelligence community;

3 (3) identify gaps in United States Government
4 safeguards regarding sufficient measures to prevent
5 any such research intended for civilian purposes
6 from being diverted for military research in the
7 PRC;

8 (4) include an assessment of how to best ad-
9 dress any such procedural gaps, especially regarding
10 greater interagency input;

11 (5) explain how the research conducted with the
12 grants and funding requests referred to in para-
13 graph (1) may have contributed to the development
14 of biological weapons, or the development of tech-
15 nology and advancements that meet the criteria of
16 dual-use research of concern or other international
17 life sciences research of concern in the PRC;

18 (6) explain how the United States Govern-
19 ment’s understanding of the PRC’s “military-civil
20 fusion” national strategy—

21 (A) informed and affected such funding de-
22 cisions; and

23 (B) will inform future funding decisions in
24 research related to gain-of-function, synthetic
25 biology, biotechnology, or other research areas

1 that pose biological weapons proliferation or
2 dual-use concerns;

3 (7) explain whether any United States Govern-
4 ment funding was used to support gain-of-function
5 research in the PRC during the United States mora-
6 torium on such research between 2014 and 2017;

7 (8) identify the steps taken the by United
8 States Government, if any, to apply additional scru-
9 tiny to United States Government funding, including
10 subgrants, to support gain-of-function research in
11 the PRC after the United States Government lifted
12 the moratorium on gain-of-function research in
13 2017; and

14 (9) include any other relevant matter discovered
15 during the course of such review.

16 **SEC. 607. BIOLOGICAL AND TOXIN WEAPONS REVIEW CON-**
17 **FERENCE.**

18 (a) STATEMENT OF POLICY.—In order to promote
19 international peace and security, it is the policy of the
20 United States to promote compliance with the Biological
21 Weapons Convention in accordance with subsections (b)
22 through (d).

23 (b) ACTIVITIES TO ADVANCE UNITED STATES IN-
24 TERESTS AT MEETINGS OF THE BIOLOGICAL WEAPONS

1 CONVENTION.—Before each Review Conference of the Bi-
2 ological Weapons Convention, the Secretary shall—

3 (1) demand greater transparency from the Gov-
4 ernment of the PRC’s activities on dual-use research
5 of concern and the applications of such research that
6 raise concerns regarding its compliance with Article
7 I of the Biological Weapons Convention;

8 (2) engage with other governments, the private
9 sector (including in relevant science and technology
10 fields), and other stakeholders, as appropriate, re-
11 garding—

12 (A) United States concerns about the
13 PRC’s compliance with the Biological Weapons
14 Convention; and

15 (B) the national security, public health,
16 and non-proliferation implications of such con-
17 cerns;

18 (3) emphasize that the PRC’s national strategy
19 of military-civil fusion undermines the underlying
20 utility and effectiveness of the Biological Weapons
21 Convention, which may not adequately capture the
22 full range of technologies with dual-use implications
23 being pursued by the PRC.

24 (c) DECLASSIFICATION OF INTELLIGENCE.—The
25 President should, as appropriate, declassify intelligence

1 relevant to the PRC's obligations under the Biological
2 Weapons Convention and concerns about its compliance
3 the such Convention.

4 (d) SECURITY COUNCIL COMPLAINT.—If the ques-
5 tions and concerns raised pursuant to subsection (b) are
6 not adequately addressed and the Secretary determines
7 that another state party is in breach of an obligation
8 under the Biological Weapons Convention, the President
9 should consider lodging a complaint to the Security Coun-
10 cil pursuant to Article VI of the Convention.

11 **SEC. 608. ANNUAL REPORT BY THE UNITED STATES AGEN-**
12 **CY FOR INTERNATIONAL DEVELOPMENT.**

13 (a) IN GENERAL.—Not later than 180 days after the
14 date of the enactment of this Act, and annually thereafter
15 for the following 5 years, the Administrator of the United
16 States International Development shall submit a report to
17 the appropriate congressional committees describing all
18 funding, including subgrants, for research involving or re-
19 lated to the study of pathogens, viruses, and toxins pro-
20 vided to entities subject to the jurisdiction of countries
21 listed in subsection (b), which shall include a national se-
22 curity justification by the Secretary for such funding.

23 (b) LIST OF COUNTRIES SPECIFIED.—The countries
24 list in this subsection are—

25 (1) the People's Republic of China;

- 1 (2) the Russian Federation;
- 2 (3) the Islamic Republic of Iran;
- 3 (4) the Democratic People’s Republic of Korea;
- 4 and
- 5 (5) any other country specified in the report as-
- 6 ssuming compliance with the Biological Weapons
- 7 Convention, as required under section 403(a) of the
- 8 Arms Control and Disarmament Act (22 U.S.C.
- 9 2593a(a)) during the relevant calendar year.

10 (c) FORM.—The report required under subsection (a)

11 shall be submitted in unclassified form, but may include

12 a classified annex.

13 **SEC. 609. UNITED NATIONS AGENCIES, PROGRAMS, AND**

14 **FUNDS.**

15 (a) REQUIREMENT.—The Permanent Representative

16 of the United States to the United Nations shall use the

17 voice, vote, and influence of the United States at the

18 United Nations to block representatives from any country

19 specified in the report required under section 403(a) of

20 the Arms Control and Disarmament Act (22 U.S.C.

21 2593a(a)) from serving in leadership positions within any

22 United Nations organ, fund, program, or related special-

23 ized agency with responsibility for global health security

24 (including animal health), biosecurity, atomic, biological or

1 chemical weapons, or food security and agricultural devel-
2 opment.

3 (b) LIST OF COUNTRIES SPECIFIED.—The countries
4 to be covered by the report required under subsection (a),
5 are—

6 (1) the People’s Republic of China;

7 (2) the Russian Federation;

8 (3) the Islamic Republic of Iran;

9 (4) the Democratic People’s Republic of Korea;

10 (5) the Assad Regime of Syria; and

11 (6) any other country specified in the report re-
12 quired under section 403(a) of the Arms Control
13 and Disarmament Act (22 U.S.C. 2593a(a)) during
14 the relevant calendar year.

15 (c) SUNSET.—This section shall cease to have any
16 force or effect beginning on the date that is 5 years after
17 the date of the enactment of this Act.

18 **SEC. 610. RULE OF CONSTRUCTION.**

19 Nothing in this Act may be construed as authorizing
20 or endorsing United States Government funding for dual-
21 use research of concern and other international life
22 sciences research of concern with international partners
23 that present risks to the national security and public
24 health of the United States.

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