

AMENDMENT TO RULES COMMITTEE PRINT 117-

31

OFFERED BY MR. GOTTHEIMER OF NEW JERSEY

Page 1012, after line 6, insert the following new sections (and redesignate subsequent subsections as appropriate):

1 SEC. 30223. STATEMENT OF POLICY.

2 It shall be the policy of the United States to—

3 (1) prioritize the Indo-Pacific region in United
4 States foreign policy, and prioritize resources for
5 achieving United States political and military objec-
6 tives in the region;

7 (2) exercise freedom of operations in the inter-
8 national waters and airspace in the Indo-Pacific
9 maritime domains, which are critical to the pros-
10 perity, stability, and security of the Indo-Pacific re-
11 gion;

12 (3) maintain forward-deployed forces in the
13 Indo-Pacific region, including a rotational bomber
14 presence, integrated missile defense capabilities,
15 long-range precision fires, undersea warfare capabili-
16 ties, and diversified and resilient basing and rota-

1 tional presence, including support for pre-positioning
2 strategies;

3 (4) strengthen and deepen the alliances and
4 partnerships of the United States to build capacity
5 and capabilities, increase multilateral partnerships,
6 modernize communications architecture, address
7 anti-access and area denial challenges, and increase
8 joint exercises and security cooperation efforts;

9 (5) reaffirm the commitment and support of the
10 United States for allies and partners in the Indo-Pa-
11 cific region, including longstanding United States
12 policy regarding—

13 (A) Article V of the Treaty of Mutual Co-
14 operation and Security between the United
15 States and Japan, signed at Washington Janu-
16 ary 19, 1960;

17 (B) Article III of the Mutual Defense
18 Treaty between the United States and the Re-
19 public of Korea, signed at Washington October
20 1, 1953;

21 (C) Article IV of the Mutual Defense Trea-
22 ty between the United States and the Republic
23 of the Philippines, signed at Washington Au-
24 gust 30, 1951, including that, as the South
25 China Sea is part of the Pacific, any armed at-

1 tack on Philippine forces, aircraft or public ves-
2 sels in the South China Sea will trigger mutual
3 defense obligations under Article IV of our mu-
4 tual defense treaty;

5 (D) Article IV of the Australia, New Zea-
6 land, United States Security Treaty, done at
7 San Francisco September 1, 1951; and

8 (E) the Southeast Asia Collective Defense
9 Treaty, done at Manila September 8, 1954, to-
10 gether with the Thanat-Rusk Communique of
11 1962;

12 (6) collaborate with United States treaty allies
13 in the Indo-Pacific to foster greater multilateral se-
14 curity and defense cooperation with other regional
15 partners;

16 (7) ensure the continuity of operations by the
17 United States Armed Forces in the Indo-Pacific re-
18 gion, including, as appropriate, in cooperation with
19 partners and allies, in order to reaffirm the principle
20 of freedom of operations in international waters and
21 airspace in accordance with established principles
22 and practices of international law;

23 (8) sustain the Taiwan Relations Act (Public
24 Law 96–8; 22 U.S.C. 3301 et seq.) and the “Six As-
25 surances” provided by the United States to Taiwan

1 in July 1982 as the foundations for United States-
2 Taiwan relations, and to deepen, to the fullest extent
3 possible, the extensive, close, and friendly relations
4 of the United States and Taiwan, including coopera-
5 tion to support the development of capable, ready,
6 and modern forces necessary for the defense of Tai-
7 wan;

8 (9) enhance security partnerships with India,
9 across Southeast Asia, and with other nations of the
10 Indo-Pacific;

11 (10) deter acts of aggression or coercion by the
12 PRC against United States and allies' interests, es-
13 pecially along the First Island Chain and in the
14 Western Pacific, by showing PRC leaders that the
15 United States can and is willing to deny them the
16 ability to achieve their objectives, including by—

17 (A) consistently demonstrating the political
18 will of the United States to deepening existing
19 treaty alliances and growing new partnerships
20 as a durable, asymmetric, and unmatched stra-
21 tegic advantage to the PRC's growing military
22 capabilities and reach;

23 (B) maintaining a system of forward-de-
24 ployed bases in the Indo-Pacific region as the
25 most visible sign of United States resolve and

1 commitment to the region, and as platforms to
2 ensure United States operational readiness and
3 advance interoperability with allies and part-
4 ners;

5 (C) adopting a more dispersed force pos-
6 ture throughout the region, particularly the
7 Western Pacific, and pursuing maximum access
8 for United States mobile and relocatable
9 launchers for long-range cruise, ballistic, and
10 hypersonic weapons throughout the Indo-Pacific
11 region;

12 (D) fielding long-range, precision-strike
13 networks to United States and allied forces, in-
14 cluding ground-launched cruise missiles, under-
15 sea and naval capabilities, and integrated air
16 and missile defense in the First Island Chain
17 and the Second Island Chain, in order to deter
18 and prevent PRC coercion and aggression, and
19 to maximize the United States ability to oper-
20 ate;

21 (E) strengthening extended deterrence to
22 ensure that escalation against key United
23 States interests would be costly, risky, and self-
24 defeating; and

1 (F) collaborating with allies and partners
2 to accelerate their roles in more equitably shar-
3 ing the burdens of mutual defense, including
4 through the acquisition and fielding of advanced
5 capabilities and training that will better enable
6 them to repel PRC aggression or coercion; and
7 (11) maintain the capacity of the United States
8 to impose prohibitive diplomatic, economic, financial,
9 reputational, and military costs on the PRC for acts
10 of coercion or aggression, including to defend itself
11 and its allies regardless of the point of origin of at-
12 tacks against them.

13 **SEC. 30224. FOREIGN MILITARY FINANCING IN THE INDO-**
14 **PACIFIC AND AUTHORIZATION OF APPRO-**
15 **PRIATIONS FOR SOUTHEAST ASIA MARITIME**
16 **SECURITY PROGRAMS AND DIPLOMATIC OUT-**
17 **REACH ACTIVITIES.**

18 (a) FOREIGN MILITARY FINANCING FUNDING.—In
19 addition to any amount appropriated pursuant to section
20 23 of the Arms Export Control Act (22 U.S.C. 2763) (re-
21 lating to foreign military financing assistance), there is
22 authorized to be appropriated for each of fiscal years 2022
23 through fiscal year 2026 for activities in the Indo-Pacific
24 region in accordance with this section—

25 (1) \$110,000,000 for fiscal year 2022;

- 1 (2) \$125,000,000 for fiscal year 2023;
- 2 (3) \$130,000,000 for fiscal year 2024;
- 3 (4) \$140,000,000 for fiscal year 2025; and
- 4 (5) \$150,000,000 for fiscal year 2026.

5 (b) SOUTHEAST MARITIME LAW ENFORCEMENT INI-
6 TIATIVE.—There is authorized to be appropriated
7 \$10,000,000 for each of fiscal years 2022 through 2026
8 for the Department of State for International Narcotics
9 Control and Law Enforcement (INCLE) for the support
10 of the Southeast Asia Maritime Law Enforcement Initia-
11 tive.

12 (c) DIPLOMATIC OUTREACH ACTIVITIES.—There is
13 authorized to be appropriated to the Department of State
14 \$1,000,000 for each of fiscal years 2022 through 2026,
15 which shall be used—

16 (1) to conduct, in coordination with the Depart-
17 ment of Defense, outreach activities, including con-
18 ferences and symposia, to familiarize partner coun-
19 tries, particularly in the Indo-Pacific region, with
20 the United States' interpretation of international law
21 relating to freedom of the seas; and

22 (2) to work with allies and partners in the
23 Indo-Pacific region to better align respective inter-
24 pretations of international law relating to freedom of
25 the seas, including on the matters of operations by

1 military ships in exclusive economic zones, innocent
2 passage through territorial seas, and transits
3 through international straits.

4 (d) PROGRAM AUTHORIZATION AND PURPOSE.—
5 Using amounts appropriated pursuant to subsection (a),
6 the Secretary of State, in coordination with the Secretary
7 of Defense, is authorized to provide assistance for the pur-
8 pose of increasing maritime security and domain aware-
9 ness for countries in the Indo-Pacific region—

10 (1) to provide assistance to national military or
11 other security forces of such countries that have
12 maritime security missions among their functional
13 responsibilities;

14 (2) to provide training to ministry, agency, and
15 headquarters level organizations for such forces; and

16 (3) to provide assistance and training to other
17 relevant foreign affairs, maritime, or security-related
18 ministries, agencies, departments, or offices that
19 manage and oversee maritime activities and policy
20 that the Secretary of State may so designate.

21 (e) DESIGNATION OF ASSISTANCE.—Assistance pro-
22 vided by the Secretary of State under subsection (g) shall
23 be known as the “Indo-Pacific Maritime Security Initia-
24 tive” (in this section referred to as the “Initiative”).

1 (f) PROGRAM OBJECTIVES.—Assistance provided
2 through the Initiative may be used to accomplish the fol-
3 lowing objectives:

4 (1) Retaining unhindered access to and use of
5 international waterways in the Indo-Pacific region
6 that are critical to ensuring the security and free
7 flow of commerce and to achieving United States na-
8 tional security objectives.

9 (2) Improving maritime domain awareness in
10 the Indo-Pacific region.

11 (3) Countering piracy in the Indo-Pacific re-
12 gion.

13 (4) Disrupting illicit maritime trafficking activi-
14 ties and other forms of maritime trafficking activity
15 in the Indo-Pacific that directly benefit organiza-
16 tions that have been determined to be a security
17 threat to the United States.

18 (5) Enhancing the maritime capabilities of a
19 country or regional organization to respond to
20 emerging threats to maritime security in the Indo-
21 Pacific region.

22 (6) Strengthening United States alliances and
23 partnerships in Southeast Asia and other parts of
24 the Indo-Pacific region.

25 (g) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—Of the amount appropriated
2 pursuant to subsection (a) (relating to foreign mili-
3 tary financing assistance), there is authorized to be
4 appropriated to the Department of State for the
5 Indo-Pacific Maritime Security Initiative and other
6 related regional programs exactly—

7 (A) \$70,000,000 for fiscal year 2022;

8 (B) \$80,000,000 for fiscal year 2023;

9 (C) \$90,000,000 for fiscal year 2024;

10 (D) \$100,000,000 for fiscal year 2025;

11 and

12 (E) \$110,000,000 for fiscal year 2026.

13 (2) RULE OF CONSTRUCTION.—The “Indo-Pa-
14 cific Maritime Security Initiative” and funds author-
15 ized for the Initiative shall include existing regional
16 programs carried out by the Department of State re-
17 lated to maritime security, including the Southeast
18 Asia Maritime Security Initiative.

19 (h) ELIGIBILITY AND PRIORITIES FOR ASSIST-
20 ANCE.—

21 (1) IN GENERAL.—The Secretary of State shall
22 use the following considerations when selecting
23 which countries in the Indo-Pacific region should re-
24 ceive assistance pursuant to the Initiative:

1 (A) Assistance may be provided to a coun-
2 try in the Indo-Pacific region to enhance the ca-
3 pabilities of that country according to the objec-
4 tives outlined in (f), or of a regional organiza-
5 tion that includes that country, to conduct—

- 6 (i) maritime intelligence, surveillance,
7 and reconnaissance;
8 (ii) littoral and port security;
9 (iii) Coast Guard operations;
10 (iv) command and control; and
11 (v) management and oversight of mar-
12 itime activities.

13 (B) Priority shall be placed on assistance
14 to enhance the maritime security capabilities of
15 the military or security forces of countries in
16 the Indo-Pacific region that have maritime mis-
17 sions and the government agencies responsible
18 for such forces.

19 (2) TYPES OF ASSISTANCE AND TRAINING.—

20 (A) AUTHORIZED ELEMENTS OF ASSIST-
21 ANCE.—Assistance provided under paragraph
22 (1)(A) may include the provision of equipment,
23 training, and small-scale military construction.

24 (B) REQUIRED ELEMENTS OF ASSISTANCE
25 AND TRAINING.—Assistance and training pro-

1 vided under subparagraph (A) shall include ele-
2 ments that promote—

3 (i) the observance of and respect for
4 human rights; and

5 (ii) respect for legitimate civilian au-
6 thority within the country to which the as-
7 sistance is provided.

8 **SEC. 30225. FOREIGN MILITARY FINANCING COMPACT**
9 **PILOT PROGRAM IN THE INDO-PACIFIC.**

10 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
11 authorized to be appropriated \$20,000,000 for each of fis-
12 cal years 2022 and 2023 for the creation of a pilot pro-
13 gram for foreign military financing (FMF) compacts.

14 (b) **ASSISTANCE.**—

15 (1) **IN GENERAL.**—The Secretary of State is
16 authorized to create a pilot program, for a duration
17 of two years, with an assessment for any additional
18 or permanent programming, to provide assistance
19 under this section for each country that enters into
20 an FMF Challenge Compact with the United States
21 pursuant to subsection (d) to support policies and
22 programs that advance the progress of the country
23 in achieving lasting security and civilian-military
24 governance through respect for human rights, good
25 governance (including transparency and free and

1 fair elections), and cooperation with United States
2 and international counter-terrorism, anti-trafficking,
3 and counter-crime efforts and programs.

4 (2) FORM OF ASSISTANCE.—Assistance under
5 this subsection may be provided in the form of
6 grants, cooperative agreements, contracts, or no-in-
7 terest loans to the government of an eligible country
8 described in subsection (c).

9 (c) ELIGIBLE COUNTRIES.—

10 (1) IN GENERAL.—A country shall be a can-
11 didate country for purposes of eligibility for assist-
12 ance for fiscal years 2022 and 2023 if—

13 (A) the country is classified as a lower
14 middle income country in the then-most recent
15 edition of the World Development Report for
16 Reconstruction and Development published by
17 the International Bank for Reconstruction and
18 Development and has an income greater than
19 the historical ceiling for International Develop-
20 ment Association eligibility for the fiscal year
21 involved; and

22 (B) the Secretary of State determines that
23 the country is committed to seeking just and
24 democratic governance, including with a dem-
25 onstrated commitment to—

- 1 (i) the promotion of political plu-
2 ralism, equality, and the rule of law;
3 (ii) respect for human and civil rights;
4 (iii) protection of private property
5 rights;
6 (iv) transparency and accountability
7 of government;
8 (v) anti-corruption; and
9 (vi) the institution of effective civilian
10 control, professionalization, and respect for
11 human rights by and the accountability of
12 the armed forces.

13 (2) IDENTIFICATION OF ELIGIBLE COUN-
14 TRIES.—Not later than 90 days prior to the date on
15 which the Secretary of State determines eligible
16 countries for an FMF Challenge Compact, the Sec-
17 retary—

18 (A) shall prepare and submit to the appro-
19 priate congressional committees a report that
20 contains a list of all eligible countries identified
21 that have met the requirements under para-
22 graph (1) for the fiscal year; and

23 (B) shall consult with the appropriate con-
24 gressional committees on the extent to which

1 such countries meet the criteria described in
2 paragraph (1).

3 (d) FMF CHALLENGE COMPACT.—

4 (1) COMPACT.—The Secretary of State may
5 provide assistance for an eligible country only if the
6 country enters into an agreement with the United
7 States, to be known as an “FMF Challenge Com-
8 pact” (in this subsection referred to as a “Com-
9 pact”) that establishes a multi-year plan for achiev-
10 ing shared security objectives in furtherance of the
11 purposes of this title.

12 (2) ELEMENTS.—The elements of the Compact
13 shall be those listed in subsection (c)(1)(B) for de-
14 termining eligibility, and be designed to significantly
15 advance the performance of those commitments dur-
16 ing the period of the Compact.

17 (3) IN GENERAL.—The Compact should take
18 into account the national strategy of the eligible
19 country and shall include—

20 (A) the specific objectives that the country
21 and the United States expect to achieve during
22 the term of the Compact, including both how
23 the foreign military financing under the Com-
24 pact will advance shared security interests and
25 advance partner capacity building efforts as

1 well as to advance national efforts towards just
2 and democratic governance;

3 (B) the responsibilities of the country and
4 the United States in the achievement of such
5 objectives;

6 (C) regular benchmarks to measure, where
7 appropriate, progress toward achieving such ob-
8 jectives; and

9 (D) the strategy of the eligible country to
10 sustain progress made toward achieving such
11 objectives after expiration of the Compact.

12 (e) CONGRESSIONAL CONSULTATION PRIOR TO COM-
13 PACT NEGOTIATIONS.—Not later than 15 days before
14 commencing negotiations of a Compact with an eligible
15 country, the Secretary of State shall consult with the ap-
16 propriate congressional committees with respect to the
17 proposed Compact negotiation and shall identify the objec-
18 tives and mechanisms to be used for the negotiation of
19 the Compact.

20 (f) ASSESSMENT OF PILOT PROGRAM AND REC-
21 OMMENDATIONS.—Not later than 90 days after the con-
22 clusion of the pilot program, the Secretary of State shall
23 provide a report to the appropriate congressional commit-
24 tees with respect to the pilot program, including an assess-
25 ment of the success and utility of the pilot program estab-

1 lished under this subsection in meeting United States ob-
2 jectives and a recommendation with respect to whether to
3 continue a further foreign military financing compact pro-
4 gram on a pilot or permanent basis.

