

AMENDMENT TO RULES COMMITTEE

PRINT 117-31

OFFERED BY MR. MCCAUL OF TEXAS

Amend title VI of division D to read as follows:

1 **TITLE VI—ADDRESSING CCP**
2 **THREATS**
3 **Subtitle A—Countering Malign**
4 **CCP Influence**

5 **SEC. 30601. COUNTERING MALIGN CCP INFLUENCE.**

6 (a) **AUTHORIZATION.**—There is authorized to be ap-
7 propriated \$300,000,000 for each of fiscal years 2022
8 through 2026 for the Countering Chinese Influence Fund
9 to counter the malign influence of the Chinese Communist
10 Party globally. Amounts appropriated pursuant to this au-
11 thorization are authorized to remain available until ex-
12 pended and shall supplement, not supplant, amounts oth-
13 erwise authorized to be appropriated to counter such influ-
14 ence.

15 (b) **CONSULTATION REQUIRED.**—The obligation of
16 funds appropriated or otherwise made available to counter
17 the malign influence of the Chinese Communist Party
18 globally, including pursuant to the authorization under
19 subsection (a), shall be subject to prior consultation with,

1 and consistent with section 634A of the Foreign Assist-
2 ance Act of 1961 (22 U.S.C. 2394-1), the regular notifica-
3 tion procedures of—

4 (1) the Committee on Foreign Relations and
5 the Committee on Appropriations of the Senate; and

6 (2) the Committee on Foreign Affairs and the
7 Committee on Appropriations of the House of Rep-
8 resentatives.

9 (c) POLICY GUIDANCE, COORDINATION, AND AP-
10 PROVAL.—

11 (1) COORDINATOR.—The Secretary of State
12 shall designate an existing senior official of the De-
13 partment at the rank of Assistant Secretary or
14 above to provide policy guidance, coordination, and
15 approval for the obligation of funds authorized pur-
16 suant to subsection (a).

17 (2) DUTIES.—The senior official designated
18 pursuant to paragraph (1) shall be responsible for—

19 (A) on an annual basis, the identification
20 of specific strategic priorities for using the
21 funds authorized to be appropriated by sub-
22 section (a), such as geographic areas of focus or
23 functional categories of programming that
24 funds are to be concentrated within, consistent

1 with the national interests of the United States
2 and the purposes of this subtitle;

3 (B) the coordination and approval of all
4 programming conducted using the funds au-
5 thorized to be appropriated by subsection (a),
6 based on a determination that such program-
7 ming directly counters the malign influence of
8 the Chinese Communist Party, including spe-
9 cific activities or policies advanced by the Chi-
10 nese Communist Party, pursuant to the stra-
11 tegic objectives of the United States, as estab-
12 lished in the 2017 National Security Strategy,
13 the 2018 National Defense Strategy, and other
14 relevant national and regional strategies as ap-
15 propriate;

16 (C) ensuring that all programming ap-
17 proved bears a sufficiently direct nexus to such
18 acts by the Chinese Communist Party described
19 in subsection (d) and adheres to the require-
20 ments outlined in subsection (e); and

21 (D) conducting oversight, monitoring, and
22 evaluation of the effectiveness of all program-
23 ming conducted using the funds authorized to
24 be appropriated by subsection (a) to ensure
25 that it advances United States interests and de-

1 grades the ability of the Chinese Communist
2 Party, to advance activities that align with sub-
3 section (d) of this section.

4 (3) INTERAGENCY COORDINATION.—The senior
5 official designated pursuant to paragraph (1) shall,
6 in coordinating and approving programming pursu-
7 ant to paragraph (2), seek to—

8 (A) conduct appropriate interagency con-
9 sultation; and

10 (B) ensure, to the maximum extent prac-
11 ticable, that all approved programming func-
12 tions in concert with other Federal activities to
13 counter the malign influence and activities of
14 the Chinese Communist Party.

15 (4) ASSISTANT COORDINATOR.—The Adminis-
16 trator of the United States Agency for International
17 Development shall designate a senior official at the
18 rank of Assistant Administrator or above to assist
19 and consult the senior official designated pursuant
20 to paragraph (1).

21 (d) MALIGN INFLUENCE.—In this section, the term
22 “malign influence” with respect to the Chinese Com-
23 munist Party should be construed to include acts con-
24 ducted by the Chinese Communist Party or entities acting
25 on its behalf that—

1 (1) undermine a free and open international
2 order;

3 (2) advance an alternative, repressive inter-
4 national order that bolsters the Chinese Communist
5 Party's hegemonic ambitions and is characterized by
6 coercion and dependency;

7 (3) undermine the national security or sov-
8 ereignty of the United States or other countries; or

9 (4) undermine the economic security of the
10 United States or other countries, including by pro-
11 moting corruption.

12 (e) COUNTERING MALIGN INFLUENCE.—In this sec-
13 tion countering malign influence through the use of funds
14 authorized to be appropriated by subsection (a) shall in-
15 clude efforts to—

16 (1) promote transparency and accountability,
17 and reduce corruption, including in governance
18 structures targeted by the malign influence of the
19 Chinese Communist Party;

20 (2) support civil society and independent media
21 to raise awareness of and increase transparency re-
22 garding the negative impact of activities related to
23 the Belt and Road Initiative;

1 (3) counter transnational criminal networks
2 that benefit, or benefit from, the malign influence of
3 the Chinese Communist Party;

4 (4) encourage economic development structures
5 that help protect against predatory lending schemes,
6 including support for market-based alternatives in
7 key economic sectors, such as digital economy, en-
8 ergy, and infrastructure;

9 (5) counter activities that provide undue influ-
10 ence to the security forces of the People's Republic
11 of China;

12 (6) expose misinformation and disinformation
13 of the Chinese Communist Party's propaganda, in-
14 cluding through programs carried out by the Global
15 Engagement Center; and

16 (7) counter efforts by the Chinese Communist
17 Party to legitimize or promote authoritarian ideology
18 and governance models.

1 **Subtitle B—Foreign Military**
2 **Financing**

3 **SEC. 30606. FOREIGN MILITARY FINANCING IN THE INDO-**
4 **PACIFIC AND AUTHORIZATION OF APPRO-**
5 **PRIATIONS FOR SOUTHEAST ASIA MARITIME**
6 **SECURITY PROGRAMS AND DIPLOMATIC OUT-**
7 **REACH ACTIVITIES.**

8 (a) FOREIGN MILITARY FINANCING FUNDING.—In
9 addition to any amount appropriated pursuant to section
10 23 of the Arms Export Control Act (22 U.S.C. 2763) (re-
11 lating to foreign military financing assistance), there is
12 authorized to be appropriated for each of fiscal years 2022
13 through fiscal year 2026 for activities in the Indo-Pacific
14 region in accordance with this section—

15 (1) \$110,000,000 for fiscal year 2022;

16 (2) \$125,000,000 for fiscal year 2023;

17 (3) \$130,000,000 for fiscal year 2024;

18 (4) \$140,000,000 for fiscal year 2025; and

19 (5) \$150,000,000 for fiscal year 2026.

20 (b) SOUTHEAST MARITIME LAW ENFORCEMENT INI-
21 TLATIVE.—There is authorized to be appropriated
22 \$10,000,000 for each of fiscal years 2022 through 2026
23 for the Department of State for International Narcotics
24 Control and Law Enforcement (INCLE) for the support

1 of the Southeast Asia Maritime Law Enforcement Initia-
2 tive.

3 (c) DIPLOMATIC OUTREACH ACTIVITIES.—There is
4 authorized to be appropriated to the Department of State,
5 \$1,000,000 for each of fiscal years 2022 through 2026,
6 which shall be used—

7 (1) to conduct, in coordination with the Depart-
8 ment of Defense, outreach activities, including con-
9 ferences and symposia, to familiarize partner coun-
10 tries, particularly in the Indo-Pacific region, with
11 the United States interpretation of international law
12 relating to freedom of the seas; and

13 (2) to work with allies and partners in the
14 Indo-Pacific region to better align respective inter-
15 pretations of international law relating to freedom of
16 the seas, including on the matters of operations by
17 military ships in exclusive economic zones, innocent
18 passage through territorial seas, and transits
19 through international straits.

20 (d) PROGRAM AUTHORIZATION AND PURPOSE.—
21 Using amounts appropriate pursuant to subsection (a),
22 the Secretary of State, in coordination with the Secretary
23 of Defense, is authorized to provide assistance, for the
24 purpose of increasing maritime security and domain
25 awareness for countries in the Indo-Pacific region—

1 (1) to provide assistance to national military or
2 other security forces of such countries that have
3 maritime security missions among their functional
4 responsibilities;

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

7 (3) to provide assistance to and training to
8 other relevant foreign affairs, maritime, or security-
9 related ministries, agencies, departments, or offices
10 that manage and oversee maritime activities and pol-
11 icy that the Secretary of State may so designate.

12 (e) DESIGNATION OF ASSISTANCE.—Assistance pro-
13 vided by the Secretary of State under this section shall
14 be known as the “Indo-Pacific Maritime Security Initia-
15 tive” (in this section referred to as the “Initiative”).

16 (f) PROGRAM OBJECTIVES.—Assistance provided
17 through the Initiative may be used to accomplish the fol-
18 lowing objectives:

19 (1) Retaining unhindered access to and use of
20 international waterways in the Indo-Pacific region
21 that are critical to ensuring the security and free
22 flow of commerce and achieving United States na-
23 tional security objectives.

24 (2) Improving maritime domain awareness in
25 the Indo-Pacific region.

1 (3) Countering piracy in the Indo-Pacific re-
2 gion.

3 (4) Disrupting illicit maritime trafficking activi-
4 ties and other forms of maritime trafficking activity
5 in the Indo-Pacific that directly benefit organiza-
6 tions that have been determined to be a security
7 threat to the United States.

8 (5) Enhancing the maritime capabilities of a
9 country or regional organization to respond to
10 emerging threats to maritime security in the Indo-
11 Pacific region.

12 (6) Strengthening United States alliances and
13 partnerships in Southeast Asia and other parts of
14 the Indo-Pacific region.

15 (g) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—Of the amount appropriated
17 pursuant to subsection(a) and section 23 of the
18 Arms Export Control Act (22 U.S.C. 2763) (relating
19 to foreign military financing assistance), there is au-
20 thorized to be appropriated to the Department of
21 State for the Indo-Pacific Maritime Security Initia-
22 tive and other related regional programs exactly—

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

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

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

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

2 and

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

4 (2) RULE OF CONSTRUCTION.—The “Indo-Pa-
5 cific Maritime Security Initiative” and funds author-
6 ized for the Initiative shall include existing regional
7 programs related to maritime security, including the
8 Southeast Asia Maritime Security Initiative.

9 (h) ELIGIBILITY AND PRIORITIES FOR ASSIST-
10 ANCE.—

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

15 (A) Assistance may be provided to a coun-
16 try in the Indo-Pacific region to enhance the ca-
17 pabilities of that country according to the objec-
18 tives outlined in (f), or of a regional organiza-
19 tion that includes that country, to conduct—

20 (i) maritime intelligence, surveillance,
21 and reconnaissance;

22 (ii) littoral and port security;

23 (iii) Coast Guard operations;

24 (iv) command and control; and

1 (v) management and oversight of mar-
2 itime activities.

3 (B) Priority shall be placed on assistance
4 to enhance the maritime security capabilities of
5 the military or security forces of countries in
6 the Indo-Pacific region that have maritime mis-
7 sions and the government agencies responsible
8 for such forces.

9 (2) TYPES OF ASSISTANCE AND TRAINING.—

10 (A) AUTHORIZED ELEMENTS OF ASSIST-
11 ANCE.—Assistance provided under paragraph
12 (1)(A) may include the provision of equipment,
13 training, and small-scale military construction.

14 (B) REQUIRED ELEMENTS OF ASSISTANCE
15 AND TRAINING.—Assistance and training pro-
16 vided under subparagraph (A) shall include ele-
17 ments that promote—

18 (i) the observance of and respect for
19 human rights; and

20 (ii) respect for legitimate civilian au-
21 thority within the country to which the as-
22 sistance is provided.

23 (i) JOINT TASK FORCE.—The Department of De-
24 fense shall establish a joint, interagency task force to as-
25 sess, respond to, and coordinate with allies and partners

1 in response to the use of grey zone tactics by state and
2 non-state actors in the Indo-Pacific maritime domain, in-
3 cluding—

4 (1) conducting domain awareness operations,
5 intelligence fusion, and multi-sensor correlation to
6 detect, monitor, and hand off suspected grey zone
7 activities;

8 (2) promoting security, cooperation, and capac-
9 ity building; and

10 (3) coordinating country team and partner na-
11 tion initiatives in order to counter the use of grey
12 zone tactics by adversaries.

13 (j) ANNUAL REPORT.—The Secretary of State and
14 the Secretary of Defense shall jointly submit to the appro-
15 priate committees of Congress each year a report on the
16 status of the provision of equipment, training, supplies,
17 or other services provided pursuant to the Initiative during
18 the preceding 12 months.

19 (k) NOTICE TO CONGRESS ON ASSISTANCE AND
20 TRAINING.—Not later than 15 days before exercising the
21 authority under subsection (a) with respect to a recipient
22 foreign country, the Secretary of State shall submit a noti-
23 fication in writing to the appropriate committees of Con-
24 gress.

1 **Subtitle C—United States**
2 **Information Statecraft**

3 **SEC. 30611. UNITED STATES INFORMATION STATECRAFT.**

4 (a) **FINDING.**—The 2017 National Security Strategy
5 establishes that it is a priority of United States Informa-
6 tion Statecraft to “improve our understanding of how ad-
7 versaries gain informational and psychological advantages
8 across all policies” and “empower a true public diplomacy
9 capability to compete effectively in this arena”.

10 (b) **POLICY.**—It is the policy of the United States to
11 advance United States foreign policy and national security
12 interests through a holistic approach to public diplomacy,
13 which shall include the following:

14 (1) Championing and promoting United States
15 values, including democratic governance, individual
16 liberty, and internationally recognized human rights.

17 (2) Supporting the international dissemination
18 of unbiased and fact-based information, and pro-
19 tecting the free flow of information globally.

20 (3) Refuting and countering foreign state and
21 nonstate propaganda, disinformation, and narratives
22 that undermine United States values, such as the
23 promotion of authoritarian governance, the denigra-
24 tion of individual liberty, and the disregard of inter-
25 nationally recognized human rights.

1 (4) Discrediting foreign state and nonstate ac-
2 tors responsible for such propaganda,
3 disinformation, and narratives, and seeking to re-
4 duce the ability of such actors to influence global
5 discourse, including through the active promotion of
6 factual information and narratives adverse to the in-
7 terests of such actors.

8 (5) Messaging and countermessaging to support
9 these objectives with the full suite of tools available
10 to United States diplomacy, not limited to United
11 States Government supported programming, but in-
12 cluding direct public messaging from United States
13 diplomats.

14 (6) Providing for robust exchange, analytic, and
15 coordination mechanisms to accomplish such objec-
16 tives.

17 (7) Coordinating and integrating such efforts
18 with the efforts of United States allies and partners
19 that share United States values.

20 (c) GLOBAL ENGAGEMENT CENTER.—Paragraph (3)
21 of section 1287(b) of the National Defense Authorization
22 Act for Fiscal Year 2017 (22 U.S.C. 2656 note; Public
23 Law 114–328) is amended to read as follows:

1 “(3) As needed, support the development and
2 dissemination of fact-based narratives and analysis
3 to—

4 “(A) neutralize and counter propaganda
5 and disinformation directed at the United
6 States and United States allies and partner na-
7 tions;

8 “(B) discredit the actors responsible for
9 such propaganda and disinformation; and

10 “(C) reduce the ability of such actors to
11 influence global discourse.”.

12 **SEC. 30612. ACTIVE MEASURES WORKING GROUP FOR THE**
13 **CHINESE COMMUNIST PARTY.**

14 (a) FINDINGS.—Congress finds the following:

15 (1) The “Communiqué on the Current State of
16 the Ideological Sphere”, an April 22, 2013, notice
17 from the Communist Party of China’s (CCP) Cen-
18 tral Committee more commonly known as “Docu-
19 ment 9”, establishes that under the leadership of
20 General Secretary Xi Jinping, the CCP considers
21 constitutional democracy, internationally recognized
22 human rights, liberal economics, independent jour-
23 nalism, and internal dissent to be security threats.

24 (2) In his remarks before the 19th Communist
25 Party Congress in 2017, which were titled in part

1 “Strive for the Great Success of Socialism with Chi-
2 nese Characteristics for a New Era”, General Sec-
3 retary Xi Jinping said, “the banner of socialism with
4 Chinese characteristics is now flying high and proud
5 for all to see. It means that the path, the theory, the
6 system, and the culture of socialism with Chinese
7 characteristics have kept developing, blazing a new
8 trail for other developing countries to achieve mod-
9 ernization. It offers a new option for other countries
10 and nations.”.

11 (b) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that the CCP is hostile to United States values and
13 seeks to advance an alternate set of authoritarian values,
14 and therefore that the CCP and its ability to influence
15 global discourse is a national security threat to the United
16 States.

17 (c) RECONSTITUTION.—The Secretary of State shall
18 reconstitute the Active Measures Working Group (in this
19 section referred to as the “Working Group”) for a period
20 of not less than five years.

21 (d) PURPOSE.—The purpose of the Working Group
22 shall be to create a regularly updated information
23 statecraft strategy for the whole of the United States Gov-
24 ernment to reduce the ability of the CCP to influence glob-
25 al discourse.

1 (e) MEMBERSHIP.—The Working Group shall include
2 the following officials:

3 (1) The Under Secretary for Public Diplomacy
4 of the Department of State.

5 (2) The Assistant Secretary of East Asian and
6 Pacific Affairs and the Assistant Secretary of South
7 and Central Asian Affairs of the Department of
8 State.

9 (3) The Special Envoy and Coordinator of the
10 Global Engagement Center.

11 (4) The Assistant Administrator of the Bureau
12 for Asia of the United States Agency for Inter-
13 national Development.

14 (5) The Assistant Secretary for Asian and Pa-
15 cific Security Affairs of the Department of Defense.

16 (6) The Commander of the United States Indo-
17 Pacific Command.

18 (7) Other officials the Secretary of State and
19 the President determine appropriate.

20 (f) CHAIR.—The Secretary of State shall designate
21 a member of the Working Group as the Chairperson.

22 (g) COOPERATION.—The President shall ensure that
23 the various agencies and departments of the United States
24 cooperate with the Working Group, adopt and effectuate
25 the information statecraft strategy required under sub-

1 section (h), and share information appropriately to ad-
2 vance the strategy.

3 (h) INFORMATION STATECRAFT STRATEGY.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of the enactment of this Act, the Working
6 Group shall submit to the appropriate congressional
7 committees and distribute to each Federal depart-
8 ment and agency an information statecraft strategy.

9 (2) CONTENTS.—The information statecraft
10 strategy and biannual updates thereto required
11 under this subsection shall include the following:

12 (A) An identification of the specific CCP
13 narratives that most contribute to the CCP's
14 ability to influence global discourse, and the en-
15 tities primarily responsible for advancing these
16 narratives and contributing to the CCP's ability
17 to influence global discourse.

18 (B) An identification of counternarratives
19 most effective and most likely to reduce the
20 ability of the CCP to influence global discourse
21 and discredit the entities that contribute to the
22 CCP's ability to influence global discourse.

23 (C) A detailed plan, including instructions
24 for public diplomacy officers at each United
25 States diplomatic or consular post, to imple-

1 ment such counternarratives within the fol-
2 lowing 180 days.

3 (D) An identification of specific quan-
4 titative objectives for advancing such counter-
5 narratives, and an identification of the United
6 States officials responsible for accomplishing
7 such objectives, within the following 180 days.

8 (E) A quantitative analysis of United
9 States efforts to accomplish such objectives in
10 the preceding six months, informed by the data
11 and analytical capabilities of the Under Sec-
12 retary for Public Diplomacy of the Department
13 of State and the Global Engagement Center.

14 (3) BIENNIAL UPDATES.—Not later than 180
15 days after the submission of the information
16 statecraft strategy under paragraph (1) and every
17 180 days thereafter for a period of not less than five
18 years, the Working Group shall submit to the appro-
19 priate congressional committees an updated informa-
20 tion statecraft strategy.

21 (4) FORM.—The information statecraft strategy
22 and biennial updates thereto required under this
23 subsection may be in classified form.

1 (5) CHIEF OF MISSION RESPONSIBILITIES.—
2 The Secretary of State should ensure that each
3 United States chief of mission—

4 (A) advances through both programming
5 and direct public communications the objectives
6 of the information statecraft strategy and bian-
7 nual updates thereto;

8 (B) assigns at least one Foreign Service
9 officer to be primarily responsible for coordi-
10 nating such efforts at the United States diplo-
11 matic or consular post at which such chief of
12 mission is assigned; and

13 (C) provides quantitative data to the
14 Working Group about the efforts of such chief
15 of mission to accomplish the objectives of the
16 strategy, including updates thereto.

17 **SEC. 30613. SPECIAL FAST-TRACK PROCEDURES.**

18 (a) PROCEDURES.—The Secretary of State shall es-
19 tablish procedures for use in special circumstances, as de-
20 termined by the Secretary, to provide for rapid, syn-
21 chronized releases of information content globally, region-
22 ally, or across subsets of United States diplomatic and
23 consular posts.

24 (b) REPORT.—Not later than 90 days after the enact-
25 ment of this Act, the Secretary shall submit to the appro-

1 priate Congressional committees a report detailing the
2 procedures established pursuant to this section.

3 **SEC. 30614. RESEARCH AND EVALUATION.**

4 (a) RESEARCH AND EVALUATION ACTIVITIES.—The
5 Secretary of State, acting through the Director of Re-
6 search and Evaluation appointed pursuant to subsection
7 (b), shall—

8 (1) conduct regular research and evaluation of
9 public diplomacy programs and activities of the De-
10 partment, including through the routine use of audi-
11 ence research, digital analytics, and impact evalua-
12 tions, to plan and execute such programs and activi-
13 ties; and

14 (2) make available to Congress the findings of
15 the research and evaluations conducted under para-
16 graph (1).

17 (b) DIRECTOR OF RESEARCH AND EVALUATION.—

18 (1) APPOINTMENT.—Not later than 90 days
19 after the date of the enactment of this Act, the Sec-
20 retary of State shall appoint a Director of Research
21 and Evaluation (referred to in this subsection as the
22 “Director”) in the Office of Policy, Planning, and
23 Resources for Public Diplomacy and Public Affairs
24 of the Department.

1 (2) LIMITATION ON APPOINTMENT.—The ap-
2 pointment of the Director pursuant to paragraph (1)
3 shall not result in an increase in the overall full-time
4 equivalent positions within the Department of State.

5 (3) RESPONSIBILITIES.—The Director shall—

6 (A) coordinate and oversee the research
7 and evaluation of public diplomacy programs
8 and activities of the Department of State in
9 order to—

10 (i) improve public diplomacy strate-
11 gies and tactics; and

12 (ii) ensure that such programs and
13 activities are increasing the knowledge, un-
14 derstanding, and trust of the United
15 States by relevant target audiences;

16 (B) routinely organize and oversee audi-
17 ence research, digital analytics, and impact
18 evaluations across all public diplomacy bureaus
19 and offices of the Department;

20 (C) support United States diplomatic
21 posts' public affairs sections;

22 (D) share appropriate public diplomacy re-
23 search and evaluation information within the
24 Department and with other appropriate Federal
25 departments and agencies;

1 (E) regularly design and coordinate stand-
2 ardized research questions, methodologies, and
3 procedures to ensure that public diplomacy pro-
4 grams and activities across all public diplomacy
5 bureaus and offices are designed to meet appro-
6 priate foreign policy objectives; and

7 (F) report biannually to the United States
8 Advisory Commission on Public Diplomacy,
9 through the Subcommittee on Research and
10 Evaluation established pursuant to subsection
11 (f), regarding the research and evaluation of all
12 public diplomacy bureaus and offices.

13 (4) GUIDANCE AND TRAINING.—Not later than
14 one year after the appointment of the Director pur-
15 suant to paragraph (1), the Director shall develop
16 guidance and training, including curriculum for use
17 by the Foreign Service Institute, for all public diplo-
18 macy officers of the Department regarding the read-
19 ing and interpretation of public diplomacy program
20 and activity evaluation findings to ensure that such
21 findings and related lessons learned are implemented
22 in the planning and evaluation of all public diplo-
23 macy programs and activities of the Department.

24 (c) PRIORITIZING RESEARCH AND EVALUATION.—

1 (1) IN GENERAL.—The head of the Office of
2 Policy, Planning, and Resources for Public Diplo-
3 macy and Public Affairs of the Department of State
4 shall ensure that research and evaluation of public
5 diplomacy and activities of the Department, as co-
6 ordinated and overseen by the Director pursuant to
7 subsection (b), supports strategic planning and re-
8 source allocation across all public diplomacy bureaus
9 and offices of the Department.

10 (2) ALLOCATION OF RESOURCES.—Amounts al-
11 located for the purpose of research and evaluation of
12 public diplomacy programs and activities of the De-
13 partment of State pursuant to subsection (b) shall
14 be made available to be disbursed at the direction of
15 the Director of Research and Evaluation among the
16 research and evaluation staff across all public diplo-
17 macy bureaus and offices of the Department.

18 (3) SENSE OF CONGRESS.—It is the sense of
19 Congress that the Department of State should
20 gradually increase its allocation of funds made avail-
21 able under the headings “Educational and Cultural
22 Exchange Programs” and “Diplomatic Programs”
23 for research and evaluation of public diplomacy pro-
24 grams and activities of the Department pursuant to
25 subsection (b) to a percentage of program funds that

1 is commensurate with Federal Government best
2 practices.

3 (d) LIMITED EXEMPTION RELATING TO THE PAPER-
4 WORK REDUCTION ACT.—Chapter 35 of title 44, United
5 States Code (commonly known as the “Paperwork Reduc-
6 tion Act”) shall not apply to the collection of information
7 directed at any individuals conducted by, or on behalf of,
8 the Department of State for the purpose of audience re-
9 search, monitoring, and evaluations, and in connection
10 with the Department’s activities conducted pursuant to
11 any of the following:

12 (1) The Mutual Educational and Cultural Ex-
13 change Act of 1961 (22 U.S.C. 2451 et seq.).

14 (2) Section 1287 of the National Defense Au-
15 thorization Act for Fiscal Year 2017 (Public Law
16 114–328; 22 U.S.C. 2656 note).

17 (3) The Foreign Assistance Act of 1961 (22
18 U.S.C. 2151 et seq.).

19 (e) LIMITED EXEMPTION RELATING TO THE PRI-
20 VACY ACT.—

21 (1) IN GENERAL.—The Department of State
22 shall maintain, collect, use, and disseminate records
23 (as such term is defined in section 552a(a)(4) of
24 title 5, United States Code) for audience research,
25 digital analytics, and impact evaluation of commu-

1 nications related to public diplomacy efforts intended
2 for foreign audiences.

3 (2) CONDITIONS.—Audience research, digital
4 analytics, and impact evaluations under paragraph
5 (1) shall be—

6 (A) reasonably tailored to meet the pur-
7 poses of this subsection; and

8 (B) carried out with due regard for privacy
9 and civil liberties guidance and oversight.

10 (f) UNITED STATES ADVISORY COMMISSION ON PUB-
11 LIC DIPLOMACY.—

12 (1) SUBCOMMITTEE FOR RESEARCH AND EVAL-
13 UATION.—The United States Advisory Commission
14 on Public Diplomacy shall establish a Subcommittee
15 on Research and Evaluation to monitor and advise
16 regarding audience research, digital analytics, and
17 impact evaluations carried out by the Department of
18 State and the United States Agency for Global
19 Media.

20 (2) ANNUAL REPORT.—The Subcommittee on
21 Research and Evaluation established pursuant to
22 paragraph (1) shall submit to the appropriate con-
23 gressional committees an annual report, in conjunc-
24 tion with the United States Advisory Commission on
25 Public Diplomacy’s Comprehensive Annual Report

1 on the performance of the Department and the
2 United States Agency for Global Media, describing
3 all actions taken by the Subcommittee pursuant to
4 paragraph (1) and any findings made as a result of
5 such actions.

6 **SEC. 30615. PERMANENT REAUTHORIZATION OF THE**
7 **UNITED STATES ADVISORY COMMISSION ON**
8 **PUBLIC DIPLOMACY.**

9 (a) IN GENERAL.—Section 1334 of the Foreign Af-
10 fairs Reform and Restructuring Act of 1998 (22 U.S.C.
11 6553) is amended—

12 (1) in the section heading, by striking “**SUN-**
13 **SET**” and inserting “**CONTINUATION**”; and

14 (2) by striking “until October 1, 2021”.

15 (b) CLERICAL AMENDMENT.—The table of contents
16 in section 1002(b) of the Foreign Affairs Reform and Re-
17 structuring Act of 1998 is amended by amending the item
18 relating to section 1334 to read as follows:

“Sec. 1334. Continuation of United States Advisory Commission on Public Di-
plomacy.”.

19 **SEC. 30616. FOREIGN MISSION LANGUAGE SUPPORT.**

20 (a) IN GENERAL.—The Secretary of State shall en-
21 sure that each United States chief of mission has available
22 appropriate personnel and resources to provide translation
23 services for such chief of mission and the ability to trans-
24 late content into local languages.

1 (b) NOTIFICATION.—Not later than 90 days after the
2 date of the enactment of this Act and annually thereafter
3 for a period of five years, the Secretary of State shall no-
4 tify the Committee on Foreign Affairs of the House of
5 Representatives and the Committee on Foreign Relations
6 of the Senate of any United States diplomatic or consular
7 posts that do not have permanent capabilities to provide
8 translation services to the chief of mission of such a post
9 or translate content into local languages.

10 **SEC. 30617. LATERAL ENTRY FOR PUBLIC DIPLOMACY PER-**
11 **SONNEL.**

12 The Secretary of State shall make full use of avail-
13 able authorities, including section 404 of the Department
14 of State Authorities Act, Fiscal Year 2017 (Public Law
15 114–323), to recruit not fewer than ten individuals with
16 extensive experience in strategic communications, includ-
17 ing in foreign languages, graphic design, market research,
18 social media engagement, audio and video content cre-
19 ation, and related capabilities for lateral entry into the
20 Foreign Service at a grade level higher than FS–4. Such
21 individuals shall be assigned to United States diplomatic
22 or consular posts which the subtitle determines are in need
23 of personnel to engage in public diplomacy efforts con-
24 sistent with this Act.

1 **Subtitle D—Cyber Diplomacy**

2 **SEC. 30621. DEFINITIONS.**

3 In this subtitle:

4 (1) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means the Committee on Foreign Relations
7 of the Senate and the Committee on Foreign Affairs
8 of the House of Representatives.

9 (2) INFORMATION AND COMMUNICATIONS
10 TECHNOLOGY; ICT.—The terms “information and
11 communications technology” and “ICT” include
12 hardware, software, and other products or services
13 primarily intended to fulfill or enable the function of
14 information processing and communication by elec-
15 tronic means, including transmission and display, in-
16 cluding via the Internet.

17 (3) EXECUTIVE AGENCY.—The term “Executive
18 agency” has the meaning given the term in section
19 105 of title 5, United States Code.

20 **SEC. 30622. UNITED STATES INTERNATIONAL CYBERSPACE** 21 **POLICY.**

22 (a) IN GENERAL.—It is the policy of the United
23 States to work internationally to promote an open, inter-
24 operable, reliable, unfettered, and secure Internet gov-
25 erned by the multi-stakeholder model, which—

1 (1) promotes human rights, democracy, and
2 rule of law, including freedom of expression, innova-
3 tion, communication, and economic prosperity; and

4 (2) respects privacy and guards against decep-
5 tion, fraud, and theft.

6 (b) IMPLEMENTATION.—In implementing the policy
7 described in subsection (a), the President, in consultation
8 with outside actors, including private sector companies,
9 nongovernmental organizations, security researchers, and
10 other relevant stakeholders, in the conduct of bilateral and
11 multilateral relations, shall pursue the following objectives:

12 (1) Clarifying the applicability of international
13 laws and norms to the use of ICT.

14 (2) Reducing and limiting the risk of escalation
15 and retaliation in cyberspace, damage to critical in-
16 frastructure, and other malicious cyber activity that
17 impairs the use and operation of critical infrastruc-
18 ture that provides services to the public.

19 (3) Cooperating with like-minded democratic
20 countries that share common values and cyberspace
21 policies with the United States, including respect for
22 human rights, democracy, and the rule of law, to ad-
23 vance such values and policies internationally.

24 (4) Encouraging the responsible development of
25 new, innovative technologies and ICT products that

1 strengthen a secure Internet architecture that is ac-
2 cessible to all.

3 (5) Securing and implementing commitments
4 on responsible country behavior in cyberspace based
5 upon accepted norms, including the following:

6 (A) Countries should not conduct, or
7 knowingly support, cyber-enabled theft of intel-
8 lectual property, including trade secrets or
9 other confidential business information, with
10 the intent of providing competitive advantages
11 to companies or commercial sectors.

12 (B) Countries should take all appropriate
13 and reasonable efforts to keep their territories
14 clear of intentionally wrongful acts using ICTs
15 in violation of international commitments.

16 (C) Countries should not conduct or know-
17 ingly support ICT activity that, contrary to
18 international law, intentionally damages or oth-
19 erwise impairs the use and operation of critical
20 infrastructure providing services to the public,
21 and should take appropriate measures to pro-
22 tect their critical infrastructure from ICT
23 threats.

24 (D) Countries should not conduct or know-
25 ingly support malicious international activity

1 that, contrary to international law, harms the
2 information systems of authorized emergency
3 response teams (also known as “computer
4 emergency response teams” or “cybersecurity
5 incident response teams”) of another country or
6 authorize emergency response teams to engage
7 in malicious international activity.

8 (E) Countries should respond to appro-
9 priate requests for assistance to mitigate mali-
10 cious ICT activity emanating from their terri-
11 tory and aimed at the critical infrastructure of
12 another country.

13 (F) Countries should not restrict cross-bor-
14 der data flows or require local storage or proc-
15 essing of data.

16 (G) Countries should protect the exercise
17 of human rights and fundamental freedoms on
18 the Internet and commit to the principle that
19 the human rights that people have offline
20 should also be protected online.

21 (6) Advancing, encouraging, and supporting the
22 development and adoption of internationally recog-
23 nized technical standards and best practices.

1 **SEC. 30623. DEPARTMENT OF STATE RESPONSIBILITIES.**

2 (a) IN GENERAL.—Section 1 of the State Depart-
3 ment Basic Authorities Act of 1956 (22 U.S.C. 2651a)
4 is amended—

5 (1) by redesignating subsection (g) as sub-
6 section (h); and

7 (2) by inserting after subsection (f) the fol-
8 lowing new subsection:

9 “(g) BUREAU OF INTERNATIONAL CYBERSPACE POL-
10 ICY.—

11 “(1) IN GENERAL.—There is established, within
12 the Department of State, a Bureau of International
13 Cyberspace Policy (referred to in this subsection as
14 the ‘Bureau’). The head of the Bureau shall have
15 the rank and status of ambassador and shall be ap-
16 pointed by the President, by and with the advice and
17 consent of the Senate.

18 “(2) DUTIES.—

19 “(A) IN GENERAL.—The head of the Bu-
20 reau shall perform such duties and exercise
21 such powers as the Secretary of State shall pre-
22 scribe, including implementing the policy of the
23 United States described in section 30622 of
24 subtitle D of title VI of division D of the Amer-
25 ica Creating Opportunities for Manufacturing,

1 Pre-Eminence in Technology, and Economic
2 Strength Act of 2022.

3 “(B) DUTIES DESCRIBED.—The principal
4 duties and responsibilities of the head of the
5 Bureau shall be—

6 “(i) to serve as the principal cyber-
7 space policy official within the senior man-
8 agement of the Department of State and
9 as the advisor to the Secretary of State for
10 cyberspace issues;

11 “(ii) to lead the Department of
12 State’s diplomatic cyberspace efforts, in-
13 cluding efforts relating to international cy-
14 bersecurity, Internet access, Internet free-
15 dom, digital economy, cybercrime, deter-
16 rence and international responses to cyber
17 threats, and other issues that the Sec-
18 retary assigns to the Bureau;

19 “(iii) to coordinate cyberspace policy
20 and other relevant functions within the De-
21 partment of State and with other compo-
22 nents of the United States Government, in-
23 cluding through the Cyberspace Policy Co-
24 ordinating Committee described in para-
25 graph (6), and by convening other coordi-

1 nating meetings with appropriate officials
2 from the Department and other compo-
3 nents of the United States Government on
4 a regular basis;

5 “(iv) to promote an open, interoper-
6 able, reliable, unfettered, and secure infor-
7 mation and communications technology in-
8 frastructure globally;

9 “(v) to represent the Secretary of
10 State in interagency efforts to develop and
11 advance the policy described in section
12 30622 of subtitle D of title VI of division
13 D of the America Creating Opportunities
14 for Manufacturing, Pre-Eminence in Tech-
15 nology, and Economic Strength Act of
16 2022;

17 “(vi) to act as a liaison to civil soci-
18 ety, the private sector, academia, and other
19 public and private entities on relevant
20 international cyberspace issues;

21 “(vii) to lead United States Govern-
22 ment efforts to establish a global deter-
23 rence framework for malicious cyber activ-
24 ity;

1 “(viii) to develop and execute adver-
2 sary-specific strategies to influence adver-
3 sary decisionmaking through the imposi-
4 tion of costs and deterrence strategies, in
5 coordination with other relevant Executive
6 agencies;

7 “(ix) to advise the Secretary and co-
8 ordinate with foreign governments on ex-
9 ternal responses to national security-level
10 cyber incidents, including coordination on
11 diplomatic response efforts to support al-
12 lies threatened by malicious cyber activity,
13 in conjunction with members of the North
14 Atlantic Treaty Organization and other
15 like-minded countries;

16 “(x) to promote the adoption of na-
17 tional processes and programs that enable
18 threat detection, prevention, and response
19 to malicious cyber activity emanating from
20 the territory of a foreign country, including
21 as such activity relates to the United
22 States’ European allies, as appropriate;

23 “(xi) to promote the building of for-
24 eign capacity relating to cyberspace policy
25 priorities;

1 “(xii) to promote the maintenance of
2 an open and interoperable Internet gov-
3 erned by the multistakeholder model, in-
4 stead of by centralized government control;

5 “(xiii) to promote an international
6 regulatory environment for technology in-
7 vestments and the Internet that benefits
8 United States economic and national secu-
9 rity interests;

10 “(xiv) to promote cross-border flow of
11 data and combat international initiatives
12 seeking to impose unreasonable require-
13 ments on United States businesses;

14 “(xv) to promote international policies
15 to protect the integrity of United States
16 and international telecommunications in-
17 frastructure from foreign-based, cyber-en-
18 abled threats;

19 “(xvi) to lead engagement, in coordi-
20 nation with Executive agencies, with for-
21 eign governments on relevant international
22 cyberspace and digital economy issues as
23 described in section 30622 of subtitle D of
24 title VI of division D of the America Cre-
25 ating Opportunities for Manufacturing,

1 Pre-Eminence in Technology, and Eco-
2 nomic Strength Act of 2022;

3 “(xvii) to promote international poli-
4 cies to secure radio frequency spectrum for
5 United States businesses and national se-
6 curity needs;

7 “(xviii) to promote and protect the ex-
8 ercise of human rights, including freedom
9 of speech and religion, through the Inter-
10 net;

11 “(xix) to promote international initia-
12 tives to strengthen civilian and private sec-
13 tor resiliency to threats in cyberspace;

14 “(xx) to build capacity of United
15 States diplomatic officials to engage on
16 cyberspace issues;

17 “(xxi) to encourage the development
18 and adoption by foreign countries of inter-
19 nationally recognized standards, policies,
20 and best practices;

21 “(xxii) to consult, as appropriate, with
22 other Executive agencies with related func-
23 tions vested in such Executive agencies by
24 law; and

1 “(xxiii) to conduct such other matters
2 as the Secretary of State may assign.

3 “(3) QUALIFICATIONS.—The head of the Bu-
4 reau should be an individual of demonstrated com-
5 petency in the fields of—

6 “(A) cybersecurity and other relevant
7 cyberspace issues; and

8 “(B) international diplomacy.

9 “(4) ORGANIZATIONAL PLACEMENT.—During
10 the 1-year period beginning on the date of the enact-
11 ment of the America Creating Opportunities for
12 Manufacturing, Pre-Eminence in Technology, and
13 Economic Strength Act of 2022, the head of the Bu-
14 reau shall report to the Under Secretary for Political
15 Affairs or to an official holding a higher position in
16 the Department of State than the Under Secretary
17 for Political Affairs. After the conclusion of such pe-
18 riod, the head of the Bureau may report to a dif-
19 ferent Under Secretary or to an official holding a
20 higher position than Under Secretary if, not less
21 than 15 days prior to any change in such reporting
22 structure, the Secretary of State consults with and
23 provides to the Committee on Foreign Relations of
24 the Senate and the Committee on Foreign Affairs of
25 the House of Representatives the following:

1 “(A) A notification that the Secretary has,
2 with respect to the reporting structure of the
3 Bureau, consulted with and solicited feedback
4 from—

5 “(i) other relevant Federal entities
6 with a role in international aspects of
7 cyber policy; and

8 “(ii) the elements of the Department
9 of State with responsibility over aspects of
10 cyber policy, including the elements report-
11 ing to—

12 “(I) the Under Secretary for Po-
13 litical Affairs;

14 “(II) the Under Secretary for Ci-
15 vilian Security, Democracy, and
16 Human Rights;

17 “(III) the Under Secretary for
18 Economic Growth, Energy, and the
19 Environment;

20 “(IV) the Under Secretary for
21 Arms Control and International Secu-
22 rity Affairs; and

23 “(V) the Under Secretary for
24 Management.

1 “(B) A description of the new reporting
2 structure for the head of the Bureau, as well as
3 a description of the data and evidence used to
4 justify such new structure.

5 “(C) A plan describing how the new re-
6 porting structure will better enable the head of
7 the Bureau to carry out the responsibilities
8 specified in paragraph (2), including the secu-
9 rity, economic, and human rights aspects of
10 cyber diplomacy.

11 “(5) RULE OF CONSTRUCTION.—Nothing in
12 this subsection may be construed to preclude the
13 head of the Bureau from being designated as an As-
14 sistant Secretary, if such an Assistant Secretary po-
15 sition does not increase the number of Assistant
16 Secretary positions at the Department above the
17 number authorized under subsection (e)(1).

18 “(6) COORDINATION.—

19 “(A) CYBERSPACE POLICY COORDINATING
20 COMMITTEE.—In conjunction with establishing
21 the Bureau pursuant to this subsection, there is
22 established a senior-level Cyberspace Policy Co-
23 ordinating Committee to ensure that cyberspace
24 issues receive broad senior level-attention and
25 coordination across the Department of State

1 and provide ongoing oversight of such issues.
2 The Cyberspace Policy Coordinating Committee
3 shall be chaired by the head of the Bureau or
4 an official of the Department of State holding
5 a higher position, and operate on an ongoing
6 basis, meeting not less frequently than quar-
7 terly. Committee members shall include appro-
8 priate officials at the Assistant Secretary level
9 or higher from—

10 “(i) the Under Secretariat for Polit-
11 ical Affairs;

12 “(ii) the Under Secretariat for Civil-
13 ian Security, Democracy, and Human
14 Rights;

15 “(iii) the Under Secretariat for Eco-
16 nomic Growth, Energy and the Environ-
17 ment;

18 “(iv) the Under Secretariat for Arms
19 Control and International Security;

20 “(v) the Under Secretariat for Man-
21 agement; and

22 “(vi) other senior level Department
23 participants, as appropriate.

24 “(B) OTHER MEETINGS.—The head of the
25 Bureau shall convene other coordinating meet-

1 ings with appropriate officials from the Depart-
2 ment of State and other components of the
3 United States Government to ensure regular co-
4 ordination and collaboration on crosscutting
5 cyber policy issues.”.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the Bureau of International Cyberspace Policy
8 established under section 1(g) of the State Department
9 Basic Authorities Act of 1956, as added by subsection (a),
10 should have a diverse workforce composed of qualified in-
11 dividuals, including such individuals from traditionally
12 under-represented groups.

13 (c) UNITED NATIONS.—The Permanent Representa-
14 tive of the United States to the United Nations should
15 use the voice, vote, and influence of the United States to
16 oppose any measure that is inconsistent with the policy
17 described in section 30622.

18 **SEC. 30624. INTERNATIONAL CYBERSPACE EXECUTIVE AR-**
19 **RANGEMENTS.**

20 (a) IN GENERAL.—The President is encouraged to
21 enter into executive arrangements with foreign govern-
22 ments that support the policy described in section 30622.

23 (b) TRANSMISSION TO CONGRESS.—Section 112b of
24 title 1, United States Code, is amended—

1 (1) in subsection (a) by striking “International
2 Relations” and inserting “Foreign Affairs”;

3 (2) in subsection (e)(2)(B), by adding at the
4 end the following new clause:

5 “(iii) A bilateral or multilateral cyber-
6 space agreement.”;

7 (3) by redesignating subsection (f) as sub-
8 section (g); and

9 (4) by inserting after subsection (e) the fol-
10 lowing new subsection:

11 “(f) With respect to any bilateral or multilateral
12 cyberspace agreement under subsection (e)(2)(B)(iii) and
13 the information required to be transmitted to Congress
14 under subsection (a), or with respect to any arrangement
15 that seeks to secure commitments on responsible country
16 behavior in cyberspace consistent with section 30622 of
17 subtitle D of title VI of division D of the America Creating
18 Opportunities for Manufacturing, Pre-Eminence in Tech-
19 nology, and Economic Strength Act of 2022, the Secretary
20 of State shall provide an explanation of such arrangement,
21 including—

22 “(1) the purpose of such arrangement;

23 “(2) how such arrangement is consistent with
24 the policy described in such section 30622; and

1 “(3) how such arrangement will be imple-
2 mented.”.

3 (c) STATUS REPORT.—During the 5-year period im-
4 mediately following the transmittal to Congress of an
5 agreement described in clause (iii) of section
6 112b(e)(2)(B) of title 1, United States Code, as added by
7 subsection (b)(2), or until such agreement has been dis-
8 continued, if discontinued within 5 years, the President
9 shall—

10 (1) notify the appropriate congressional com-
11 mittees if another country fails to adhere to signifi-
12 cant commitments contained in such agreement; and

13 (2) describe the steps that the United States
14 has taken or plans to take to ensure that all such
15 commitments are fulfilled.

16 (d) EXISTING EXECUTIVE ARRANGEMENTS.—Not
17 later than 180 days after the date of the enactment of
18 this Act, the Secretary of State shall brief the appropriate
19 congressional committees regarding any executive bilateral
20 or multilateral cyberspace arrangement in effect before the
21 date of enactment of this Act, including—

22 (1) the arrangement announced between the
23 United States and Japan on April 25, 2014;

1 (2) the arrangement announced between the
2 United States and the United Kingdom on January
3 16, 2015;

4 (3) the arrangement announced between the
5 United States and China on September 25, 2015;

6 (4) the arrangement announced between the
7 United States and Korea on October 16, 2015;

8 (5) the arrangement announced between the
9 United States and Australia on January 19, 2016;

10 (6) the arrangement announced between the
11 United States and India on June 7, 2016;

12 (7) the arrangement announced between the
13 United States and Argentina on April 27, 2017;

14 (8) the arrangement announced between the
15 United States and Kenya on June 22, 2017;

16 (9) the arrangement announced between the
17 United States and Israel on June 26, 2017;

18 (10) the arrangement announced between the
19 United States and France on February 9, 2018;

20 (11) the arrangement announced between the
21 United States and Brazil on May 14, 2018; and

22 (12) any other similar bilateral or multilateral
23 arrangement announced before such date of enact-
24 ment.

1 **SEC. 30625. INTERNATIONAL STRATEGY FOR CYBERSPACE.**

2 (a) STRATEGY REQUIRED.—Not later than one year
3 after the date of the enactment of this Act, the President,
4 acting through the Secretary of State, and in coordination
5 with the heads of other relevant Federal departments and
6 agencies, shall develop a strategy relating to United States
7 engagement with foreign governments on international
8 norms with respect to responsible state behavior in cyber-
9 space.

10 (b) ELEMENTS.—The strategy required under sub-
11 section (a) shall include the following:

12 (1) A review of actions and activities under-
13 taken to support the policy described in section
14 30622.

15 (2) A plan of action to guide the diplomacy of
16 the Department of State with regard to foreign
17 countries, including—

18 (A) conducting bilateral and multilateral
19 activities to—

20 (i) develop norms of responsible coun-
21 try behavior in cyberspace consistent with
22 the objectives specified in section
23 30622(b)(5); and

24 (ii) share best practices and advance
25 proposals to strengthen civilian and private

1 sector resiliency to threats and access to
2 opportunities in cyberspace; and

3 (B) reviewing the status of existing efforts
4 in relevant multilateral fora, as appropriate, to
5 obtain commitments on international norms in
6 cyberspace.

7 (3) A review of alternative concepts with regard
8 to international norms in cyberspace offered by for-
9 eign countries.

10 (4) A detailed description of new and evolving
11 threats in cyberspace from foreign adversaries, state-
12 sponsored actors, and private actors to—

13 (A) United States national security;

14 (B) Federal and private sector cyberspace
15 infrastructure of the United States;

16 (C) intellectual property in the United
17 States; and

18 (D) the privacy and security of citizens of
19 the United States.

20 (5) A review of policy tools available to the
21 President to deter and de-escalate tensions with for-
22 eign countries, state-sponsored actors, and private
23 actors regarding threats in cyberspace, the degree to
24 which such tools have been used, and whether such
25 tools have been effective deterrents.

1 (6) A review of resources required to conduct
2 activities to build responsible norms of international
3 cyber behavior.

4 (7) A plan of action, developed in consultation
5 with relevant Federal departments and agencies as
6 the President may direct, to guide the diplomacy of
7 the Department of State with regard to inclusion of
8 cyber issues in mutual defense agreements.

9 (c) FORM OF STRATEGY.—

10 (1) PUBLIC AVAILABILITY.—The strategy re-
11 quired under subsection (a) shall be available to the
12 public in unclassified form, including through publi-
13 cation in the Federal Register.

14 (2) CLASSIFIED ANNEX.—The strategy required
15 under subsection (a) may include a classified annex,
16 consistent with United States national security inter-
17 ests, if the Secretary of State determines that such
18 annex is appropriate.

19 (d) BRIEFING.—Not later than 30 days after the
20 completion of the strategy required under subsection (a),
21 the Secretary of State shall brief the appropriate congres-
22 sional committees on the strategy, including any material
23 contained in a classified annex.

24 (e) UPDATES.—The strategy required under sub-
25 section (a) shall be updated—

1 (1) not later than 90 days after any material
2 change to United States policy described in such
3 strategy; and

4 (2) not later than one year after the inaugura-
5 tion of each new President.

6 **SEC. 30626. ANNUAL COUNTRY REPORTS ON HUMAN**
7 **RIGHTS PRACTICES.**

8 The Foreign Assistance Act of 1961 is amended—

9 (1) in section 116 (22 U.S.C. 2151n), by add-
10 ing at the end the following new subsection:

11 “(h)(1) The report required under subsection (d)
12 shall include an assessment of freedom of expression with
13 respect to electronic information in each foreign country,
14 which information shall include the following:

15 “(A) An assessment of the extent to which gov-
16 ernment authorities in the country inappropriately
17 attempt to filter, censor, or otherwise block or re-
18 move nonviolent expression of political or religious
19 opinion or belief through the Internet, including
20 electronic mail, and a description of the means by
21 which such authorities attempt to inappropriately
22 block or remove such expression.

23 “(B) An assessment of the extent to which gov-
24 ernment authorities in the country have persecuted
25 or otherwise punished, arbitrarily and without due

1 process, an individual or group for the nonviolent ex-
2 pression of political, religious, or ideological opinion
3 or belief through the Internet, including electronic
4 mail.

5 “(C) An assessment of the extent to which gov-
6 ernment authorities in the country have sought, in-
7 appropriately and with malicious intent, to collect,
8 request, obtain, or disclose without due process per-
9 sonally identifiable information of a person in con-
10 nection with that person’s nonviolent expression of
11 political, religious, or ideological opinion or belief, in-
12 cluding expression that would be protected by the
13 International Covenant on Civil and Political Rights,
14 adopted at New York December 16, 1966, and en-
15 tered into force March 23, 1976, as interpreted by
16 the United States.

17 “(D) An assessment of the extent to which wire
18 communications and electronic communications are
19 monitored without due process and in contravention
20 to United States policy with respect to the principles
21 of privacy, human rights, democracy, and rule of
22 law.

23 “(2) In compiling data and making assessments
24 under paragraph (1), United States diplomatic personnel
25 should consult with relevant entities, including human

1 rights organizations, the private sector, the governments
2 of like-minded countries, technology and Internet compa-
3 nies, and other appropriate nongovernmental organiza-
4 tions or entities.

5 “(3) In this subsection—

6 “(A) the term ‘electronic communication’ has
7 the meaning given the term in section 2510 of title
8 18, United States Code;

9 “(B) the term ‘Internet’ has the meaning given
10 the term in section 231(e)(3) of the Communications
11 Act of 1934 (47 U.S.C. 231(e)(3));

12 “(C) the term ‘personally identifiable informa-
13 tion’ means data in a form that identifies a par-
14 ticular person; and

15 “(D) the term ‘wire communication’ has the
16 meaning given the term in section 2510 of title 18,
17 United States Code.”; and

18 (2) in section 502B (22 U.S.C. 2304)—

19 (A) by redesignating the second subsection
20 (i) (relating to child marriage) as subsection (j);
21 and

22 (B) by adding at the end the following new
23 subsection:

24 “(k)(1) The report required under subsection (b)
25 shall include an assessment of freedom of expression with

1 respect to electronic information in each foreign country,
2 which information shall include the following:

3 “(A) An assessment of the extent to which gov-
4 ernment authorities in the country inappropriately
5 attempt to filter, censor, or otherwise block or re-
6 move nonviolent expression of political or religious
7 opinion or belief through the Internet, including
8 electronic mail, and a description of the means by
9 which such authorities attempt to inappropriately
10 block or remove such expression.

11 “(B) An assessment of the extent to which gov-
12 ernment authorities in the country have persecuted
13 or otherwise punished, arbitrarily and without due
14 process, an individual or group for the nonviolent ex-
15 pression of political, religious, or ideological opinion
16 or belief through the Internet, including electronic
17 mail.

18 “(C) An assessment of the extent to which gov-
19 ernment authorities in the country have sought, in-
20 appropriately and with malicious intent, to collect,
21 request, obtain, or disclose without due process per-
22 sonally identifiable information of a person in con-
23 nection with that person’s nonviolent expression of
24 political, religious, or ideological opinion or belief, in-
25 cluding expression that would be protected by the

1 International Covenant on Civil and Political Rights,
2 adopted at New York December 16, 1966, and en-
3 tered into force March 23, 1976, as interpreted by
4 the United States.

5 “(D) An assessment of the extent to which wire
6 communications and electronic communications are
7 monitored without due process and in contravention
8 to United States policy with respect to the principles
9 of privacy, human rights, democracy, and rule of
10 law.

11 “(2) In compiling data and making assessments
12 under paragraph (1), United States diplomatic personnel
13 should consult with relevant entities, including human
14 rights organizations, the private sector, the governments
15 of like-minded countries, technology and Internet compa-
16 nies, and other appropriate nongovernmental organiza-
17 tions or entities.

18 “(3) In this subsection—

19 “(A) the term ‘electronic communication’ has
20 the meaning given the term in section 2510 of title
21 18, United States Code;

22 “(B) the term ‘Internet’ has the meaning given
23 the term in section 231(e)(3) of the Communications
24 Act of 1934 (47 U.S.C. 231(e)(3));

1 “(C) the term ‘personally identifiable informa-
2 tion’ means data in a form that identifies a par-
3 ticular person; and

4 “(D) the term ‘wire communication’ has the
5 meaning given the term in section 2510 of title 18,
6 United States Code.”.

7 **SEC. 30627. GAO REPORT ON CYBER DIPLOMACY.**

8 Not later than one year after the date of the enact-
9 ment of this Act, the Comptroller General of the United
10 States shall submit a report and provide a briefing to the
11 appropriate congressional committees that includes—

12 (1) an assessment of the extent to which United
13 States diplomatic processes and other efforts with
14 foreign countries, including through multilateral
15 fora, bilateral engagements, and negotiated cyber-
16 space agreements, advance the full range of United
17 States interests in cyberspace, including the policy
18 described in section 30622;

19 (2) an assessment of the Department of State’s
20 organizational structure and approach to managing
21 its diplomatic efforts to advance the full range of
22 United States interests in cyberspace, including a re-
23 view of—

1 (A) the establishment of a Bureau in the
2 Department of State to lead the Department's
3 international cyber mission;

4 (B) the current or proposed diplomatic
5 mission, structure, staffing, funding, and activi-
6 ties of the Bureau;

7 (C) how the establishment of the Bureau
8 has impacted or is likely to impact the structure
9 and organization of the Department; and

10 (D) what challenges, if any, the Depart-
11 ment has faced or will face in establishing such
12 Bureau; and

13 (3) any other matters determined relevant by
14 the Comptroller General.

15 **SEC. 30628. SENSE OF CONGRESS ON CYBERSECURITY**
16 **SANCTIONS AGAINST NORTH KOREA AND CY-**
17 **BERSECURITY LEGISLATION IN VIETNAM.**

18 It is the sense of Congress that—

19 (1) the President should designate all entities
20 that knowingly engage in significant activities under-
21 mining cybersecurity through the use of computer
22 networks or systems against foreign persons, govern-
23 ments, or other entities on behalf of the Government
24 of North Korea, consistent with section 209(b) of

1 the North Korea Sanctions and Policy Enhancement
2 Act of 2016 (22 U.S.C. 9229(b));

3 (2) the cybersecurity law approved by the Na-
4 tional Assembly of Vietnam on June 12, 2018—

5 (A) may not be consistent with inter-
6 national trade standards; and

7 (B) may endanger the privacy of citizens
8 of Vietnam; and

9 (3) the Government of Vietnam should work
10 with the United States and other countries to ensure
11 that such law meets all relevant international stand-
12 ards.

13 **Subtitle E—Amendment to Inter-**
14 **national Emergency Economic**
15 **Powers Act**

16 **SEC. 30631. MODIFICATION OF AUTHORITIES TO REGULATE**
17 **OR PROHIBIT THE IMPORTATION OR EXPOR-**
18 **TATION OF INFORMATION OR INFORMA-**
19 **TIONAL MATERIALS CONTAINING SENSITIVE**
20 **PERSONAL DATA UNDER THE INTER-**
21 **NATIONAL EMERGENCY ECONOMIC POWERS**
22 **ACT.**

23 (a) IN GENERAL.—Section 203 of the International
24 Emergency Economic Powers Act (50 U.S.C. 1702) is
25 amended—

1 (1) in subsection (b)—

2 (A) in the matter preceding paragraph (1),
3 by striking “to regulate or prohibit, directly or
4 indirectly” and inserting “to directly regulate or
5 prohibit”; and

6 (B) in the first sentence of paragraph
7 (3)—

8 (i) by striking “but not limited to,”;
9 and

10 (ii) by inserting “, but excluding sen-
11 sitive personal data”; and

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

13 “(d) SENSITIVE PERSONAL DATA DEFINED.—In
14 subsection (b)(3), the term ‘sensitive personal data’ means
15 any of the following:

16 “(1) Personally-identifiable information, includ-
17 ing:

18 “(A) Financial data that could be used to
19 analyze or determine an individual’s financial
20 distress or hardship.

21 “(B) The set of data in a consumer report,
22 as defined under section 603 of the Fair Credit
23 Reporting Act (15 U.S.C. 1681a), unless such
24 data is obtained from a consumer reporting

1 agency for one or more purposes identified in
2 subsection (a) of such section.

3 “(C) The set of data in an application for
4 health insurance, long-term care insurance, pro-
5 fessional liability insurance, mortgage insur-
6 ance, or life insurance.

7 “(D) Data relating to the physical, mental,
8 or psychological health condition of an indi-
9 vidual.

10 “(E) Non-public electronic communica-
11 tions, including email, messaging, or chat com-
12 munications, between or among users of a
13 United States business’s products or services if
14 a primary purpose of such product or service is
15 to facilitate third-party user communications.

16 “(F) Geolocation data collected using posi-
17 tioning systems, cell phone towers, or WiFi ac-
18 cess points such as via a mobile application, ve-
19 hicle GPS, other onboard mapping tool, or
20 wearable electronic device.

21 “(G) Biometric enrollment data including
22 facial, voice, retina/iris, and palm/fingerprint
23 templates.

1 “(H) Data stored and processed for gener-
2 ating a Federal, State, tribal, territorial, or
3 other government identification card.

4 “(I) Data concerning United States Gov-
5 ernment personnel security clearance status.

6 “(J) The set of data in an application for
7 a United States Government personnel security
8 clearance or an application for employment in a
9 position of public trust.

10 “(2) Genetic information, which includes the re-
11 sults of an individual’s genetic tests, including any
12 related genetic sequencing data, whenever such re-
13 sults, in isolation or in combination with previously
14 released or publicly available data, constitute identi-
15 fiable data. Such results shall not include data de-
16 rived from databases maintained by the United
17 States Government and routinely provided to private
18 parties for purposes of research. For purposes of
19 this paragraph, the term ‘genetic test’ has the mean-
20 ing provided in section 2791(d)(17) of the Public
21 Health Service Act (42 U.S.C. 300gg-91(d)(17)).”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 this section—

24 (1) take effect on the date of the enactment of
25 this Act; and

1 (2) apply with respect to any exercise of the au-
2 thority granted to the President under section 203
3 of the International Emergency Economic Powers
4 Act on or after such date of enactment.

5 **Subtitle F—Emerging and**
6 **Foundational Technologies**

7 **SEC. 30636. REPORT RELATING TO IDENTIFICATION AND**
8 **CONTROL OF EMERGING AND**
9 **FOUNDATIONAL TECHNOLOGIES.**

10 Section 1758 of the Export Control Reform Act of
11 2018 (50 U.S.C. 4817) is amended by striking subsection
12 (e) and inserting the following:

13 “(e) REPORT TO CONGRESS.—

14 “(1) IN GENERAL.—Not less frequently than
15 every 90 days, the Secretary, in coordination with
16 the Secretary of Defense, the Secretary of State, the
17 Secretary of Energy, and the heads of other Federal
18 agencies, as appropriate, shall submit to the Chair-
19 man and Ranking Member of the appropriate con-
20 gressional committees a report on efforts to identify
21 and determine whether export controls should be ap-
22 plied to emerging and foundational technologies pur-
23 suant to this section.

24 “(2) ELEMENTS.—Each report required by
25 paragraph (1) shall include the following:

1 “(A) A description of the methods and
2 process used to evaluate and identify such tech-
3 nologies, including—

4 “(i) the agendas and participants for
5 all meetings to discuss technologies during
6 the reporting time period;

7 “(ii) experts within and outside gov-
8 ernment, including national labs, used to
9 consult on technologies; and

10 “(iii) use of open source and classified
11 information.

12 “(B) Potential methods to improve the
13 evaluation and identification of such tech-
14 nologies;

15 “(C) A description of each technology
16 being evaluated for identification, including—

17 “(i) what agency proposed the identi-
18 fication;

19 “(ii) the justification for the identi-
20 fication;

21 “(iii) end-uses of the technology;

22 “(iv) foreign availability of the tech-
23 nology, including a detailed description of
24 whether the item is available without re-
25 striction from sources outside the United

1 States in sufficient quantities and com-
2 parable in quality to those produced in the
3 United States;

4 “(v) development of the technology in
5 embargoed countries; and

6 “(vi) the rationale for identifying or
7 not identifying the item as an emerging or
8 foundational technology

9 “(3) FORM.—The report required by this sub-
10 section shall be submitted in unclassified form, but
11 may contain a classified annex.

12 “(4) DEFINITIONS.—In this section, the term
13 ‘appropriate congressional committees’ means—

14 “(A) the Committee on Foreign Affairs;
15 and

16 “(B) the Committee on Banking, Housing,
17 and Urban Affairs and the Committee on For-
18 eign Relations.”.

1 **Subtitle G—Export Control**
2 **Database**

3 **SEC. 30641. SEARCHABLE DATABASE FOR EXPORT LICENSE**
4 **APPLICATIONS AND OTHER REQUESTS FOR**
5 **AUTHORIZATION FOR THE EXPORT, REEX-**
6 **PORT, AND IN-COUNTRY TRANSFER OF ITEMS**
7 **CONTROLLED UNDER PART I OF THE EXPORT**
8 **CONTROL REFORM ACT OF 2018.**

9 Section 1756 of the Export Control Reform Act of
10 2018 (50 U.S.C. 4815) is amended by adding at the end
11 the following:

12 “(e) SEARCHABLE DATABASE.—

13 “(1) IN GENERAL.—the Secretary shall estab-
14 lish a searchable computer database of export license
15 applications and decisions, including for deemed ex-
16 ports.

17 “(2) ELEMENTS.—The searchable computer
18 database required by paragraph (1) shall include the
19 following:

20 “(A) For each license application or other
21 request for authorization—

22 “(i) the name of the entity or person
23 submitting the application

24 “(ii) the name and location of the
25 end-user

1 “(iii) the date of submission

2 “(iv) a brief description of the item,
3 including the Export Control Classification
4 Number, if applicable

5 “(v) the reason for control of the item

6 “(vi) a value estimate of the license
7 application or authorization

8 “(vii) the decision, level at which a de-
9 cision is made, and votes by each agency,
10 including whether a reviewing department
11 or agency provided or failed to provide a
12 recommendation below the operating com-
13 mittee level, with respect to the license ap-
14 plication or authorization; and

15 “(viii) the date, location, and result of
16 end-use checks on any license approval or
17 authorization.

18 “(3) ACCESS—The searchable computer data-
19 base established under paragraph (1) shall be acces-
20 sible by the heads of other federal agencies and the
21 Chairman and Ranking Member of the Committee
22 on Foreign Relations and Committee on Banking,
23 Housing, and Urban Affairs of the Senate and the
24 Committee on Foreign Affairs of the House of Rep-
25 resentatives”.

1 **SEC. 30642. DESIGNATION ON ENTITY LIST OF ENTITIES**
2 **IDENTIFIED ON THE DEPARTMENT OF DE-**
3 **FENSE'S CHINESE COMMUNIST PARTY MILI-**
4 **TARY LIST.**

5 (a) IN GENERAL.—The Secretary of Commerce shall
6 designate on the list maintained and set forth in Supple-
7 ment No. 4 to part 744 of the Export Administration Reg-
8 ulations each entity identified on the list maintained and
9 published under section 1237 of the National Defense Au-
10 thorization Act for Fiscal Year 1999 (50 U.S.C. 1701
11 note), section 1260H of the National Defense Authoriza-
12 tion Act for Fiscal Year 2021, the Non-SDN Chinese Mili-
13 tary-Industrial Complex Companies List, or any successor
14 provision of law.

15 (b) LICENSING POLICY.—Any entity designated
16 under subsection (a) shall be required to obtain an export
17 control license from the Department of Commerce under
18 a licensing policy of a presumption of denial.

19 **Subtitle H—Revitalizing Multilat-**
20 **eral Export Control Diplomacy**
21 **for Critical Technologies**

22 **SEC. 30646. SENSE OF CONGRESS; STATEMENT OF POLICY.**

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

25 (1) United States export control policy and di-
26 plomacy should adapt significantly to respond to the

1 Chinese Communist Party's unprecedented legal and
2 illegal technology acquisition efforts and failure of
3 the Wassenaar Arrangement regime to mitigate
4 these threats; and

5 (2) the United States should immediately pur-
6 sue targeted plurilateral and bilateral agreements
7 with allies and partners to unify export controls and
8 licensing policies through the convergence of its legal
9 and regulatory regimes to substantially reduce and
10 eventually eliminate the global availability of critical
11 technologies to any entity under the influence, con-
12 trol, or ownership of the PRC.

13 (b) STATEMENT OF POLICY.—It is the policy of the
14 United States to work with its allies and partners to con-
15 strain efforts of the PRC to acquire critical technologies
16 in order to maintain United States military edge and lead-
17 ership in science and technologies essential to national se-
18 curity and avoid coercion through supply chain depend-
19 encies.

20 **SEC. 30647. FRAMEWORK TO CONTROL THE GLOBAL AVAIL-**
21 **ABILITY OF CRITICAL TECHNOLOGIES TO**
22 **THE PEOPLE'S REPUBLIC OF CHINA.**

23 (a) STATEMENT OF POLICY.—It is the policy of the
24 United States to—

1 (1) work with United States allies and partners
2 to unify export controls and licensing policies to sub-
3 stantially reduce and eliminate the global availability
4 of critical technologies to the People’s Republic of
5 China (PRC), including by—

6 (A) expeditiously reaching binding bilateral
7 and plurilateral agreements with appropriate
8 groupings of such allies and partners that re-
9 sult in the convergence of respective legal and
10 regulatory regimes in order to unify export con-
11 trols and licensing policies with respect to spe-
12 cific critical technologies;

13 (B) using various policy tools to provide in-
14 centives to such allies and partners to control
15 such critical technologies; and

16 (C) using, if necessary, existing authori-
17 ties, including authorities available under the
18 International Emergency Economic Powers Act
19 (50 U.S.C. 1701 et seq.), if such allies and
20 partners do not unify their export controls and
21 licensing policies;

22 (2) ensure critical technologies do not advance
23 the national economic and industrial strategies as
24 well as related military development goals and capa-
25 bilities of the PRC;

1 (3) carry out joint research and development
2 projects with covered United States allies and part-
3 ners, with robust safeguards and export controls to
4 protect any resulting intellectual property and
5 knowledge throughout its entire development and
6 commercialization lifecycle from transfer to or acqui-
7 sition by an entity under the ownership, control, or
8 influence of the PRC, to—

9 (A) advance the creation and support the
10 development of critical technology supply chains
11 in covered United States allies and partners af-
12 fected by the implementation of the framework
13 required by subsection (c); and

14 (B) supplement research and develop ef-
15 forts in critical technologies that experience de-
16 creases in revenue due to export control meas-
17 ures;

18 (4) treat the products of such joint research
19 and development projects and the resulting intellec-
20 tual property and knowledge as restricted with re-
21 spect to entities or individuals under the influence,
22 ownership, or control of the PRC; and

23 (5) enhance the sharing of information nec-
24 essary to unify export control policies, including con-

1 cerning end-users and end-uses of technology, with
2 covered United States allies and partners.

3 (b) INTERAGENCY WORKING GROUP.—

4 (1) IN GENERAL.—The President shall establish
5 an interagency working group to develop the frame-
6 work required by subsection (c).

7 (2) MEMBERSHIP.—The interagency working
8 group shall consist of the Secretary of State, the
9 Secretary of Commerce, and the heads of other Fed-
10 eral departments and agencies that the President de-
11 termines to be appropriate.

12 (3) CHAIRPERSON.—The Secretary of State
13 shall serve as chairperson of the interagency working
14 group.

15 (4) STAKEHOLDER CONSULTATION.—

16 (A) IN GENERAL.—The interagency work-
17 ing group shall—

18 (i) inform and solicit input in writing
19 from the public on the matters to be in-
20 cluded in the framework required by sub-
21 section (c); and

22 (ii) submit to the appropriate congress-
23 sional committees input received pursuant
24 to clause (i).

1 (B) DISCLOSURE OF BUSINESS CONFIDEN-
2 TIAL INFORMATION PROHIBITED.—No such
3 committee, or member thereof, may disclose any
4 information made available under subparagraph
5 (A)(ii) that is submitted on a confidential basis
6 unless the committee determines that the with-
7 holding of that information is contrary to the
8 national interest of the United States.

9 (c) FRAMEWORK.—

10 (1) IN GENERAL.—The interagency working
11 group shall develop a framework to work with
12 United States allies and partners that possess crit-
13 ical technologies to unify export control and licens-
14 ing policies to substantially reduce and eliminate the
15 global availability of critical technologies to the
16 PRC.

17 (2) MATTERS TO BE INCLUDED.—The frame-
18 work required by this subsection shall include the
19 following:

20 (A) An identification of critical tech-
21 nologies that are priorities for—

22 (i) the national security and the de-
23 fense industrial base of the United States;
24 and

1 (ii) the economic strategies, industrial
2 policies, and military development of the
3 PRC.

4 (B) An identification of United States ex-
5 port controls and licensing policies for critical
6 technologies identified under subparagraph (A).

7 (C) An identification of United States al-
8 lies and partners that have a share of the global
9 market with respect to critical technologies
10 identified under subparagraph (A), including a
11 detailed description of their technical capability
12 and substitutability with United States tech-
13 nology.

14 (D) An identification of export controls
15 and licensing policies for United States allies
16 and partners identified in subparagraph (C) of
17 critical technologies identified under subpara-
18 graph (A).

19 (E) A description of ongoing and future ef-
20 forts to work with covered United States allies
21 and partners to unify export control policies
22 through the convergence of legal and regulatory
23 systems in accordance with the policy described
24 in subsection (A).

1 (F) An assessment of the effectiveness and
2 methods of past efforts by the PRC to acquire
3 or circumvent export control policies relating to
4 critical technologies identified under subpara-
5 graph (A).

6 (d) REPORT.—

7 (1) IN GENERAL.—Not later than 90 days after
8 the date of the enactment of this Act, and annually
9 thereafter for 10 years, the interagency working
10 group shall submit to the appropriate congressional
11 committees a report in writing that contains the
12 framework required by subsection (c).

13 (2) FORM.—The report required by this sub-
14 section shall—

15 (A) be submitted in unclassified form, but
16 may contain a classified annex; and

17 (B) be made available on a publicly-acces-
18 sible government website.

19 **SEC. 30648. ACTIONS TO SECURE THE GLOBAL SEMICON-**
20 **DUCTOR SUPPLY CHAIN.**

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

23 (1) current export controls and licensing poli-
24 cies for semiconductor manufacturing equipment are

1 self-defeating and should adapt to the reality of stra-
2 tegic competition with the PRC;

3 (2) a clear threat to the national security and
4 foreign policy interests of the United States exists to
5 justify the use of immediate unilateral controls over
6 a specific and narrowly tailored type of semicon-
7 ductor production equipment and related commod-
8 ities and technology, namely that which is used for
9 the development or production of advanced semi-
10 conductors;

11 (3) the United States Government should expe-
12 ditiously conclude a plurilateral agreement with a
13 small group of United States allies and partners
14 that have capabilities in such production equipment
15 and related commodities and technology to restrict
16 exports to the PRC in alignment with United States
17 unilateral controls;

18 (b) STATEMENT OF POLICY.—It is the policy of the
19 United States to pursue negotiations with United States
20 allies and partners to ensure that the full supply chain,
21 including foreign equipment, commodities, technology,
22 knowhow, related services, materials, testing, open source
23 technology platforms, and underlying research, used to
24 fabricate advanced semiconductors is not made available

1 to the PRC or entities under its influence, control, or own-
2 ership.

3 (c) IDENTIFICATION PROVISIONS.—

4 (1) IDENTIFICATION OF THE ADVANCED SEMI-
5 CONDUCTOR SUPPLY CHAIN.—Not later than 90
6 days after the date of the enactment of this Act, and
7 on a periodic basis thereafter, the interagency work-
8 ing group established under section 30647(b) shall
9 identify and submit to the appropriate congressional
10 committees a report on the full supply chain for the
11 development and production of advanced semi-
12 conductors, including foreign equipment, commod-
13 ities, technology, knowhow, related services, mate-
14 rials, testing, open source technology platforms, and
15 underlying research, as well as the parts, compo-
16 nents, accessories, and attachments specially de-
17 signed therefor, as well as any technology required
18 for the development or production of such commod-
19 ities.

20 (2) IDENTIFICATION OF ENTITIES THAT ARE
21 USING OR PARTICIPATING IN THE ADVANCED SEMI-
22 CONDUCTOR SUPPLY CHAIN.—Not later than 90
23 days after the date of the enactment of this Act, and
24 on an annual basis thereafter, the interagency work-
25 ing group shall identify and submit to the appro-

1 appropriate congressional committees a report on entities
2 in the PRC or under the influence, control, or own-
3 ership of the PRC that are using or participating in
4 the global supply chain for advanced semiconductors.

5 (3) STAKEHOLDER CONSULTATION.—

6 (A) IN GENERAL.—The interagency work-
7 ing group shall—

8 (i) inform and solicit input in writing
9 from the public on—

10 (I) identifying the supply chain
11 for advanced semiconductors pursuant
12 to paragraph (1); and

13 (II) identifying entities pursuant
14 to paragraph (2); and

15 (ii) submit to the appropriate congress-
16 sional committees input received pursuant
17 to clause (i).

18 (B) DISCLOSURE OF BUSINESS CONFIDEN-
19 TIAL INFORMATION PROHIBITED.—No such
20 committee, or member thereof, may disclose any
21 information made available under subparagraph
22 (A)(ii) that is submitted on a confidential basis
23 unless the committee determines that the with-
24 holding of that information is contrary to the
25 national interest of the United States.

1 (d) MULTILATERAL AGREEMENT.—

2 (1) IN GENERAL.—Not later than 90 days after
3 the date of the enactment of this Act, the inter-
4 agency working group established under section
5 30647(b)—

6 (A) shall seek to establish a multilateral
7 agreement with United States allies and part-
8 ners to unify export controls and licensing poli-
9 cies to substantially reduce and eliminate the
10 global availability of the supply chain for ad-
11 vanced semiconductors identified pursuant to
12 subsection (d)(1) to the PRC, including entities
13 identified pursuant to subsection (d)(2); and

14 (B) shall seek to include in the multilateral
15 agreement provisions for non-compliance that
16 provide penalties for any violation of the agree-
17 ment.

18 (2) BRIEFINGS.—The interagency working
19 group shall brief the appropriate congressional com-
20 mittees on negotiations to establish the multilateral
21 agreement beginning not later than 30 days after
22 the date of the enactment of this Act and every 30
23 days thereafter until a multilateral agreement de-
24 scribed in paragraph (1) is established.

25 (3) ACTIONS IF AGREEMENT REACHED.—

1 (A) IN GENERAL.—Not later than 30 days
2 after the date on which a multilateral agree-
3 ment described in paragraph (1) is established,
4 the Secretary of Commerce—

5 (i) shall exercise the authorities under
6 the Export Control Reform Act of 2018
7 (50 U.S.C. 4801 et seq.)—

8 (I) to include items with respect
9 to which the multilateral agreement
10 applies on the Commerce Control List;

11 (II) to implement a policy of de-
12 nial for exports and reexports to, and
13 in-country transfers within, the PRC
14 or any entities under its influence,
15 control, or ownership for the items de-
16 scribed in subclause (I); and

17 (III) to include entities identified
18 pursuant to the multilateral agree-
19 ment on the Entity List and require a
20 license, except for those items already
21 denied under subclause (II), to be re-
22 viewed on a presumption of denial
23 basis for all items subject to the Ex-
24 port Administration Regulations; and

1 (ii) may amend the Export Adminis-
2 tration Regulations to provide preferential
3 licensing treatment for parties to the mul-
4 tilateral agreement.

5 (B) REPORT.—Not later than 30 days
6 after the date on which a multilateral agree-
7 ment described in paragraph (1) is established,
8 and every 30 days thereafter, the Secretary of
9 Commerce shall submit to the appropriate con-
10 gressional committees a report on license appli-
11 cations and decisions to export items to entities
12 described in subparagraph (A)(i)(III).

13 (C) SENSE OF CONGRESS.—It is the sense
14 of Congress that any United States ally or part-
15 ner that is party to a multilateral agreement
16 described in paragraph (1) should be considered
17 to have satisfied the policies on semiconductor
18 technology described in title XCIX of division H
19 of the William M. (Mac) Thornberry National
20 Defense Authorization Act for Fiscal Year 2021
21 (Public Law 116–283) for purposes of receiving
22 funding from the Multilateral Semiconductors
23 Security Fund established under 9905 of such
24 Act.

25 (D) QUARTERLY MEETINGS.—

- 1 (i) IN GENERAL.—The interagency
2 working group shall seek to meet on a not
3 less than a quarterly basis and shall de-
4 velop a day-to-day mechanism with covered
5 United States allies and partners that are
6 parties to a multilateral agreement de-
7 scribed in paragraph (1) to—
- 8 (I) exchange information between
9 and among all parties to—
- 10 (aa) adopt and enforce iden-
11 tical controls and licensing poli-
12 cies on all items and entities sub-
13 ject to the agreement to ensure a
14 no-undercut policy; and
- 15 (bb) share all license appli-
16 cation information, including ap-
17 provals, denials, license excep-
18 tions, and no license required,
19 and agree not to issue a license
20 for an item or to an entity identi-
21 fied in the multilateral agree-
22 ment, unless or until all parties
23 subject to the agreement reach
24 unanimous agreement;

1 (II) develop robust mechanisms
2 to verify that all parties are complying
3 with the terms of their commitments
4 under the agreement, including in
5 areas such as research and develop-
6 ment and open source technology plat-
7 forms; and

8 (III) review the technology con-
9 trols, end-user controls, and licensing
10 policies for the supply chain for ad-
11 vanced semiconductors with respect to
12 which the agreement applies and as
13 necessary update such controls and li-
14 censing policies to prevent evasion and
15 ensure effectiveness to mitigate na-
16 tional security and foreign policy con-
17 cerns.

18 (ii) STAKEHOLDER CONSULTATION.—
19 The working group shall inform and solicit
20 input in writing from the general public in
21 advance of the meetings described in clause
22 (i).

23 (iii) AVAILABILITY OF INFORMA-
24 TION.—Any information obtained at any
25 time during the meetings described in

1 clause (i) shall be made available to the
2 appropriate congressional committees.

3 (iv) BRIEFINGS.—The interagency
4 working group shall brief the appropriate
5 congressional committees on the implemen-
6 tation of this subparagraph beginning not
7 later than 30 days after the date on which
8 a multilateral agreement described in para-
9 graph (1) is established and every 30 days
10 thereafter.

11 (4) ACTIONS IF AGREEMENT NOT REACHED.—
12 If a multilateral agreement described in paragraph
13 (1) is not established within 180 days after the date
14 of the enactment of this Act, the Secretary of Com-
15 merce shall—

16 (A) amend the Export Administration Reg-
17 ulations to deny exports and reexports to, and
18 in-country transfers within, the People's Repub-
19 lic of China of the items described in (c)(1);

20 (B) designate on the Entity List each enti-
21 ty identified pursuant to subsection (c)(2)
22 and—

23 (i) apply a licensing policy of denial
24 with respect to an export control license
25 for items described in subparagraph (A)

1 that are proposed to be exported to the en-
2 tity; and

3 (ii) apply a licensing policy of a pre-
4 sumption of denial with respect to an ex-
5 port control license for items subject to the
6 Export Administration Regulations, except
7 for those items denied pursuant to sub-
8 paragraph (B)(i), that are proposed to be
9 exported to the entity; and

10 (C) amend the Export Administration Reg-
11 ulations to block the export, re-export, or in-
12 country transfer of all chip designs at 45nm
13 and below using United States-origin electric
14 design automation software to the PRC.

15 **SEC. 30649. IMPOSITION OF SANCTIONS WITH RESPECT TO**
16 **THE SUPPLY CHAIN FOR FINFET INTE-**
17 **GRATED CIRCUITS IN THE PEOPLE'S REPUB-**
18 **LIC OF CHINA.**

19 (a) IN GENERAL.—If a multilateral agreement de-
20 scribed in section 30648(d)(1) is not established within
21 1 year after the date of the enactment of this Act, the
22 President, in consultation with the interagency working
23 group established under section 30647(b) shall submit to
24 the appropriate congressional committees a report that
25 identifies, for the period specified in subsection (b)—

1 (1) entities identified pursuant to section
2 30648(c)(2); and

3 (2) foreign persons that the President, in con-
4 sultation with the interagency working group, deter-
5 mines have knowingly—

6 (A) sold, leased, or provided, or facilitated
7 selling, leasing, or providing, any item, tech-
8 nology, or know-how, including equipment, com-
9 ponents, design tools, or technical data, to such
10 entities that could be used in the research and
11 development, design, fabrication, or operation of
12 a project related to advanced semiconductors;

13 (B) facilitated deceptive or structured
14 transactions to provide those items, tech-
15 nologies, or know-how to such entities for such
16 a project;

17 (C) provided to such entities underwriting
18 services or insurance or reinsurance necessary
19 or essential for the completion of such a
20 project;

21 (D) provided to such entities services, in-
22 cluding for the testing, inspection, maintenance,
23 or certification, necessary or essential for the
24 completion or operation of such a project; or

1 (E) provided to such entities any knowl-
2 edge or know-how through any form, including
3 open source technology platforms or collabo-
4 rative basic or applied research, that could be
5 used to facilitate the completion of such a
6 project.

7 (b) PERIOD SPECIFIED.—The period specified in this
8 subsection is—

9 (1) in the case of the first report required to be
10 submitted by subsection (a), the period beginning on
11 the date of the enactment of this Act and ending on
12 the date on which the report is submitted; and

13 (2) in the case of any subsequent such report,
14 the 180-day period preceding submission of the re-
15 port.

16 (c) SANCTIONS DESCRIBED.—

17 (1) IN GENERAL.—The President shall impose
18 the sanctions described in paragraph (2) with re-
19 spect to any entity identified pursuant to subsection
20 (a)(1) and any foreign person identified pursuant to
21 subsection (a)(2).

22 (2) SANCTIONS DESCRIBED.—The sanctions de-
23 scribed in this paragraph are the following:

1 (A) INELIGIBILITY FOR VISAS, ADMISSION,
2 OR PAROLE OF IDENTIFIED PERSONS AND COR-
3 PORATE OFFICERS.—

4 (i) IN GENERAL.—

5 (I) VISAS, ADMISSION, OR PA-
6 ROLE.—An alien described in sub-
7 clause (III) is—

8 (aa) inadmissible to the
9 United States;

10 (bb) ineligible to receive a
11 visa or other documentation to
12 enter the United States; and

13 (cc) otherwise ineligible to
14 be admitted or paroled into the
15 United States or to receive any
16 other benefit under the Immigra-
17 tion and Nationality Act (8
18 U.S.C. 1101 et seq.).

19 (II) CURRENT VISAS REVOKED.—

20 (aa) IN GENERAL.—The visa
21 or other entry documentation of
22 an alien described in subclause
23 (III) shall be revoked, regardless
24 of when such visa or other entry
25 documentation is or was issued.

1 (bb) IMMEDIATE EFFECT.—
2 A revocation under item (aa)
3 shall—

4 (AA) take effect imme-
5 diately; and

6 (BB) automatically
7 cancel any other valid visa
8 or entry documentation that
9 is in the alien's possession.

10 (III) ALIEN DESCRIBED.—An
11 alien is described in this subclause if
12 the alien is—

13 (aa) a foreign person identi-
14 fied pursuant to subsection
15 (a)(2);

16 (bb) a corporate officer of
17 such a foreign person; or

18 (cc) a principal shareholder
19 with a controlling interest in such
20 a foreign person.

21 (B) BLOCKING OF PROPERTY OF IDENTI-
22 FIED PERSONS.—The President shall exercise
23 all powers granted to the President by the
24 International Emergency Economic Powers Act
25 (50 U.S.C. 1701 et seq.) to the extent nec-

1 essary to block and prohibit all transactions in
2 all property and interests in property of any en-
3 tity identified pursuant to subsection (a)(1) or
4 foreign person identified pursuant to subsection
5 (a)(2) if such property and interests in property
6 are in the United States, come within the
7 United States, or are or come within the pos-
8 session or control of a United States person.

9 (d) WIND-DOWN WAIVER.—

10 (1) IN GENERAL.—The President may waive
11 the application of sanctions described in subsection
12 (c) with respect to an entity identified pursuant to
13 subsection (a)(1) or foreign person identified pursu-
14 ant to subsection (a)(2) in the first report required
15 to be submitted by subsection (a) if the President
16 certifies in the report that the entity or person has,
17 not later than 60 days after the date of the enact-
18 ment of this Act, engaged in good faith efforts to
19 wind down participation in projects that would oth-
20 erwise subject the entity or person to the imposition
21 of sanctions under this section.

22 (2) AGREED TIMETABLE.—The President and
23 such entity or foreign person shall agree to a time-
24 table to completely wind-down and end any partici-
25 pation in projects that would otherwise subject the

1 entity or person to the imposition of sanctions under
2 this section.

3 (3) PERIODIC REPORTING.—The President and
4 such entity or foreign person shall agree that the en-
5 tity or person will report to the President every 30
6 days on progress being made to wind-down partici-
7 pation by the agreed upon timetable described in
8 paragraph (2).

9 (4) IMPOSITION OF SANCTIONS FOR NON-COM-
10 PLIANCE.—If such entity or foreign person does not
11 meet the agreed timetable described in paragraph
12 (2) to wind down participation in such project, the
13 President shall impose sanctions under this section
14 with respect to that entity or person.

15 (e) EXCEPTIONS.—

16 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-
17 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
18 TIES.—Sanctions under this section shall not apply
19 to any authorized intelligence, law enforcement, or
20 national security activities of the United States.

21 (2) EXCEPTION TO COMPLY WITH UNITED NA-
22 TIONS HEADQUARTERS AGREEMENT.—Sanctions
23 under this section shall not apply with respect to the
24 admission of an alien to the United States if the ad-
25 mission of the alien is necessary to permit the

1 United States to comply with the Agreement regard-
2 ing the Headquarters of the United Nations, signed
3 at Lake Success June 26, 1947, and entered into
4 force November 21, 1947, between the United Na-
5 tions and the United States, the Convention on Con-
6 sular Relations, done at Vienna April 24, 1963, and
7 entered into force March 19, 1967, or other applica-
8 ble international obligations.

9 (f) NATIONAL INTERESTS WAIVER.—The President
10 may waive the application of sanctions under this section
11 with respect to an entity identified pursuant to subsection
12 (a)(1) or foreign person identified pursuant to subsection
13 (a)(2) if the President—

14 (1) determines that the waiver is in the national
15 interests of the United States; and

16 (2) not less than 30 days prior to the issuance
17 of a waiver, submits to the appropriate congressional
18 committees a report on the waiver and rationale for
19 the waiver.

20 (g) 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.—A 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, including
5 through the use of blocking statutes to undermine
6 export controls and sanctions, shall be subject to the
7 penalties set forth in section 206 of the Inter-
8 national Emergency Economic Powers Act (50
9 U.S.C. 1705) to the same extent as a person that
10 commits an unlawful act described in subsection (a)
11 of that section.

12 (h) TERMINATION.—The President shall terminate
13 the application of sanctions imposed with respect to an
14 entity identified pursuant to subsection (a)(1) or foreign
15 person identified pursuant to subsection (a)(2) on the date
16 on which the government of the foreign country that has
17 jurisdiction with respect to the entity or person becomes
18 a party to a multilateral agreement described in section
19 30648(e)(1).

20 (i) DEFINITIONS.—In this section:

21 (1) ADMISSION; ADMITTED; ALIEN.—The terms
22 “admission”, “admitted”, and “alien” have the
23 meanings given those terms in section 101 of the
24 Immigration and Nationality Act (8 U.S.C. 1101).

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Relations
5 and the Committee on Banking, Housing, and
6 Urban Affairs of the Senate; and

7 (B) the Committee on Foreign Affairs and
8 the Committee on Financial Services of the
9 House of Representatives.

10 (3) FOREIGN PERSON.—The term “foreign per-
11 son” means an individual or entity that is not a
12 United States person.

13 (4) KNOWINGLY.—The term “knowingly”, with
14 respect to conduct, a circumstance, or a result,
15 means that a person has actual knowledge, or should
16 have known, of the conduct, the circumstance, or the
17 result.

18 (5) PERSON.—The term “person” means an in-
19 dividual or entity.

20 (6) 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, excluding an individual who is a
25 citizen of the People’s Republic of China;

1 (B) an entity organized under the laws of
2 the United States or any jurisdiction within the
3 United States, including a foreign branch of
4 such an entity; or

5 (C) any person within the United States.

6 **SEC. 30650. CRITICAL TECHNOLOGY EXPORT CONTROL**
7 **FUND.**

8 (a) ESTABLISHMENT.—There is established in the
9 Treasury of the United States a trust fund, to be known
10 as the “Critical Technology Export Control Fund” (in this
11 section referred to as the “Fund”), consisting of—

12 (1) amounts deposited into the Fund under
13 subsection (b)(1); and

14 (2) amounts that may be credited to the Fund
15 under subsection (b)(2).

16 (b) AMOUNTS.—

17 (1) AUTHORIZATION OF APPROPRIATIONS.—

18 There are authorized to be appropriated
19 \$5,000,000,000 to be deposited in the Fund for fis-
20 cal year 2022.

21 (2) INVESTMENT OF AMOUNTS.—

22 (A) IN GENERAL.—The Secretary of the
23 Treasury shall invest such portion of the Fund
24 as is not required to meet current withdrawals
25 in interest-bearing obligations of the United

1 States or in obligations guaranteed as to both
2 principal and interest by the United States.

3 (B) INTEREST AND PROCEEDS.—The in-
4 terest on, and the proceeds from the sale or re-
5 demption of, any obligations held in the Fund
6 shall be credited to and form a part of the
7 Fund.

8 (3) AVAILABILITY OF AMOUNTS.—

9 (A) IN GENERAL.—Amounts in the Fund
10 shall remain available through the end of the
11 10th fiscal year beginning after the date of the
12 enactment of this Act.

13 (B) REMAINDER.—Any amounts remaining
14 in the Fund after the end of the fiscal year de-
15 scribed in subparagraph (A) shall be deposited
16 in the general fund of the Treasury.

17 (c) USE OF AMOUNTS.—

18 (1) IN GENERAL.—The Secretary of State, in
19 consultation with the working group, shall use
20 amounts in the Fund to carry out projects described
21 in paragraph (2) with one or more covered United
22 States allies and partners that enter into an agree-
23 ment with the United States to unify export controls
24 and licensing policies to substantially reduce and
25 eliminate the global availability of a critical tech-

1 nology identified under section 30647(c)(2) to the
2 PRC.

3 (2) PROJECTS DESCRIBED.—The projects de-
4 scribed in this paragraph should advance a broad
5 range of scientific and technical capabilities with re-
6 spect to critical technologies which may be affected
7 by reduced revenues in their commercial applications
8 as a result of export control measures that restrict
9 and prohibit access to the PRC market in order to
10 protect United States national security and foreign
11 policy interests.

12 (3) RESTRICTIONS ON THE USE OF THE
13 FUND.—Nothing in this section shall be construed to
14 authorize the use of amounts in the Fund to sup-
15 port—

16 (A) any entity under the influence, control,
17 or ownership of the PRC; or

18 (B) any entity engaged in joint research
19 and development, technology licensing or trans-
20 fer, joint venture, or investment with an entity
21 under the influence, control, or ownership of the
22 PRC in a critical technology identified under
23 section 30647(c)(2).

24 (4) PROHIBITIONS.—No intellectual property
25 deriving from projects supported by the Fund at any

1 point in its development and commercial life-cycle
2 shall be licensed, exported, re-exported, or trans-
3 ferred, including as deemed export, or acquired by
4 an entity under the influence, control, or ownership
5 of the PRC.

6 (5) CONTROLS.—All activities supported with
7 the fund shall be considered controlled technologies
8 by all participants.

9 (d) REPORT BY SECRETARY OF STATE.—Not later
10 than 1 year after the date of the enactment of this Act,
11 and annually thereafter for each fiscal year during which
12 amounts in the Fund are available under subsection
13 (b)(3), the Secretary of State shall submit to the appro-
14 priate congressional committees a report on the implemen-
15 tation of this section.

16 (e) REPORT BY COMPTROLLER GENERAL.—Not later
17 than 2 years after the date of the enactment of this Act,
18 the Comptroller General of the United States shall submit
19 to the appropriate congressional committees a report eval-
20 uating the effectiveness of the Fund, including—

21 (1) the effectiveness of projects supported by
22 the Fund; and

23 (2) an assessment of the merits of continuation
24 of the Fund.

1 **SEC. 30651. SENSE OF CONGRESS.**

2 It is the sense of Congress that the interagency work-
3 ing group established under section 30647(b) should, as
4 soon as practicable after the date of the enactment of this
5 Act, seek to establish a multilateral agreement in a man-
6 ner similar to the establishment of the multilateral agree-
7 ment described in section 30648(d) with United States al-
8 lies and partners to substantially reduce and eliminate the
9 global availability of other critical technologies identified
10 under section 30647(c)(2) to the People’s Republic of
11 China.

12 **SEC. 30652. DEFINITIONS.**

13 In this subtitle:

14 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
15 **TEES.**—Except as otherwise provided, the term “ap-
16 propriate congressional committees” means—

17 (A) the Committee on Foreign Affairs and
18 the Committee on Energy and Commerce of the
19 House of Representatives; and

20 (B) the Committee on Banking, Housing,
21 and Urban Affairs and the Committee on Com-
22 merce, Science, and Transportation of the Sen-
23 ate.

24 (2) **COMMERCE CONTROL LIST.**—The term
25 “Commerce Control List” means the list set forth in

1 Supplement No. 1 to part 774 of the Export Admin-
2 istration Regulations.

3 (3) COVERED UNITED STATES ALLY OR PART-
4 NER.—The term “covered United States ally or
5 partner” means a foreign country that has a binding
6 bilateral or plurilateral export control agreement
7 with the United States.

8 (4) ENTITY LIST.—The term “Entity List”
9 means the list maintained by the Bureau of Industry
10 and Security and set forth in Supplement No. 4 to
11 part 744 of the Export Administration Regulations.

12 (5) EXPORT ADMINISTRATION REGULATIONS.—
13 The term “Export Administration Regulations”
14 means subchapter C of chapter VII of title 15, Code
15 of Federal Regulations.

16 (6) ADVANCED SEMICONDUCTOR.—The term
17 “Advanced Semiconductor” means semiconductors
18 at the 28nm node or below.

19 **Subtitle I—Investment Reciprocity**

20 **SEC. 30656. RECIPROCITY OF TREATMENT WITH THE PEOPLES 21 REPUBLIC OF CHINA.**

22 (a) BARRIERS REPORT.—Not later than 90 days
23 after the date of the enactment of this Act, the Secretary
24 of State shall submit to Congress a list of all industries

1 and sectors in which the Government of the People's Re-
2 public of China (PRC)—

3 (1) restricts or prohibits market access to
4 United States entities; or

5 (2) treats non-PRC entities differently than
6 PRC entities, including through laws, regulations, or
7 the administration of standard setting, procurement,
8 administrative licensing, or competition policy.

9 (b) PLAN.—Not later than 180 days after the date
10 of the enactment of this Act, the Secretary of State, in
11 consultation with the heads of appropriate other Federal
12 departments and agencies, shall submit to Congress a plan
13 to enforce comprehensive reciprocity against PRC entities
14 doing business in or with the United States. The plan shall
15 include an exhaustive list of all possible United States laws
16 and regulations that may restrict the executive branch
17 from implementing and enforcing this plan.

18 (c) IMPLEMENTATION.—Not later than 1 year after
19 the date of the enactment of this Act, the President shall
20 provide to each entity doing business in or with the United
21 States the President determines is under the influence,
22 control, or ownership of the Government of the PRC the
23 same treatment as similarly situated United States enti-
24 ties in similar industries and sectors receive in the PRC,

1 to the extent that such reciprocal treatment would be per-
2 missible under United States law.

3 (d) CASCADING IMPLEMENTATION.—As soon as any
4 laws or regulations identified in the plan submitted pursu-
5 ant to subsection (b) are amended to remove legal and
6 regulatory barriers to implement and enforce reciprocity,
7 the President shall take actions in accordance with sub-
8 section (c) to further implement such plan.

9 **Subtitle J—Blocking Sanctions**

10 **SEC. 30661. FINDINGS; SENSE OF CONGRESS; STATEMENT** 11 **OF POLICY.**

12 (a) FINDINGS.—Congress finds the following:

13 (1) On January 9, 2021, the Ministry of Com-
14 merce of the People’s Republic of China (“PRC”)
15 issued “Rules on Counteracting Unjustified Extra-
16 territorial Application of Foreign Legislation and
17 Other Measures”.

18 (2) These rules allow the PRC to impose pen-
19 alties on companies that refuse to violate U.S. ex-
20 port control or sanctions law by releasing dual-use
21 technology to PRC or other entities.

22 (3) On January 20, 2021, the PRC Ministry of
23 Commerce announced sanctions on 28 persons and
24 their family members for their roles in holding the
25 Chinese Communist Party accountable for a geno-

1 cide in Xinjiang and trampling of democracy in
2 Hong Kong. Among these persons are former Sec-
3 retary of State Mike Pompeo, former National Secu-
4 rity Advisor Robert O’Brien, and former deputy Na-
5 tional Security Advisor Matthew Pottinger

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the People’s Republic of China rules and sanc-
8 tions referred to in subsection (a) (in this Act referred
9 to as the “PRC provisions listed in subsection (a)”) attack
10 the fundamental values underpinning the United States
11 and international legal system.

12 (c) STATEMENT OF POLICY.—It is the policy of the
13 United States that any entity that complies with, seeks
14 to use, benefits from, or provides information to assist in
15 the implementation of such PRC rules and sanctions is
16 complicit in attacking the letter and spirit of the United
17 States legal system and should be subject to sanctions or
18 other restrictive measures.

19 **SEC. 30662. STATEMENT OF POLICY.**

20 It is the policy of the United States that any entity
21 that complies with, seeks to use, benefits from, or provides
22 information to assist in the implementation of such PRC
23 rules and sanctions is complicit in attacking the letter and
24 spirit of the United States legal system and should be sub-
25 ject to sanctions or other restrictive measures.

1 **SEC. 30663. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **PERSONS THAT VIOLATE UNITED STATES**
3 **LAW FOR THE BENEFIT OF THE CHINESE**
4 **COMMUNIST PARTY.**

5 (a) IMPOSITION OF SANCTIONS.—

6 (1) IN GENERAL.—On or after the date of the
7 enactment of this Act, the President shall impose
8 the sanctions described in subsection (b) with re-
9 spect to a person if the President determines that
10 the person knowingly engages in an activity de-
11 scribed in paragraph (2)

12 (2) ACTIVITIES DESCRIBED.—A person engages
13 in an activity described in this paragraph if the per-
14 son—

15 (A) complies with, seeks to use, benefits
16 from, or provides information to assist in, or
17 otherwise facilitates the implementation of—

18 (i)(I) the “Rules on Counteracting
19 Unjustified Extra-territorial Application of
20 Foreign Legislation and Other Measures”
21 issued on January 9, 2021 by the Ministry
22 of Commerce of the People’s Republic of
23 China or

24 (II) any legislation or regulations
25 issued by the People’s Republic of China

1 that the President determines may have a
2 similar effect; or

3 (ii) designation of any United States
4 person under any legislation or regulations
5 described in clause (i), including the Janu-
6 ary 20, 2021, sanctions on 28 United
7 States persons and their family members;

8 (B) to be an adult family member of any
9 person described in subparagraph (A);

10 (C) facilitates a significant transaction or
11 transactions for or on behalf of a person de-
12 scribed, or a person that has engaged in the ac-
13 tivity described, as the case may be, in subpara-
14 graphs (A) or (B);

15 (D) to be owned or controlled by, or to
16 have acted for or on behalf of, directly or indi-
17 rectly, a person described, or a person that has
18 engaged in the activity described, as the case
19 may be, in subparagraphs (A) or (B); or

20 (E) to have knowingly and materially as-
21 sisted, sponsored, or provided financial, mate-
22 rial, or technological support for, or goods or
23 services to or in support of, a person described,
24 or a person that has engaged in the activity de-

1 scribed, as the case may be, in any of subpara-
2 graphs (A) through (D).

3 (b) SANCTIONS DESCRIBED.—The sanctions to be
4 imposed with respect to a person described in subsection
5 (a) are the following:

6 (1) ASSET BLOCKING.—The President shall ex-
7 ercise all of the powers granted to the President
8 under the International Emergency Economic Pow-
9 ers Act (50 U.S.C. 1701 et seq.) to the extent nec-
10 essary to block and prohibit all transactions in prop-
11 erty and interests in property of a person described
12 in subsection (a) if such property or interests in
13 property are in the United States, come within the
14 United States, or come within the possession or con-
15 trol of a United States person.

16 (2) INELIGIBILITY FOR VISAS AND ADMISSION
17 TO THE UNITED STATES.—

18 (A) IN GENERAL.—A person referred to in
19 subsection (a) is—

- 20 (i) inadmissible to the United States;
21 (ii) ineligible to receive a visa or other
22 documentation to enter the United States;
23 and
24 (iii) otherwise ineligible to be admitted
25 or paroled into the United States or to re-

1 ceive any other benefit under the Immigra-
2 tion and Nationality Act (8 U.S.C. 1101 et
3 seq.).

4 (B) CURRENT VISAS REVOKED.—

5 (i) IN GENERAL.—The issuing con-
6 sular officer or the Secretary of State, (or
7 a designee of the Secretary of State) shall,
8 in accordance with section 221(i) of the
9 Immigration and Nationality Act (8 U.S.C.
10 1201(i)), revoke any visa or other entry
11 documentation issued to an individual re-
12 ferred to in subsection (b) regardless of
13 when the visa or other entry documenta-
14 tion is issued.

15 (ii) EFFECT OF REVOCATION.—A rev-
16 ocation under subclause (I) shall—

17 (I) take effect immediately; and

18 (II) automatically cancel any
19 other valid visa or entry documenta-
20 tion that is in the individual's posses-
21 sion.

22 (iii) REGULATIONS REQUIRED.—Not
23 later than 180 days after the date of the
24 enactment of this Act, the Secretary of

1 State shall prescribe such regulations as
2 are necessary to carry out this subsection.

3 (C) EXCEPTION TO COMPLY WITH INTER-
4 NATIONAL OBLIGATIONS.—Sanctions under this
5 subsection shall not apply with respect to an in-
6 dividual if admitting or paroling such individual
7 into the United States is necessary to permit
8 the United States to comply with the Agree-
9 ment regarding the Headquarters of the United
10 Nations, signed at Lake Success June 26,
11 1947, and entered into force November 21,
12 1947, between the United Nations and the
13 United States, or other applicable international
14 obligations.

15 (c) WAIVER.—

16 (1) IN GENERAL.—The President may waive
17 the application of sanctions under this section on a
18 case-by-case basis with respect to a person, for re-
19 newable periods of not more than 90 days each if
20 the President determines and reports to Congress
21 that such a waiver is vital to the national security
22 or foreign policy interests of the United States. .

23 (2) REPORTING PROCESS.—The Secretary of
24 State, in coordination with the Secretary of the
25 Treasury, shall establish a process by which persons

1 may confidentially supply such information as the
2 President may require to evaluate the merits of ap-
3 plications for waivers authorized by paragraph
4 (1)(B).

5 (3) SUNSET.—The authority to issue a waiver
6 under paragraph (1) shall terminate on the date
7 that is 2 years after the date of enactment of this
8 Act.

9 (d) CONGRESSIONAL REQUESTS.—Not later than 10
10 days after receiving a request from the Speaker, Majority
11 or Minority leader, or chairman ranking members of any
12 committee of the House of Representatives or the Senate
13 having legislative or oversight jurisdiction under the Rules
14 of the House of Representatives or the Senate, respec-
15 tively, over the matter concerned with respect to whether
16 a person meets the criteria of a person described in sub-
17 section (a) the President shall—

18 (1) determine if the person meets such criteria;

19 and

20 (2) submit a classified or unclassified report to
21 the individual who submitted the request with re-
22 spect to that determination that includes a state-
23 ment of whether or not the President imposed or in-
24 tends to impose sanctions with respect to such per-
25 son.

1 (e) IMPLEMENTATION; PENALTIES.—

2 (1) IMPLEMENTATION.—The President may ex-
3 ercise the authorities provided to the President
4 under sections 203 and 205 of the International
5 Emergency Economic Powers Act (50 U.S.C. 1702
6 and 1704) to the extent necessary to carry out this
7 section.

8 (2) MONITORING.—The President shall estab-
9 lish a system to monitor compliance with U.S. ex-
10 port control laws, including the foreign direct prod-
11 uct rule, by PRC persons by being informed by mul-
12 tiple sources, including,

13 (A) publicly available information, includ-
14 ing trade data;

15 (B) classified information, including rel-
16 evant information provided by the Director of
17 National Intelligence

18 (3) PENALTIES.—A person that violates, at-
19 tempts to violate, conspires to violate, or causes a
20 violation of subsection (a) or any regulation, license,
21 or order issued to carry out that subsection shall be
22 subject to the penalties set forth in subsections (b)
23 and (c) of section 206 of the International Emer-
24 gency Economic Powers Act (50 U.S.C. 1705) to the

1 same extent as a person that commits an unlawful
2 act described in subsection (a) of that section.

3 (4) REGULATORY AUTHORITY.—The President
4 shall, not later than 180 days after the date of the
5 enactment of this Act, promulgate regulations as
6 necessary for the implementation of this subtitle and
7 the amendments made by this subtitle.

8 (f) DIPLOMATIC ENGAGEMENT.—The President shall
9 submit to Congress every 180 days a report on diplomatic
10 engagement with partners and allies regarding proactive
11 steps taken to persuade China to rescind the rules and
12 sanctions described in section 30661(a).

13 **Subtitle K—Operating Committee**

14 **SEC. 30666. MODIFICATION OF OPERATING COMMITTEE** 15 **FOR EXPORT POLICY DECISION MAKING RE-** 16 **LATING TO TECHNOLOGY CONTROL.**

17 Section 1763(c) of the Export Control Reform Act
18 of 2018 (50 U.S.C. 4822(c) is amended to read as follows:

19 “(c) OPERATING COMMITTEE FOR EXPORT POL-
20 ICY.—Licensing decisions shall be determined by the four
21 agencies on the Operating Committee for Export Policy
22 established by Executive Order 12981 (December 5, 1995;
23 relating to Administration of Export Controls). Each
24 agency shall have one vote for license applications. A ma-
25 jority vote shall be the Operating Committee’s final dis-

1 position. In the event of a two-to-two tie vote, a license
2 shall be denied. Escalation to the Advisory Committee on
3 Export Policy shall only be allowed in instances when
4 agencies on the Operating Committee seek to overturn the
5 approval of a license at the Operating Committee level.
6 All votes at the Operating Committee shall be recorded
7 and transmitted to the Committee on Foreign Affairs of
8 the House of Representatives and Committee on Banking,
9 Housing, and Urban Affairs of the Senate and the Com-
10 mittee on Foreign Relations of the Senate every 30 days.”.

11 **Subtitle L—Outbound Investment**
12 **Transparency**

13 **SEC. 30671. REPORT ON CAPITAL FLOWS TO PEOPLE’S RE-**
14 **PUBLIC OF CHINA ENTITIES.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of enactment of this Act, and annually thereafter,
17 each United States company shall submit to the Secretary
18 of the State a report that discloses each investment, in-
19 cluding each portfolio investment, in an entity domiciled
20 in the People’s Republic of China (in this subtitle referred
21 to as “China”) or whose parent entity is domiciled in
22 China, above an individual transaction level of
23 \$25,000,000 or cumulative level of \$100,000,000.

1 (b) DISCLOSURES.—The disclosures described in
2 paragraph (1) shall, according to the best information of
3 the United States company, include—

- 4 (1) the value of each investment; and
- 5 (2) the final recipient of the investment.

6 (c) EXCEPTION IF THE FINAL RECIPIENT IS NOT
7 KNOWN.—If the final recipient described in subsection
8 (b)(2) is not known, the United States company shall—

9 (1) disclose the final known recipient of the in-
10 vestment; and

11 (2) state that the true final recipient of the in-
12 vestment is not known.

13 (d) ANNUAL PUBLIC REPORT.—Not later than April
14 1 of each year, the Secretary of the State shall publish
15 a report based on investments described in subsection (a)
16 for the prior year on the website of the Department of
17 the State, that includes the following:

- 18 (1) The overall volume of such investments.
- 19 (2) Intermediate locations for such investments.
- 20 (3) The volume and known routing for such in-
21 vestments where the final recipient is not known.
- 22 (4) The name and industry of any known end
23 user entity with respect to such investments.
- 24 (5) The asset class of such investments.

1 (6) Any other information that the Secretary of
2 the State determines is necessary.

3 (e) DOMICILED DEFINED.—In this section, the term
4 “domiciled”, with respect to an entity means the entity—

5 (1) is headquartered in China; or

6 (2) does more than 50 percent of its business
7 in China and less than 5 percent of its business
8 where it is normally headquartered.

9 **SEC. 30672. IDENTIFICATION OF CRITICAL TECHNOLOGIES**
10 **THAT POSE A NATIONAL SECURITY THREAT**
11 **TO THE UNITED STATES.**

12 (a) CRITICAL TECHNOLOGY LIST.—

13 (1) IN GENERAL.—The Secretary of State, in
14 consultation with other federal agencies as appro-
15 priate, shall publish a list of critical technologies
16 that pose a national security threat to the United
17 States on a Government-hosted website.

18 (2) UPDATES TO THE CRITICAL TECHNOLOGY
19 LIST.—The Secretary of State, in consultation with,
20 shall—

21 (A) review the list described in paragraph

22 (1) annually; and

23 (B) add or remove items to such list based
24 on that review.

1 (b) ENTITY INVOLVED WITH OR SUPPORTING CRIT-
2 ICAL TECHNOLOGIES.—The Secretary of State, in con-
3 sultation with other agencies as appropriate, shall—

4 (1) identify—

5 (A) any entity in China with revenue ex-
6 ceeding \$250,000,000; and

7 (B) any entity with a parent entity domi-
8 ciled in China that is involved with or supports
9 a critical technology identified in subsection (a);
10 and

11 (2) not less than annually, publish a list of such
12 entities on a Government-hosted website.

13 (c) CLASSIFIED INFORMATION.—Any information
14 that the Secretary of State determines should be classified
15 but would otherwise be identified in subsections (a) or (b)
16 shall be classified and not published on the Government-
17 hosted website.

18 **SEC. 30673. PROHIBITION ON CERTAIN INVESTMENTS.**

19 (a) IN GENERAL.—The President shall prohibit any
20 investment by a United States company in an entity iden-
21 tified on the list published pursuant to section 30672(b)
22 until 1 year after the entity is removed from the list.

23 (b) TRANSITION PERIOD.—The President shall re-
24 quire a United States company to divest from such an en-
25 tity not later than 60 days after the date of enactment

1 of this Act and otherwise comply with the requirements
2 of subsection (a).

