AMENDMENT TO RULES COMMITTEE
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OFFERED BY MR. MCCaul OF TEXAS

Amend title VI of division D to read as follows:

TITLE VI—ADDRESSING CCP
THREATS
Subtitle A—Countering Malign
CCP Influence

SEC. 30601. COUNTERING MALIGN CCP INFLUENCE.
(a) AUTHORIZATION.—There is authorized to be ap-
propriated $300,000,000 for each of fiscal years 2022
through 2026 for the Countering Chinese Influence Fund
to counter the malign influence of the Chinese Communist
Party globally. Amounts appropriated pursuant to this au-
thorization are authorized to remain available until ex-
pended and shall supplement, not supplant, amounts oth-
erwise authorized to be appropriated to counter such influ-
ence.

(b) CONSULTATION REQUIRED.—The obligation of
funds appropriated or otherwise made available to counter
the malign influence of the Chinese Communist Party
globally, including pursuant to the authorization under
subsection (a), shall be subject to prior consultation with,
and consistent with section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1), the regular notification procedures of—

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

(2) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(e) POLICY GUIDANCE, COORDINATION, AND APPROVAL.—

(1) COORDINATOR.—The Secretary of State shall designate an existing senior official of the Department at the rank of Assistant Secretary or above to provide policy guidance, coordination, and approval for the obligation of funds authorized pursuant to subsection (a).

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

(A) on an annual basis, the identification of specific strategic priorities for using the funds authorized to be appropriated by subsection (a), such as geographic areas of focus or functional categories of programming that funds are to be concentrated within, consistent
with the national interests of the United States
and the purposes of this subtitle;

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

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

(D) conducting oversight, monitoring, and
evaluation of the effectiveness of all program-
ming conducted using the funds authorized to
be appropriated by subsection (a) to ensure
that it advances United States interests and de-
grades the ability of the Chinese Communist Party, to advance activities that align with subsection (d) of this section.

(3) **INTERAGENCY COORDINATION.**—The senior official designated pursuant to paragraph (1) shall, in coordinating and approving programming pursuant to paragraph (2), seek to—

   (A) conduct appropriate interagency consultation; and

   (B) ensure, to the maximum extent practicable, that all approved programming functions in concert with other Federal activities to counter the malign influence and activities of the Chinese Communist Party.

(4) **ASSISTANT COORDINATOR.**—The Administrator of the United States Agency for International Development shall designate a senior official at the rank of Assistant Administrator or above to assist and consult the senior official designated pursuant to paragraph (1).

(d) **MALIGN INFLUENCE.**—In this section, the term “malign influence” with respect to the Chinese Communist Party should be construed to include acts conducted by the Chinese Communist Party or entities acting on its behalf that—
(1) undermine a free and open international order;

(2) advance an alternative, repressive international order that bolsters the Chinese Communist Party’s hegemonic ambitions and is characterized by coercion and dependency;

(3) undermine the national security or sovereignty of the United States or other countries; or

(4) undermine the economic security of the United States or other countries, including by promoting corruption.

(e) COUNTERING MALIGN INFLUENCE.—In this section countering malign influence through the use of funds authorized to be appropriated by subsection (a) shall include efforts to—

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

(2) support civil society and independent media to raise awareness of and increase transparency regarding the negative impact of activities related to the Belt and Road Initiative;
(3) counter transnational criminal networks that benefit, or benefit from, the malign influence of the Chinese Communist Party;

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

(5) counter activities that provide undue influence to the security forces of the People’s Republic of China;

(6) expose misinformation and disinformation of the Chinese Communist Party’s propaganda, including through programs carried out by the Global Engagement Center; and

(7) counter efforts by the Chinese Communist Party to legitimize or promote authoritarian ideology and governance models.
Subtitle B—Foreign Military Financing

SEC. 30606. FOREIGN MILITARY FINANCING IN THE INDO-PACIFIC AND AUTHORIZATION OF APPROPRIATIONS FOR SOUTHEAST ASIA MARITIME SECURITY PROGRAMS AND DIPLOMATIC OUTREACH ACTIVITIES.

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

1. $110,000,000 for fiscal year 2022;
2. $125,000,000 for fiscal year 2023;
3. $130,000,000 for fiscal year 2024;
4. $140,000,000 for fiscal year 2025; and
5. $150,000,000 for fiscal year 2026.

(b) SOUTHEAST MARITIME LAW ENFORCEMENT INITIATIVE.—There is authorized to be appropriated $10,000,000 for each of fiscal years 2022 through 2026 for the Department of State for International Narcotics Control and Law Enforcement (INCLE) for the support
of the Southeast Asia Maritime Law Enforcement Initiative.

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

(1) to conduct, in coordination with the Department of Defense, outreach activities, including conferences and symposia, to familiarize partner countries, particularly in the Indo-Pacific region, with the United States interpretation of international law relating to freedom of the seas; and

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

(d) PROGRAM AUTHORIZATION AND PURPOSE.—Using amounts appropriate pursuant to subsection (a), the Secretary of State, in coordination with the Secretary of Defense, is authorized to provide assistance, for the purpose of increasing maritime security and domain awareness for countries in the Indo-Pacific region—
(1) to provide assistance to national military or other security forces of such countries that have maritime security missions among their functional responsibilities;

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

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

(e) Designation of Assistance.—Assistance provided by the Secretary of State under this section shall be known as the “Indo-Pacific Maritime Security Initiative” (in this section referred to as the “Initiative”).

(f) Program Objectives.—Assistance provided through the Initiative may be used to accomplish the following objectives:

(1) Retaining unhindered access to and use of international waterways in the Indo-Pacific region that are critical to ensuring the security and free flow of commerce and achieving United States national security objectives.

(2) Improving maritime domain awareness in the Indo-Pacific region.
(3) Countering piracy in the Indo-Pacific region.

(4) Disrupting illicit maritime trafficking activities and other forms of maritime trafficking activity in the Indo-Pacific that directly benefit organizations that have been determined to be a security threat to the United States.

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

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

(g) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

(C) $90,000,000 for fiscal year 2024;
(D) $100,000,000 for fiscal year 2025;

and

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

(2) RULE OF CONSTRUCTION.—The “Indo-Pacific Maritime Security Initiative” and funds authorized for the Initiative shall include existing regional programs related to maritime security, including the Southeast Asia Maritime Security Initiative.

(h) ELIGIBILITY AND PRIORITIES FOR ASSISTANCE.—

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

(A) Assistance may be provided to a country in the Indo-Pacific region to enhance the capabilities of that country according to the objectives outlined in (f), or of a regional organization that includes that country, to conduct—

(i) maritime intelligence, surveillance, and reconnaissance;

(ii) littoral and port security;

(iii) Coast Guard operations;

(iv) command and control; and
(v) management and oversight of maritime activities.

(B) Priority shall be placed on assistance to enhance the maritime security capabilities of the military or security forces of countries in the Indo-Pacific region that have maritime missions and the government agencies responsible for such forces.

(2) TYPES OF ASSISTANCE AND TRAINING.—

(A) AUTHORIZED ELEMENTS OF ASSISTANCE.—Assistance provided under paragraph (1)(A) may include the provision of equipment, training, and small-scale military construction.

(B) REQUIRED ELEMENTS OF ASSISTANCE AND TRAINING.—Assistance and training provided under subparagraph (A) shall include elements that promote—

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

(ii) respect for legitimate civilian authority within the country to which the assistance is provided.

(i) JOINT TASK FORCE.—The Department of Defense shall establish a joint, interagency task force to assess, respond to, and coordinate with allies and partners
in response to the use of grey zone tactics by state and non-state actors in the Indo-Pacific maritime domain, including—

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

(2) promoting security, cooperation, and capacity building; and

(3) coordinating country team and partner nation initiatives in order to counter the use of grey zone tactics by adversaries.

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

(k) NOTICE TO CONGRESS ON ASSISTANCE AND TRAINING.—Not later than 15 days before exercising the authority under subsection (a) with respect to a recipient foreign country, the Secretary of State shall submit a notification in writing to the appropriate committees of Congress.
Subtitle C—United States
Information Statecraft

SEC. 30611. UNITED STATES INFORMATION STATECRAFT.

(a) Finding.—The 2017 National Security Strategy establishes that it is a priority of United States Information Statecraft to “improve our understanding of how adversaries gain informational and psychological advantages across all policies” and “empower a true public diplomacy capability to compete effectively in this arena”.

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

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

(2) Supporting the international dissemination of unbiased and fact-based information, and protecting the free flow of information globally.

(3) Refuting and countering foreign state and nonstate propaganda, disinformation, and narratives that undermine United States values, such as the promotion of authoritarian governance, the denigration of individual liberty, and the disregard of internationally recognized human rights.
(4) Discrediting foreign state and nonstate actors responsible for such propaganda, disinformation, and narratives, and seeking to reduce the ability of such actors to influence global discourse, including through the active promotion of factual information and narratives adverse to the interests of such actors.

(5) Messaging and countermessaging to support these objectives with the full suite of tools available to United States diplomacy, not limited to United States Government supported programming, but including direct public messaging from United States diplomats.

(6) Providing for robust exchange, analytic, and coordination mechanisms to accomplish such objectives.

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

c) GLOBAL ENGAGEMENT CENTER.—Paragraph (3) of section 1287(b) of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 2656 note; Public Law 114–328) is amended to read as follows:
“(3) As needed, support the development and dissemination of fact-based narratives and analysis to—

“(A) neutralize and counter propaganda and disinformation directed at the United States and United States allies and partner nations;

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

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

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

(a) FINDINGS.—Congress finds the following:

(1) The “Communique on the Current State of the Ideological Sphere”, an April 22, 2013, notice from the Communist Party of China’s (CCP) Central Committee more commonly known as “Document 9”, establishes that under the leadership of General Secretary Xi Jinping, the CCP considers constitutional democracy, internationally recognized human rights, liberal economics, independent journalism, and internal dissent to be security threats.

(2) In his remarks before the 19th Communist Party Congress in 2017, which were titled in part
“Strive for the Great Success of Socialism with Chinese Characteristics for a New Era”, General Secretary Xi Jinping said, “the banner of socialism with Chinese characteristics is now flying high and proud for all to see. It means that the path, the theory, the system, and the culture of socialism with Chinese characteristics have kept developing, blazing a new trail for other developing countries to achieve modernization. It offers a new option for other countries and nations.”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the CCP is hostile to United States values and seeks to advance an alternate set of authoritarian values, and therefore that the CCP and its ability to influence global discourse is a national security threat to the United States.

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

(d) PURPOSE.—The purpose of the Working Group shall be to create a regularly updated information statecraft strategy for the whole of the United States Government to reduce the ability of the CCP to influence global discourse.
(e) MEMBERSHIP.—The Working Group shall include the following officials:

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

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

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

(4) The Assistant Administrator of the Bureau for Asia of the United States Agency for International Development.

(5) The Assistant Secretary for Asian and Pacific Security Affairs of the Department of Defense.


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

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

(g) COOPERATION.—The President shall ensure that the various agencies and departments of the United States cooperate with the Working Group, adopt and effectuate the information statecraft strategy required under sub-
section (h), and share information appropriately to advance the strategy.

(h) INFORMATION STATECRAFT STRATEGY.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Working Group shall submit to the appropriate congressional committees and distribute to each Federal department and agency an information statecraft strategy.

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

(A) An identification of the specific CCP narratives that most contribute to the CCP’s ability to influence global discourse, and the entities primarily responsible for advancing these narratives and contributing to the CCP’s ability to influence global discourse.

(B) An identification of counternarratives most effective and most likely to reduce the ability of the CCP to influence global discourse and discredit the entities that contribute to the CCP’s ability to influence global discourse.

(C) A detailed plan, including instructions for public diplomacy officers at each United States diplomatic or consular post, to imple-
ment such counter-narratives within the following 180 days.

(D) An identification of specific quantitative objectives for advancing such counter-narratives, and an identification of the United States officials responsible for accomplishing such objectives, within the following 180 days.

(E) A quantitative analysis of United States efforts to accomplish such objectives in the preceding six months, informed by the data and analytical capabilities of the Under Secretary for Public Diplomacy of the Department of State and the Global Engagement Center.

(3) BI ANNUAL UPDATES.—Not later than 180 days after the submission of the information statecraft strategy under paragraph (1) and every 180 days thereafter for a period of not less than five years, the Working Group shall submit to the appropriate congressional committees an updated information statecraft strategy.

(4) FORM.—The information statecraft strategy and biannual updates thereto required under this subsection may be in classified form.
(5) CHIEF OF MISSION RESPONSIBILITIES.—

The Secretary of State should ensure that each United States chief of mission—

(A) advances through both programming and direct public communications the objectives of the information statecraft strategy and biennial updates thereto;

(B) assigns at least one Foreign Service officer to be primarily responsible for coordinating such efforts at the United States diplomatic or consular post at which such chief of mission is assigned; and

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

SEC. 30613. SPECIAL FAST-TRACK PROCEDURES.

(a) PROCEDURES.—The Secretary of State shall establish procedures for use in special circumstances, as determined by the Secretary, to provide for rapid, synchronized releases of information content globally, regionally, or across subsets of United States diplomatic and consular posts.

(b) REPORT.—Not later than 90 days after the enactment of this Act, the Secretary shall submit to the appro-
priate Congressional committees a report detailing the procedures established pursuant to this section.

SEC. 30614. RESEARCH AND EVALUATION.

(a) RESEARCH AND EVALUATION ACTIVITIES.—The Secretary of State, acting through the Director of Research and Evaluation appointed pursuant to subsection (b), shall—

(1) conduct regular research and evaluation of public diplomacy programs and activities of the Department, including through the routine use of audience research, digital analytics, and impact evaluations, to plan and execute such programs and activities; and

(2) make available to Congress the findings of the research and evaluations conducted under paragraph (1).

(b) DIRECTOR OF RESEARCH AND EVALUATION.—

(1) APPOINTMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall appoint a Director of Research and Evaluation (referred to in this subsection as the “Director”) in the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department.
(2) LIMITATION ON APPOINTMENT.—The appointment of the Director pursuant to paragraph (1) shall not result in an increase in the overall full-time equivalent positions within the Department of State.

(3) RESPONSIBILITIES.—The Director shall—

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

   (i) improve public diplomacy strategies and tactics; and

   (ii) ensure that such programs and activities are increasing the knowledge, understanding, and trust of the United States by relevant target audiences;

(B) routinely organize and oversee audience research, digital analytics, and impact evaluations across all public diplomacy bureaus and offices of the Department;

(C) support United States diplomatic posts’ public affairs sections;

(D) share appropriate public diplomacy research and evaluation information within the Department and with other appropriate Federal departments and agencies;
(E) regularly design and coordinate standardized research questions, methodologies, and procedures to ensure that public diplomacy programs and activities across all public diplomacy bureaus and offices are designed to meet appropriate foreign policy objectives; and

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

(4) GUIDANCE AND TRAINING.—Not later than one year after the appointment of the Director pursuant to paragraph (1), the Director shall develop guidance and training, including curriculum for use by the Foreign Service Institute, for all public diplomacy officers of the Department regarding the reading and interpretation of public diplomacy program and activity evaluation findings to ensure that such findings and related lessons learned are implemented in the planning and evaluation of all public diplomacy programs and activities of the Department.

(c) PRIORITIZING RESEARCH AND EVALUATION.—
(1) IN GENERAL.—The head of the Office of Policy, Planning, and Resources for Public Diplomacy and Public Affairs of the Department of State shall ensure that research and evaluation of public diplomacy and activities of the Department, as coordinated and overseen by the Director pursuant to subsection (b), supports strategic planning and resource allocation across all public diplomacy bureaus and offices of the Department.

(2) ALLOCATION OF RESOURCES.—Amounts allocated for the purpose of research and evaluation of public diplomacy programs and activities of the Department of State pursuant to subsection (b) shall be made available to be disbursed at the direction of the Director of Research and Evaluation among the research and evaluation staff across all public diplomacy bureaus and offices of the Department.

(3) SENSE OF CONGRESS.—It is the sense of Congress that the Department of State should gradually increase its allocation of funds made available under the headings “Educational and Cultural Exchange Programs” and “Diplomatic Programs” for research and evaluation of public diplomacy programs and activities of the Department pursuant to subsection (b) to a percentage of program funds that
is commensurate with Federal Government best practices.

(d) **LIMITED EXEMPTION RELATING TO THE PAPERWORK REDUCTION ACT.**—Chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”) shall not apply to the collection of information directed at any individuals conducted by, or on behalf of, the Department of State for the purpose of audience research, monitoring, and evaluations, and in connection with the Department’s activities conducted pursuant to any of the following:


(e) **LIMITED EXEMPTION RELATING TO THE PRIVACY ACT.**—

(1) **IN GENERAL.**—The Department of State shall maintain, collect, use, and disseminate records (as such term is defined in section 552a(a)(4) of title 5, United States Code) for audience research, digital analytics, and impact evaluation of commu-
ications related to public diplomacy efforts intended
for foreign audiences.

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

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

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

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

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

(2) ANNUAL REPORT.—The Subcommittee on
Research and Evaluation established pursuant to
paragraph (1) shall submit to the appropriate con-
gressional committees an annual report, in conjunc-
tion with the United States Advisory Commission on
Public Diplomacy’s Comprehensive Annual Report
on the performance of the Department and the United States Agency for Global Media, describing all actions taken by the Subcommittee pursuant to paragraph (1) and any findings made as a result of such actions.

SEC. 30615. PERMANENT REAUTHORIZATION OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) IN GENERAL.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended—

12 (1) in the section heading, by striking “SUNSET” and inserting “CONTINUATION”; and
13 (2) by striking “until October 1, 2021”.
15 (b) CLERICAL AMENDMENT.—The table of contents in section 1002(b) of the Foreign Affairs Reform and Restructuring Act of 1998 is amended by amending the item relating to section 1334 to read as follows:

“Sec. 1334. Continuation of United States Advisory Commission on Public Diplomacy.”.

SEC. 30616. FOREIGN MISSION LANGUAGE SUPPORT.

(a) IN GENERAL.—The Secretary of State shall ensure that each United States chief of mission has available appropriate personnel and resources to provide translation services for such chief of mission and the ability to translate content into local languages.
(b) Notification.—Not later than 90 days after the date of the enactment of this Act and annually thereafter for a period of five years, the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of any United States diplomatic or consular posts that do not have permanent capabilities to provide translation services to the chief of mission of such a post or translate content into local languages.

SEC. 30617. LATERAL ENTRY FOR PUBLIC DIPLOMACY PERSONNEL.

The Secretary of State shall make full use of available authorities, including section 404 of the Department of State Authorities Act, Fiscal Year 2017 (Public Law 114–323), to recruit not fewer than ten individuals with extensive experience in strategic communications, including in foreign languages, graphic design, market research, social media engagement, audio and video content creation, and related capabilities for lateral entry into the Foreign Service at a grade level higher than FS–4. Such individuals shall be assigned to United States diplomatic or consular posts which the subtitle determines are in need of personnel to engage in public diplomacy efforts consistent with this Act.
Subtitle D—Cyber Diplomacy

SEC. 30621. DEFINITIONS.

In this subtitle:

(1) Appropriate congressional committees.—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) Information and communications technology; ICT.—The terms “information and communications technology” and “ICT” include hardware, software, and other products or services primarily intended to fulfill or enable the function of information processing and communication by electronic means, including transmission and display, including via the Internet.

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

SEC. 30622. UNITED STATES INTERNATIONAL CYBERSPACE POLICY.

(a) In general.—It is the policy of the United States to work internationally to promote an open, interoperable, reliable, unfettered, and secure Internet governed by the multi-stakeholder model, which—
(1) promotes human rights, democracy, and rule of law, including freedom of expression, innovation, communication, and economic prosperity; and

(2) respects privacy and guards against deception, fraud, and theft.

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

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

(2) Reducing and limiting the risk of escalation and retaliation in cyberspace, damage to critical infrastructure, and other malicious cyber activity that impairs the use and operation of critical infrastructure that provides services to the public.

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

(4) Encouraging the responsible development of new, innovative technologies and ICT products that
strengthen a secure Internet architecture that is accessible to all.

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

(A) Countries should not conduct, or knowingly support, cyber-enabled theft of intellectual property, including trade secrets or other confidential business information, with the intent of providing competitive advantages to companies or commercial sectors.

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

(C) Countries should not conduct or knowingly support ICT activity that, contrary to international law, intentionally damages or otherwise impairs the use and operation of critical infrastructure providing services to the public, and should take appropriate measures to protect their critical infrastructure from ICT threats.

(D) Countries should not conduct or knowingly support malicious international activity
that, contrary to international law, harms the
information systems of authorized emergency
response teams (also known as “computer
emergency response teams” or “cybersecurity
incident response teams”) of another country or
authorize emergency response teams to engage
in malicious international activity.

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

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

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

(6) Advancing, encouraging, and supporting the
development and adoption of internationally recog-
nized technical standards and best practices.
SEC. 30623. DEPARTMENT OF STATE RESPONSIBILITIES.

(a) In General.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

“(g) BUREAU OF INTERNATIONAL CYBERSPACE POLICY.—

“(1) In General.—There is established, within the Department of State, a Bureau of International Cyberspace Policy (referred to in this subsection as the ‘Bureau’). The head of the Bureau shall have the rank and status of ambassador and shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) Duties.—

“(A) In General.—The head of the Bureau shall perform such duties and exercise such powers as the Secretary of State shall prescribe, including implementing the policy of the United States described in section 30622 of subtitle D of title VI of division D of the America Creating Opportunities for Manufacturing,

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

“(i) to serve as the principal cyberspace policy official within the senior management of the Department of State and as the advisor to the Secretary of State for cyberspace issues;

“(ii) to lead the Department of State’s diplomatic cyberspace efforts, including efforts relating to international cybersecurity, Internet access, Internet freedom, digital economy, cybercrime, deterrence and international responses to cyber threats, and other issues that the Secretary assigns to the Bureau;

“(iii) to coordinate cyberspace policy and other relevant functions within the Department of State and with other components of the United States Government, including through the Cyberspace Policy Coordinating Committee described in paragraph (6), and by convening other coordi-
nating meetings with appropriate officials from the Department and other components of the United States Government on a regular basis;

“(iv) to promote an open, interoperable, reliable, unfettered, and secure information and communications technology infrastructure globally;

“(v) to represent the Secretary of State in interagency efforts to develop and advance the policy described in section 30622 of subtitle D of title VI of division D of the America Creating Opportunities for Manufacturing, Pre-Eminence in Technology, and Economic Strength Act of 2022;

“(vi) to act as a liaison to civil society, the private sector, academia, and other public and private entities on relevant international cyberspace issues;

“(vii) to lead United States Government efforts to establish a global deterrence framework for malicious cyber activity;
“(viii) to develop and execute adversary-specific strategies to influence adversary decisionmaking through the imposition of costs and deterrence strategies, in coordination with other relevant Executive agencies;

“(ix) to advise the Secretary and coordinate with foreign governments on external responses to national security-level cyber incidents, including coordination on diplomatic response efforts to support allies threatened by malicious cyber activity, in conjunction with members of the North Atlantic Treaty Organization and other like-minded countries;

“(x) to promote the adoption of national processes and programs that enable threat detection, prevention, and response to malicious cyber activity emanating from the territory of a foreign country, including as such activity relates to the United States’ European allies, as appropriate;

“(xi) to promote the building of foreign capacity relating to cyberspace policy priorities;
“(xii) to promote the maintenance of an open and interoperable Internet governed by the multistakeholder model, instead of by centralized government control;

“(xiii) to promote an international regulatory environment for technology investments and the Internet that benefits United States economic and national security interests;

“(xiv) to promote cross-border flow of data and combat international initiatives seeking to impose unreasonable requirements on United States businesses;

“(xv) to promote international policies to protect the integrity of United States and international telecommunications infrastructure from foreign-based, cyber-enabled threats;

“(xvi) to lead engagement, in coordination with Executive agencies, with foreign governments on relevant international cyberspace and digital economy issues as described in section 30622 of subtitle D of title VI of division D of the America Creating Opportunities for Manufacturing,
Pre-Eminence in Technology, and Economic Strength Act of 2022;

“(xvii) to promote international policies to secure radio frequency spectrum for United States businesses and national security needs;

“(xviii) to promote and protect the exercise of human rights, including freedom of speech and religion, through the Internet;

“(xix) to promote international initiatives to strengthen civilian and private sector resiliency to threats in cyberspace;

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

“(xxi) to encourage the development and adoption by foreign countries of internationally recognized standards, policies, and best practices;

“(xxii) to consult, as appropriate, with other Executive agencies with related functions vested in such Executive agencies by law; and
“(xxiii) to conduct such other matters as the Secretary of State may assign.

“(3) QUALIFICATIONS.—The head of the Bureau should be an individual of demonstrated competency in the fields of—

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

“(B) international diplomacy.

“(4) ORGANIZATIONAL PLACEMENT.—During the 1-year period beginning on the date of the enactment of the America Creating Opportunities for Manufacturing, Pre-Eminence in Technology, and Economic Strength Act of 2022, the head of the Bureau shall report to the Under Secretary for Political Affairs or to an official holding a higher position in the Department of State than the Under Secretary for Political Affairs. After the conclusion of such period, the head of the Bureau may report to a different Under Secretary or to an official holding a higher position than Under Secretary if, not less than 15 days prior to any change in such reporting structure, the Secretary of State consults with and provides to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives the following:
“(A) A notification that the Secretary has, with respect to the reporting structure of the Bureau, consulted with and solicited feedback from—

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

“(ii) the elements of the Department of State with responsibility over aspects of cyber policy, including the elements reporting to—

“(I) the Under Secretary for Political Affairs;

“(II) the Under Secretary for Civilian Security, Democracy, and Human Rights;

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

“(IV) the Under Secretary for Arms Control and International Security Affairs; and

“(V) the Under Secretary for Management.
“(B) A description of the new reporting structure for the head of the Bureau, as well as a description of the data and evidence used to justify such new structure.

“(C) A plan describing how the new reporting structure will better enable the head of the Bureau to carry out the responsibilities specified in paragraph (2), including the security, economic, and human rights aspects of cyber diplomacy.

“(5) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to preclude the head of the Bureau from being designated as an Assistant Secretary, if such an Assistant Secretary position does not increase the number of Assistant Secretary positions at the Department above the number authorized under subsection (c)(1).

“(6) COORDINATION.—

“(A) CYBERSPACE POLICY COORDINATING COMMITTEE.—In conjunction with establishing the Bureau pursuant to this subsection, there is established a senior-level Cyberspace Policy Coordinating Committee to ensure that cyberspace issues receive broad senior level-attention and coordination across the Department of State
and provide ongoing oversight of such issues. The Cyberspace Policy Coordinating Committee shall be chaired by the head of the Bureau or an official of the Department of State holding a higher position, and operate on an ongoing basis, meeting not less frequently than quarterly. Committee members shall include appropriate officials at the Assistant Secretary level or higher from—

“(i) the Under Secretariat for Political Affairs;

“(ii) the Under Secretariat for Civilian Security, Democracy, and Human Rights;

“(iii) the Under Secretariat for Economic Growth, Energy and the Environment;

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

“(v) the Under Secretariat for Management; and

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

“(B) OTHER MEETINGS.—The head of the Bureau shall convene other coordinating meet-
ings with appropriate officials from the Department of State and other components of the United States Government to ensure regular coordination and collaboration on crosscutting cyber policy issues.”.

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

(c) UNITED NATIONS.—The Permanent Representative of the United States to the United Nations should use the voice, vote, and influence of the United States to oppose any measure that is inconsistent with the policy described in section 30622.

SEC. 30624. INTERNATIONAL CYBERSPACE EXECUTIVE ARRANGEMENTS.

(a) IN GENERAL.—The President is encouraged to enter into executive arrangements with foreign governments that support the policy described in section 30622.

(b) TRANSMISSION TO CONGRESS.—Section 112b of title 1, United States Code, is amended—
(1) in subsection (a) by striking “International Relations” and inserting “Foreign Affairs”;

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

“(iii) A bilateral or multilateral cyberspace agreement.”;

(3) by redesignating subsection (f) as subsection (g); and

(4) by inserting after subsection (e) the following new subsection:

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

“(1) the purpose of such arrangement;

“(2) how such arrangement is consistent with the policy described in such section 30622; and
“(3) how such arrangement will be implemented.”

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

(1) notify the appropriate congressional committees if another country fails to adhere to significant commitments contained in such agreement; and

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

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

(1) the arrangement announced between the United States and Japan on April 25, 2014;
(2) the arrangement announced between the United States and the United Kingdom on January 16, 2015;

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

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

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

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

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

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

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

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

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

(12) any other similar bilateral or multilateral arrangement announced before such date of enactment.
SEC. 30625. INTERNATIONAL STRATEGY FOR CYBERSPACE.

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

(b) ELEMENTS.—The strategy required under subsection (a) shall include the following:

(1) A review of actions and activities undertaken to support the policy described in section 30622.

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

(A) conducting bilateral and multilateral activities to—

(i) develop norms of responsible country behavior in cyberspace consistent with the objectives specified in section 30622(b)(5); and

(ii) share best practices and advance proposals to strengthen civilian and private
sector resiliency to threats and access to opportunities in cyberspace; and

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

(3) A review of alternative concepts with regard to international norms in cyberspace offered by foreign countries.

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

(A) United States national security;

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

(C) intellectual property in the United States; and

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

(5) A review of policy tools available to the President to deter and de-escalate tensions with foreign countries, state-sponsored actors, and private actors regarding threats in cyberspace, the degree to which such tools have been used, and whether such tools have been effective deterrents.
(6) A review of resources required to conduct activities to build responsible norms of international cyber behavior.

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

(e) Form of Strategy.—

(1) Public Availability.—The strategy required under subsection (a) shall be available to the public in unclassified form, including through publication in the Federal Register.

(2) Classified Annex.—The strategy required under subsection (a) may include a classified annex, consistent with United States national security interests, if the Secretary of State determines that such annex is appropriate.

(d) Briefing.—Not later than 30 days after the completion of the strategy required under subsection (a), the Secretary of State shall brief the appropriate congressional committees on the strategy, including any material contained in a classified annex.

(e) Updates.—The strategy required under subsection (a) shall be updated—
(1) not later than 90 days after any material change to United States policy described in such strategy; and

(2) not later than one year after the inauguration of each new President.

SEC. 30626. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Foreign Assistance Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

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

“(A) An assessment of the extent to which government authorities in the country inappropriately attempt to filter, censor, or otherwise block or remove nonviolent expression of political or religious opinion or belief through the Internet, including electronic mail, and a description of the means by which such authorities attempt to inappropriately block or remove such expression.

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

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

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

“(2) In compiling data and making assessments
under paragraph (1), United States diplomatic personnel
should consult with relevant entities, including human
rights organizations, the private sector, the governments of like-minded countries, technology and Internet companies, and other appropriate nongovernmental organizations or entities.

“(3) In this subsection—

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

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

“(C) the term ‘personally identifiable information’ means data in a form that identifies a particular person; and

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

(2) in section 502B (22 U.S.C. 2304)—

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

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

“(k)(1) The report required under subsection (b) shall include an assessment of freedom of expression with
respect to electronic information in each foreign country, which information shall include the following:

“(A) An assessment of the extent to which government authorities in the country inappropriately attempt to filter, censor, or otherwise block or remove nonviolent expression of political or religious opinion or belief through the Internet, including electronic mail, and a description of the means by which such authorities attempt to inappropriately block or remove such expression.

“(B) An assessment of the extent to which government authorities in the country have persecuted or otherwise punished, arbitrarily and without due process, an individual or group for the nonviolent expression of political, religious, or ideological opinion or belief through the Internet, including electronic mail.

“(C) An assessment of the extent to which government authorities in the country have sought, inappropriately and with malicious intent, to collect, request, obtain, or disclose without due process personally identifiable information of a person in connection with that person’s nonviolent expression of political, religious, or ideological opinion or belief, including expression that would be protected by the

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

“(2) In compiling data and making assessments under paragraph (1), United States diplomatic personnel should consult with relevant entities, including human rights organizations, the private sector, the governments of like-minded countries, technology and Internet companies, and other appropriate nongovernmental organizations or entities.

“(3) In this subsection—

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

“(B) the term ‘Internet’ has the meaning given the term in section 231(e)(3) of the Communications Act of 1934 (47 U.S.C. 231(e)(3));
(C) the term ‘personally identifiable information’ means data in a form that identifies a particular person; and

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

SEC. 30627. GAO REPORT ON CYBER DIPLOMACY.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report and provide a briefing to the appropriate congressional committees that includes—

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

(2) an assessment of the Department of State’s organizational structure and approach to managing its diplomatic efforts to advance the full range of United States interests in cyberspace, including a review of—
(A) the establishment of a Bureau in the Department of State to lead the Department’s international cyber mission;

(B) the current or proposed diplomatic mission, structure, staffing, funding, and activities of the Bureau;

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

(D) what challenges, if any, the Department has faced or will face in establishing such Bureau; and

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

SEC. 30628. SENSE OF CONGRESS ON CYBERSECURITY SANCTIONS AGAINST NORTH KOREA AND CYBERSECURITY LEGISLATION IN VIETNAM.

It is the sense of Congress that—

(1) the President should designate all entities that knowingly engage in significant activities undermining cybersecurity through the use of computer networks or systems against foreign persons, governments, or other entities on behalf of the Government of North Korea, consistent with section 209(b) of
the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9229(b));

(2) the cybersecurity law approved by the National Assembly of Vietnam on June 12, 2018—

(A) may not be consistent with international trade standards; and

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

(3) the Government of Vietnam should work with the United States and other countries to ensure that such law meets all relevant international standards.

Subtitle E—Amendment to International Emergency Economic Powers Act

SEC. 30631. MODIFICATION OF AUTHORITIES TO REGULATE OR PROHIBIT THE IMPORTATION OR EXPORTATION OF INFORMATION OR INFORMATIONAL MATERIALS CONTAINING SENSITIVE PERSONAL DATA UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

(a) In general.—Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended—
(1) in subsection (b)—

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

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

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

(ii) by inserting “, but excluding sensitive personal data”; and

(2) by adding at the end the following:

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

“(1) Personally-identifiable information, including:

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

“(B) The set of data in a consumer report, as defined under section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a), unless such data is obtained from a consumer reporting
agency for one or more purposes identified in subsection (a) of such section.

“(C) The set of data in an application for health insurance, long-term care insurance, professional liability insurance, mortgage insurance, or life insurance.

“(D) Data relating to the physical, mental, or psychological health condition of an individual.

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

“(F) Geolocation data collected using positioning systems, cell phone towers, or WiFi access points such as via a mobile application, vehicle GPS, other onboard mapping tool, or wearable electronic device.

“(G) Biometric enrollment data including facial, voice, retina/iris, and palm/fingerprint templates.
“(H) Data stored and processed for generating a Federal, State, tribal, territorial, or other government identification card.

“(I) Data concerning United States Government personnel security clearance status.

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

“(2) Genetic information, which includes the results of an individual’s genetic tests, including any related genetic sequencing data, whenever such results, in isolation or in combination with previously released or publicly available data, constitute identifiable data. Such results shall not include data derived from databases maintained by the United States Government and routinely provided to private parties for purposes of research. For purposes of this paragraph, the term ‘genetic test’ has the meaning provided in section 2791(d)(17) of the Public Health Service Act (42 U.S.C. 300gg-91(d)(17)).”.

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

(1) take effect on the date of the enactment of this Act; and
(2) apply with respect to any exercise of the au-

thority granted to the President under section 203 
of the International Emergency Economic Powers 
Act on or after such date of enactment.

**Subtitle F—Emerging and 
Foundational Technologies**

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

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

“(e) REPORT TO CONGRESS.—

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

“(2) ELEMENTS.—Each report required by 
paragraph (1) shall include the following:
“(A) A description of the methods and process used to evaluate and identify such technologies, including—

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

“(ii) experts within and outside government, including national labs, used to consult on technologies; and

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

“(B) Potential methods to improve the evaluation and identification of such technologies;

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

“(i) what agency proposed the identification;

“(ii) the justification for the identification;

“(iii) end-uses of the technology;

“(iv) foreign availability of the technology, including a detailed description of whether the item is available without restriction from sources outside the United
States in sufficient quantities and comparable in quality to those produced in the United States;

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

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

“(3) FORM.—The report required by this subsection shall be submitted in unclassified form, but may contain a classified annex.

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

“(A) the Committee on Foreign Affairs; and

“(B) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations.”
Subtitle G—Export Control

Database


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

“(e) SEARCHABLE DATABASE.—

“(1) IN GENERAL.—the Secretary shall establish a searchable computer database of export license applications and decisions, including for deemed exports.

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

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

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

“(ii) the name and location of the end-user
“(iii) the date of submission

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

“(v) the reason for control of the item

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

“(vii) the decision, level at which a decision is made, and votes by each agency, including whether a reviewing department or agency provided or failed to provide a recommendation below the operating committee level, with respect to the license application or authorization; and

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

“(3) ACCESS—The searchable computer database established under paragraph (1) shall be accessible by the heads of other federal agencies and the Chairman and Ranking Member of the Committee on Foreign Relations and Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives”.
SEC. 30642. DESIGNATION ON ENTITY LIST OF ENTITIES IDENTIFIED ON THE DEPARTMENT OF DEFENSE'S CHINESE COMMUNIST PARTY MILITARY LIST.

(a) IN GENERAL.—The Secretary of Commerce shall designate on the list maintained and set forth in Supplement No. 4 to part 744 of the Export Administration Regulations each entity identified on the list maintained and published under section 1237 of the National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note), section 1260H of the National Defense Authorization Act for Fiscal Year 2021, the Non-SDN Chinese Military-Industrial Complex Companies List, or any successor provision of law.

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

Subtitle H—Revitalizing Multilateral Export Control Diplomacy for Critical Technologies

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

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) United States export control policy and diplomacy should adapt significantly to respond to the
Chinese Communist Party’s unprecedented legal and illegal technology acquisition efforts and failure of the Wassenaar Arrangement regime to mitigate these threats; and

(2) the United States should immediately pursue targeted plurilateral and bilateral agreements with allies and partners to unify export controls and licensing policies through the convergence of its legal and regulatory regimes to substantially reduce and eventually eliminate the global availability of critical technologies to any entity under the influence, control, or ownership of the PRC.

(b) STATEMENT OF POLICY.—It is the policy of the United States to work with its allies and partners to constrain efforts of the PRC to acquire critical technologies in order to maintain United States military edge and leadership in science and technologies essential to national security and avoid coercion through supply chain dependencies.

SEC. 30647. FRAMEWORK TO CONTROL THE GLOBAL AVAILABILITY OF CRITICAL TECHNOLOGIES TO THE PEOPLE’S REPUBLIC OF CHINA.

(a) STATEMENT OF POLICY.—It is the policy of the United States to—
(1) work with United States allies and partners to unify export controls and licensing policies to substantially reduce and eliminate the global availability of critical technologies to the People’s Republic of China (PRC), including by—

(A) expeditiously reaching binding bilateral and plurilateral agreements with appropriate groupings of such allies and partners that result in the convergence of respective legal and regulatory regimes in order to unify export controls and licensing policies with respect to specific critical technologies;

(B) using various policy tools to provide incentives to such allies and partners to control such critical technologies; and

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

(2) ensure critical technologies do not advance the national economic and industrial strategies as well as related military development goals and capabilities of the PRC;
(3) carry out joint research and development projects with covered United States allies and partners, with robust safeguards and export controls to protect any resulting intellectual property and knowledge throughout its entire development and commercialization lifecycle from transfer to or acquisition by an entity under the ownership, control, or influence of the PRC, to—

(A) advance the creation and support the development of critical technology supply chains in covered United States allies and partners affected by the implementation of the framework required by subsection (c); and

(B) supplement research and development efforts in critical technologies that experience decreases in revenue due to export control measures;

(4) treat the products of such joint research and development projects and the resulting intellectual property and knowledge as restricted with respect to entities or individuals under the influence, ownership, or control of the PRC; and

(5) enhance the sharing of information necessary to unify export control policies, including con-
cerning end-users and end-uses of technology, with United States allies and partners.

(b) INTERAGENCY WORKING GROUP.—

(1) IN GENERAL.—The President shall establish an interagency working group to develop the framework required by subsection (c).

(2) MEMBERSHIP.—The interagency working group shall consist of the Secretary of State, the Secretary of Commerce, and the heads of other Federal departments and agencies that the President determines to be appropriate.

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

(4) STAKEHOLDER CONSULTATION.—

(A) IN GENERAL.—The interagency working group shall—

(i) inform and solicit input in writing from the public on the matters to be included in the framework required by subsection (c); and

(ii) submit to the appropriate congressional committees input received pursuant to clause (i).
(B) Disclosure of business confidential information prohibited.—No such committee, or member thereof, may disclose any information made available under subparagraph (A)(ii) that is submitted on a confidential basis unless the committee determines that the withholding of that information is contrary to the national interest of the United States.

(e) Framework.—

(1) In general.—The interagency working group shall develop a framework to work with United States allies and partners that possess critical technologies to unify export control and licensing policies to substantially reduce and eliminate the global availability of critical technologies to the PRC.

(2) Matters to be included.—The framework required by this subsection shall include the following:

(A) An identification of critical technologies that are priorities for—

(i) the national security and the defense industrial base of the United States; and
(ii) the economic strategies, industrial policies, and military development of the PRC.

(B) An identification of United States export controls and licensing policies for critical technologies identified under subparagraph (A).

(C) An identification of United States allies and partners that have a share of the global market with respect to critical technologies identified under subparagraph (A), including a detailed description of their technical capability and substitutability with United States technology.

(D) An identification of export controls and licensing policies for United States allies and partners identified in subparagraph (C) of critical technologies identified under subparagraph (A).

(E) A description of ongoing and future efforts to work with covered United States allies and partners to unify export control policies through the convergence of legal and regulatory systems in accordance with the policy described in subsection (A).
(F) An assessment of the effectiveness and methods of past efforts by the PRC to acquire or circumvent export control policies relating to critical technologies identified under subparagraph (A).

(d) Report.—

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

(2) FORM.—The report required by this subsection shall—

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

(B) be made available on a publicly-accessible government website.

SEC. 30648. ACTIONS TO SECURE THE GLOBAL SEMICONDUCTOR SUPPLY CHAIN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) current export controls and licensing policies for semiconductor manufacturing equipment are
self-defeating and should adapt to the reality of strategic competition with the PRC;

(2) a clear threat to the national security and foreign policy interests of the United States exists to justify the use of immediate unilateral controls over a specific and narrowly tailored type of semiconductor production equipment and related commodities and technology, namely that which is used for the development or production of advanced semiconductors;

(3) the United States Government should expeditiously conclude a plurilateral agreement with a small group of United States allies and partners that have capabilities in such production equipment and related commodities and technology to restrict exports to the PRC in alignment with United States unilateral controls;

(b) STATEMENT OF POLICY.—It is the policy of the United States to pursue negotiations with United States allies and partners to ensure that the full supply chain, including foreign equipment, commodities, technology, knowhow, related services, materials, testing, open source technology platforms, and underlying research, used to fabricate advanced semiconductors is not made available
to the PRC or entities under its influence, control, or ownership.

(c) IDENTIFICATION PROVISIONS.—

(1) IDENTIFICATION OF THE ADVANCED SEMICONDUCTOR SUPPLY CHAIN.—Not later than 90 days after the date of the enactment of this Act, and on a periodic basis thereafter, the interagency working group established under section 30647(b) shall identify and submit to the appropriate congressional committees a report on the full supply chain for the development and production of advanced semiconductors, including foreign equipment, commodities, technology, knowhow, related services, materials, testing, open source technology platforms, and underlying research, as well as the parts, components, accessories, and attachments specially designed therefor, as well as any technology required for the development or production of such commodities.

(2) IDENTIFICATION OF ENTITIES THAT ARE USING OR PARTICIPATING IN THE ADVANCED SEMICONDUCTOR SUPPLY CHAIN.—Not later than 90 days after the date of the enactment of this Act, and on an annual basis thereafter, the interagency working group shall identify and submit to the appro-
priate congressional committees a report on entities in the PRC or under the influence, control, or ownership of the PRC that are using or participating in the global supply chain for advanced semiconductors.

(3) **STAKEHOLDER CONSULTATION.**—

(A) **IN GENERAL.**—The interagency working group shall—

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

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

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

(ii) submit to the appropriate congressional committees input received pursuant to clause (i).

(B) **DISCLOSURE OF BUSINESS CONFIDENTIAL INFORMATION PROHIBITED.**—No such committee, or member thereof, may disclose any information made available under subparagraph (A)(ii) that is submitted on a confidential basis unless the committee determines that the withholding of that information is contrary to the national interest of the United States.
(d) MULTILATERAL AGREEMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the interagency working group established under section 30647(b)—

(A) shall seek to establish a multilateral agreement with United States allies and partners to unify export controls and licensing policies to substantially reduce and eliminate the global availability of the supply chain for advanced semiconductors identified pursuant to subsection (d)(1) to the PRC, including entities identified pursuant to subsection (d)(2); and

(B) shall seek to include in the multilateral agreement provisions for non-compliance that provide penalties for any violation of the agreement.

(2) BRIEFINGS.—The interagency working group shall brief the appropriate congressional committees on negotiations to establish the multilateral agreement beginning not later than 30 days after the date of the enactment of this Act and every 30 days thereafter until a multilateral agreement described in paragraph (1) is established.

(3) ACTIONS IF AGREEMENT REACHED.—
(A) IN GENERAL.—Not later than 30 days after the date on which a multilateral agreement described in paragraph (1) is established, the Secretary of Commerce—

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

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

(II) to implement a policy of denial for exports and reexports to, and in-country transfers within, the PRC or any entities under its influence, control, or ownership for the items described in subclause (I); and

(III) to include entities identified pursuant to the multilateral agreement on the Entity List and require a license, except for those items already denied under subclause (II), to be reviewed on a presumption of denial basis for all items subject to the Export Administration Regulations; and
(ii) may amend the Export Administration Regulations to provide preferential licensing treatment for parties to the multilateral agreement.

(B) Report.—Not later than 30 days after the date on which a multilateral agreement described in paragraph (1) is established, and every 30 days thereafter, the Secretary of Commerce shall submit to the appropriate congressional committees a report on license applications and decisions to export items to entities described in subparagraph (A)(i)(III).

(C) Sense of Congress.—It is the sense of Congress that any United States ally or partner that is party to a multilateral agreement described in paragraph (1) should be considered to have satisfied the policies on semiconductor technology described in title XCIX of division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) for purposes of receiving funding from the Multilateral Semiconductors Security Fund established under 9905 of such Act.

(D) Quarterly Meetings.—
IN GENERAL.—The interagency working group shall seek to meet on a not less than a quarterly basis and shall develop a day-to-day mechanism with covered United States allies and partners that are parties to a multilateral agreement described in paragraph (1) to—

(I) exchange information between and among all parties to—

(aa) adopt and enforce identical controls and licensing policies on all items and entities subject to the agreement to ensure a no-undercut policy; and

(bb) share all license application information, including approvals, denials, license exceptions, and no license required, and agree not to issue a license for an item or to an entity identified in the multilateral agreement, unless or until all parties subject to the agreement reach unanimous agreement;
(II) develop robust mechanisms
to verify that all parties are complying
with the terms of their commitments
under the agreement, including in
areas such as research and develop-
ment and open source technology plat-
forms; and

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

(ii) Stakeholder Consultation.—
The working group shall inform and solicit
input in writing from the general public in
advance of the meetings described in clause
(i).

(iii) Availability of Information.—Any information obtained at any
time during the meetings described in
clause (i) shall be made available to the appropriate congressional committees.

(iv) BRIEFINGS.—The interagency working group shall brief the appropriate congressional committees on the implementation of this subparagraph beginning not later than 30 days after the date on which a multilateral agreement described in paragraph (1) is established and every 30 days thereafter.

(4) ACTIONS IF AGREEMENT NOT REACHED.—

If a multilateral agreement described in paragraph (1) is not established within 180 days after the date of the enactment of this Act, the Secretary of Commerce shall—

(A) amend the Export Administration Regulations to deny exports and reexports to, and in-country transfers within, the People’s Republic of China of the items described in (c)(1);

(B) designate on the Entity List each entity identified pursuant to subsection (c)(2) and—

(i) apply a licensing policy of denial with respect to an export control license for items described in subparagraph (A)
that are proposed to be exported to the entity; and

(ii) apply a licensing policy of a presumption of denial with respect to an export control license for items subject to the Export Administration Regulations, except for those items denied pursuant to subparagraph (B)(i), that are proposed to be exported to the entity; and

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

SEC. 30649. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SUPPLY CHAIN FOR FINFET INTEGRATED CIRCUITS IN THE PEOPLE’S REPUBLIC OF CHINA.

(a) In general.—If a multilateral agreement described in section 30648(d)(1) is not established within 1 year after the date of the enactment of this Act, the President, in consultation with the interagency working group established under section 30647(b) shall submit to the appropriate congressional committees a report that identifies, for the period specified in subsection (b)—
(1) entities identified pursuant to section 30648(c)(2); and

(2) foreign persons that the President, in consultation with the interagency working group, determines have knowingly—

(A) sold, leased, or provided, or facilitated selling, leasing, or providing, any item, technology, or know-how, including equipment, components, design tools, or technical data, to such entities that could be used in the research and development, design, fabrication, or operation of a project related to advanced semiconductors;

(B) facilitated deceptive or structured transactions to provide those items, technologies, or know-how to such entities for such a project;

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

(D) provided to such entities services, including for the testing, inspection, maintenance, or certification, necessary or essential for the completion or operation of such a project; or
(E) provided to such entities any knowledge or know-how through any form, including open source technology platforms or collaborative basic or applied research, that could be used to facilitate the completion of such a project.

(b) Period Specified.—The period specified in this subsection is—

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

(2) in the case of any subsequent such report, the 180-day period preceding submission of the report.

(c) Sanctions Described.—

(1) In General.—The President shall impose the sanctions described in paragraph (2) with respect to any entity identified pursuant to subsection (a)(1) and any foreign person identified pursuant to subsection (a)(2).

(2) Sanctions Described.—The sanctions described in this paragraph are the following:
(A) INELIGIBILITY FOR VISAS, ADMISSION,
OR PAROLE OF IDENTIFIED PERSONS AND COR-
PORATE OFFICERS.—

(i) IN GENERAL.—

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

(aa) inadmissible to the
United States;

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

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

(II) CURRENT VISAS REVKED.—

(aa) IN GENERAL.—The visa
or other entry documentation of
an alien described in subclause
(III) shall be revoked, regardless
of when such visa or other entry
documentation is or was issued.
(bb) IMMEDIATE EFFECT.—

A revocation under item (aa) shall—

(AA) take effect immediately; and

(BB) automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

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

(aa) a foreign person identified pursuant to subsection (a)(2);

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

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

(B) BLOCKING OF PROPERTY OF IDENTIFIED PERSONS.—The President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent nec-
necessary to block and prohibit all transactions in all property and interests in property of any entity identified pursuant to subsection (a)(1) or foreign person identified pursuant to subsection (a)(2) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) Wind-down Waiver.—

(1) In general.—The President may waive the application of sanctions described in subsection (c) with respect to an entity identified pursuant to subsection (a)(1) or foreign person identified pursuant to subsection (a)(2) in the first report required to be submitted by subsection (a) if the President certifies in the report that the entity or person has, not later than 60 days after the date of the enactment of this Act, engaged in good faith efforts to wind down participation in projects that would otherwise subject the entity or person to the imposition of sanctions under this section.

(2) Agreed timetable.—The President and such entity or foreign person shall agree to a timetable to completely wind-down and end any participation in projects that would otherwise subject the
entity or person to the imposition of sanctions under this section.

(3) Periodic Reporting.—The President and such entity or foreign person shall agree that the entity or person will report to the President every 30 days on progress being made to wind-down participation by the agreed upon timetable described in paragraph (2).

(4) Imposition of Sanctions for Non-Compliance.—If such entity or foreign person does not meet the agreed timetable described in paragraph (2) to wind down participation in such project, the President shall impose sanctions under this section with respect to that entity or person.

(e) Exceptions.—

(1) Exception for Intelligence, Law Enforcement, and National Security Activities.—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(2) Exception to Comply with United Nations Headquarters Agreement.—Sanctions under this section shall not apply with respect to the admission of an alien to the United States if the admission of the alien is necessary to permit the

(f) **National Interests Waiver.**—The President may waive the application of sanctions under this section with respect to an entity identified pursuant to subsection (a)(1) or foreign person identified pursuant to subsection (a)(2) if the President—

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

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

(g) **Implementation; Penalties.**—

(1) **Implementation.**—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.
(2) Penalties.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section, including through the use of blocking statutes to undermine export controls and sanctions, shall be subject to the penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

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

(i) Definitions.—In this section:

(1) admission; admitted; alien.—The terms “admission”, “admitted”, and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (5 U.S.C. 1101).
(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

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

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

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

(5) PERSON.—The term “person” means an individual or entity.

(6) UNITED STATES PERSON.—The term “United States person” means—

   (A) a United States citizen or an alien lawfully admitted for permanent residence to the United States, excluding an individual who is a citizen of the People’s Republic of China;
(B) an entity organized under the laws of
the United States or any jurisdiction within the
United States, including a foreign branch of
such an entity; or

(C) any person within the United States.

SEC. 30650. CRITICAL TECHNOLOGY EXPORT CONTROL
FUND.

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

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

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

(b) AMOUNTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated
$5,000,000,000 to be deposited in the Fund for fis-
cal year 2022.

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the
Treasury shall invest such portion of the Fund
as is not required to meet current withdrawals
in interest-bearing obligations of the United
States or in obligations guaranteed as to both principal and interest by the United States.

(B) **INTEREST AND PROCEEDS.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(3) **AVAILABILITY OF AMOUNTS.**—

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

(B) **REMAINDER.**—Any amounts remaining in the Fund after the end of the fiscal year described in subparagraph (A) shall be deposited in the general fund of the Treasury.

(c) **USE OF AMOUNTS.**—

(1) **IN GENERAL.**—The Secretary of State, in consultation with the working group, shall use amounts in the Fund to carry out projects described in paragraph (2) with one or more covered United States allies and partners that enter into an agreement with the United States to unify export controls and licensing policies to substantially reduce and eliminate the global availability of a critical tech-
(2) Projects described.—The projects described in this paragraph should advance a broad range of scientific and technical capabilities with respect to critical technologies which may be affected by reduced revenues in their commercial applications as a result of export control measures that restrict and prohibit access to the PRC market in order to protect United States national security and foreign policy interests.

(3) Restrictions on the use of the fund.—Nothing in this section shall be construed to authorize the use of amounts in the Fund to support—

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

(B) any entity engaged in joint research and development, technology licensing or transfer, joint venture, or investment with an entity under the influence, control, or ownership of the PRC in a critical technology identified under section 30647(e)(2).

(4) Prohibitions.—No intellectual property deriving from projects supported by the Fund at any
point in its development and commercial life-cycle shall be licensed, exported, re-exported, or transferred, including as deemed export, or acquired by an entity under the influence, control, or ownership of the PRC.

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

(d) REPORT BY SECRETARY OF STATE.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for each fiscal year during which amounts in the Fund are available under subsection (b)(3), the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this section.

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

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

(2) an assessment of the merits of continuation of the Fund.
SEC. 30651. SENSE OF CONGRESS.

It is the sense of Congress that the interagency working group established under section 30647(b) should, as soon as practicable after the date of the enactment of this Act, seek to establish a multilateral agreement in a manner similar to the establishment of the multilateral agreement described in section 30648(d) with United States allies and partners to substantially reduce and eliminate the global availability of other critical technologies identified under section 30647(e)(2) to the People’s Republic of China.

SEC. 30652. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided, the term “appropriate congressional committees” means—

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

(B) the Committee on Banking, Housing, and Urban Affairs and the Committee on Commerce, Science, and Transportation of the Senate.

(2) COMMERCE CONTROL LIST.—The term “Commerce Control List” means the list set forth in
Supplement No. 1 to part 774 of the Export Administration Regulations.

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

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


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

Subtitle I—Investment Reciprocity

SEC. 30656. RECIPROCITY OF TREATMENT WITH THE PEOPLE’S REPUBLIC OF CHINA.

(a) BARRIERS REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a list of all industries
and sectors in which the Government of the People’s Re-
public of China (PRC)—

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

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

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

(c) Implementation.—Not later than 1 year after
the date of the enactment of this Act, the President shall
provide to each entity doing business in or with the United
States the President determines is under the influence,
control, or ownership of the Government of the PRC the
same treatment as similarly situated United States enti-
ties in similar industries and sectors receive in the PRC,
to the extent that such reciprocal treatment would be permissible under United States law.

(d) CASCADING IMPLEMENTATION.—As soon as any laws or regulations identified in the plan submitted pursuant to subsection (b) are amended to remove legal and regulatory barriers to implement and enforce reciprocity, the President shall take actions in accordance with subsection (c) to further implement such plan.

Subtitle J—Blocking Sanctions

SEC. 30661. FINDINGS; SENSE OF CONGRESS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) On January 9, 2021, the Ministry of Commerce of the People’s Republic of China (“PRC”) issued “Rules on Counteracting Unjustified Extraterritorial Application of Foreign Legislation and Other Measures”.

(2) These rules allow the PRC to impose penalties on companies that refuse to violate U.S. export control or sanctions law by releasing dual-use technology to PRC or other entities.

(3) On January 20, 2021, the PRC Ministry of Commerce announced sanctions on 28 persons and their family members for their roles in holding the Chinese Communist Party accountable for a geno-
cide in Xinjiang and trampling of democracy in Hong Kong. Among these persons are former Secretary of State Mike Pompeo, former National Security Advisor Robert O’Brien, and former deputy National Security Advisor Matthew Pottinger.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the People’s Republic of China rules and sanctions referred to in subsection (a) (in this Act referred to as the “PRC provisions listed in subsection (a)” ) attack the fundamental values underpinning the United States and international legal system.

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

SEC. 30662. STATEMENT OF POLICY.

It is the policy of the United States that any entity that complies with, seeks to use, benefits from, or provides information to assist in the implementation of such PRC rules and sanctions is complicit in attacking the letter and spirit of the United States legal system and should be subject to sanctions or other restrictive measures.
SEC. 30663. IMPOSITION OF SANCTIONS WITH RESPECT TO
PERSONS THAT VIOLATE UNITED STATES
LAW FOR THE BENEFIT OF THE CHINESE
COMMUNIST PARTY.

(a) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—On or after the date of the enactment of this Act, the President shall impose the sanctions described in subsection (b) with respect to a person if the President determines that the person knowingly engages in an activity described in paragraph (2)

(2) ACTIVITIES DESCRIBED.—A person engages in an activity described in this paragraph if the person—

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

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

(II) any legislation or regulations issued by the People’s Republic of China
that the President determines may have a
similar effect; or

(ii) designation of any United States
person under any legislation or regulations
described in clause (i), including the January
20, 2021, sanctions on 28 United
States persons and their family members;

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

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

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

(E) to have knowingly and materially as-
sisted, sponsored, or provided financial, mate-
rial, or technological support for, or goods or
services to or in support of, a person described,
or a person that has engaged in the activity de-
scribed, as the case may be, in any of subpara-
graphs (A) through (D).

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

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

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

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

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other
documentation to enter the United States;

and

(iii) otherwise ineligible to be admitted

or paroled into the United States or to re-
ceive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(i) IN GENERAL.—The issuing consular officer or the Secretary of State, (or a designee of the Secretary of State) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry documentation issued to an individual referred to in subsection (b) regardless of when the visa or other entry documentation is issued.

(ii) EFFECT OF REVOCATION.—A revocation under subclause (I) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the individual’s possession.

(iii) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of
State shall prescribe such regulations as are necessary to carry out this subsection.

(C) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—Sanctions under this subsection shall not apply with respect to an individual if admitting or paroling such individual into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(c) WAIVER.—

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

(2) REPORTING PROCESS.—The Secretary of State, in coordination with the Secretary of the Treasury, shall establish a process by which persons
may confidentially supply such information as the
President may require to evaluate the merits of ap-
lications for waivers authorized by paragraph
(1)(B).

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

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

(1) determine if the person meets such criteria;

and

(2) submit a classified or unclassified report to
the individual who submitted the request with re-
spect to that determination that includes a state-
ment of whether or not the President imposed or in-
tends to impose sanctions with respect to such per-
son.
(e) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise the authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to the extent necessary to carry out this section.

(2) MONITORING.—The President shall establish a system to monitor compliance with U.S. export control laws, including the foreign direct product rule, by PRC persons by being informed by multiple sources, including,

(A) publicly available information, including trade data;

(B) classified information, including relevant information provided by the Director of National Intelligence

(3) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (a) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the
same extent as a person that commits an unlawful
act described in subsection (a) of that section.

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

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

Subtitle K—Operating Committee

SEC. 30666. MODIFICATION OF OPERATING COMMITTEE
FOR EXPORT POLICY DECISION MAKING RELATING TO TECHNOLOGY CONTROL.

Section 1763(c) of the Export Control Reform Act
of 2018 (50 U.S.C. 4822(c) is amended to read as follows:
“(c) OPERATING COMMITTEE FOR EXPORT POLICY.—Licensing decisions shall be determined by the four
agencies on the Operating Committee for Export Policy
established by Executive Order 12981 (December 5, 1995;
relating to Administration of Export Controls). Each
agency shall have one vote for license applications. A ma-
jority vote shall be the Operating Committee’s final dis-
position. In the event of a two-to-two tie vote, a license shall be denied. Escalation to the Advisory Committee on Export Policy shall only be allowed in instances when agencies on the Operating Committee seek to overturn the approval of a license at the Operating Committee level. All votes at the Operating Committee shall be recorded and transmitted to the Committee on Foreign Affairs of the House of Representatives and Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Foreign Relations of the Senate every 30 days.’’.

Subtitle L—Outbound Investment Transparency

SEC. 30671. REPORT ON CAPITAL FLOWS TO PEOPLE’S REPUBLIC OF CHINA ENTITIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, each United States company shall submit to the Secretary of the State a report that discloses each investment, including each portfolio investment, in an entity domiciled in the People’s Republic of China (in this subtitle referred to as “China”) or whose parent entity is domiciled in China, above an individual transaction level of $25,000,000 or cumulative level of $100,000,000.
(b) DISCLOSURES.—The disclosures described in paragraph (1) shall, according to the best information of the United States company, include—

(1) the value of each investment; and

(2) the final recipient of the investment.

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

(1) disclose the final known recipient of the investment; and

(2) state that the true final recipient of the investment is not known.

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

(1) The overall volume of such investments.

(2) Intermediate locations for such investments.

(3) The volume and known routing for such investments where the final recipient is not known.

(4) The name and industry of any known end user entity with respect to such investments.

(5) The asset class of such investments.
(6) Any other information that the Secretary of the State determines is necessary.

(c) Domiciled Defined.—In this section, the term “domiciled”, with respect to an entity means the entity—

(1) is headquartered in China; or

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

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

(a) Critical Technology List.—

(1) In general.—The Secretary of State, in consultation with other federal agencies as appropriate, shall publish a list of critical technologies that pose a national security threat to the United States on a Government-hosted website.

(2) Updates to the Critical Technology List.—The Secretary of State, in consultation with, shall—

(A) review the list described in paragraph (1) annually; and

(B) add or remove items to such list based on that review.
(b) ENTITY INVOLVED WITH OR SUPPORTING CRITICAL TECHNOLOGIES.—The Secretary of State, in consultation with other agencies as appropriate, shall—

(1) identify—

(A) any entity in China with revenue exceeding $250,000,000; and

(B) any entity with a parent entity domiciled in China that is involved with or supports a critical technology identified in subsection (a); and

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

classified Information.—Any information that the Secretary of State determines should be classified but would otherwise be identified in subsections (a) or (b) shall be classified and not published on the Government-hosted website.

SEC. 30673. PROHIBITION ON CERTAIN INVESTMENTS.

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

(b) transition Period.—The President shall require a United States company to divest from such an entity not later than 60 days after the date of enactment.
of this Act and otherwise comply with the requirements of subsection (a).