

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To ensure trade is conducted consistent with American values and to improve transparency and administration of trade programs and oversight and accountability of trade agencies.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.**

**S. 1260**

To establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. WYDEN (for himself and Mr. SCHUMER) to the amendment (No. 1502) proposed by Mr. SCHUMER

Viz:

1 At the end, add the following:

2 **DIVISION G—COMPETES ACT**

3 **SEC. 7001. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This division may be cited as the  
5 “Combating Oppressive and Manipulative Policies that  
6 Endanger Trade and Economic Security Act of 2021” or  
7 the “COMPETES Act”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for  
2 this division is as follows:

DIVISION G—COMPETES ACT

- Sec. 7001. Short title; table of contents.  
Sec. 7002. Appropriate congressional committees defined.

TITLE I—TRADING CONSISTENT WITH AMERICAN VALUES

Subtitle A—Preventing Importation of Goods Produced by Forced Labor

- Sec. 7101. Investigations of allegations of goods produced by forced labor.  
Sec. 7102. Preventing importation of seafood and seafood products harvested or produced using forced labor.

Subtitle B—Addressing Censorship and Barriers to Digital Trade

- Sec. 7111. Censorship as a trade barrier.  
Sec. 7112. Investigation of censorship and barriers to digital trade.  
Sec. 7113. Review of discriminatory digital trade acts, policies, and practices proposed by major trading partners of the United States.

Subtitle C—Protecting Innovators and Consumers

- Sec. 7121. Technical and legal support for addressing intellectual property rights infringement cases.  
Sec. 7122. Improvement of anti-counterfeiting measures.

Subtitle D—Ensuring a Level Playing Field

- Sec. 7131. Report on manner and extent to which the Government of the People's Republic of China exploits Hong Kong to circumvent United States laws and protections.  
Sec. 7132. Assessment of overcapacity of industries in the People's Republic of China.

TITLE II—IMPROVING TRANSPARENCY AND ADMINISTRATION OF TRADE PROGRAMS AND OVERSIGHT AND ACCOUNTABILITY OF TRADE AGENCIES

- Sec. 7201. Enhanced congressional oversight of the United States Trade Representative and the Department of Commerce.  
Sec. 7202. Authority of U.S. Customs and Border Protection to consolidate, modify, or reorganize customs revenue functions.  
Sec. 7203. Protection from public disclosure of personally identifiable information contained in manifests.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

- Sec. 7301. Authorization of additional appropriations.

1 **SEC. 7002. APPROPRIATE CONGRESSIONAL COMMITTEES**  
2 **DEFINED.**

3 In this division, the term “appropriate congressional  
4 committees” means the Committee on Finance of the Sen-  
5 ate and the Committee on Ways and Means of the House  
6 of Representatives.

7 **TITLE I—TRADING CONSISTENT**  
8 **WITH AMERICAN VALUES**  
9 **Subtitle A—Preventing Importa-**  
10 **tion of Goods Produced by**  
11 **Forced Labor**

12 **SEC. 7101. INVESTIGATIONS OF ALLEGATIONS OF GOODS**  
13 **PRODUCED BY FORCED LABOR.**

14 Section 307 of the Tariff Act of 1930 (19 U.S.C.  
15 1307) is amended—

16 (1) by striking “All” and inserting the fol-  
17 lowing:

18 “(a) IN GENERAL.—All”;

19 (2) by striking “‘Forced labor’, as herein used,  
20 shall mean” and inserting the following:

21 “(c) FORCED LABOR DEFINED.—In this section, the  
22 term ‘forced labor’ means”; and

23 (3) by inserting after subsection (a), as des-  
24 ignated by paragraph (1), the following:

25 “(b) FORCED LABOR DIVISION.—

1           “(1) IN GENERAL.—There is established in the  
2 Office of Trade of U.S. Customs and Border Protec-  
3 tion a Forced Labor Division, which shall—

4           “(A) receive and investigate allegations of  
5 goods, wares, articles, or merchandise mined,  
6 produced, or manufactured using forced labor;  
7 and

8           “(B) coordinate with other agencies to en-  
9 force the prohibition under subsection (a).

10          “(2) PRIORITIZATION OF INVESTIGATIONS.—In  
11 prioritizing investigations under paragraph (1)(A),  
12 the Forced Labor Division shall—

13          “(A) consult closely with the Bureau of  
14 International Labor Affairs of the Department  
15 of Labor and the Office to Monitor and Combat  
16 Trafficking in Persons of the Department of  
17 State; and

18          “(B) take into account—

19           “(i) the complicity of—

20           “(I) the government of the for-  
21 eign county in which the instance of  
22 forced labor is alleged to have oc-  
23 curred; and

24           “(II) the government of any  
25 other country that has facilitated the

1 use of forced labor in the country de-  
2 scribed in subclause (I);

3 “(ii) the ranking of the governments  
4 described in clause (i) in the most recent  
5 report on trafficking in persons required  
6 by section 110(b)(1) of the Trafficking  
7 Victims Protection Act of 2000 (22 U.S.C.  
8 7107(b)(1));

9 “(iii) whether the good involved in the  
10 alleged instance of forced labor is included  
11 in the most recent list of goods produced  
12 by child labor or forced labor required by  
13 section 105(b)(1)(2)(C) of the Trafficking  
14 Victims Protection Reauthorization Act of  
15 2005 (22 U.S.C. 7112(b)(2)(C)); and

16 “(iv) the effect taking action with re-  
17 spect to the alleged instance of forced  
18 labor would have in eradicating forced  
19 labor from the supply chain of the United  
20 States.

21 “(3) QUARTERLY BRIEFINGS REQUIRED.—Not  
22 less frequently than every 90 days, the Forced  
23 Labor Division shall provide briefings to the Com-  
24 mittee on Finance of the Senate and the Committee

1 on Ways and Means of the House of Representatives  
2 regarding—

3 “(A) allegations received under paragraph  
4 (1);

5 “(B) the prioritization of investigations of  
6 such allegations under paragraph (2); and

7 “(C) progress made toward—

8 “(i) issuing withhold release orders  
9 for goods, wares, articles, or merchandise  
10 mined, produced, or manufactured using  
11 forced labor; and

12 “(ii) making findings in and closing  
13 investigations conducted under paragraph  
14 (1).”.

15 **SEC. 7102. PREVENTING IMPORTATION OF SEAFOOD AND**  
16 **SEAFOOD PRODUCTS HARVESTED OR PRO-**  
17 **DUCED USING FORCED LABOR.**

18 (a) DEFINITIONS.—In this section:

19 (1) CHILD LABOR.—The term “child labor” has  
20 the meaning given the term “worst forms of child  
21 labor” in section 507 of the Trade Act of 1974 (19  
22 U.S.C. 2467).

23 (2) FORCED LABOR.—The term “forced labor”  
24 has the meaning given that term in section 307 of  
25 the Tariff Act of 1930 (19 U.S.C. 1307).

1           (3) HUMAN TRAFFICKING.—The term “human  
2 trafficking” has the meaning given the term “severe  
3 forms of trafficking in persons” in section 103 of  
4 the Trafficking Victims Protection Act of 2000 (22  
5 U.S.C. 7102).

6           (4) SEAFOOD.—The term “seafood” means  
7 fish, shellfish, processed fish, fish meal, shellfish  
8 products, and all other forms of marine animal and  
9 plant life other than marine mammals and birds.

10          (5) SECRETARY.—The term “Secretary” means  
11 the Secretary of Commerce, acting through the Ad-  
12 ministrator of the National Oceanic and Atmos-  
13 pheric Administration.

14          (b) FORCED LABOR IN FISHING.—

15           (1) RULEMAKING.—Not later than one year  
16 after the date of the enactment of this Act, the  
17 Commissioner of U.S. Customs and Border Protec-  
18 tion, in coordination with the Secretary, shall issue  
19 regulations regarding the verification of seafood im-  
20 ports to ensure that no seafood or seafood product  
21 harvested or produced using forced labor is entered  
22 into the United States in violation of section 307 of  
23 the Tariff Act of 1930 (19 U.S.C. 1307).

24           (2) STRATEGY.—The Commissioner of U.S.  
25 Customs and Border Protection, in coordination

1 with the Secretary and the Secretary of the depart-  
2 ment in which the Coast Guard is operating, shall—

3 (A) develop a strategy for using data col-  
4 lected under Seafood Import Monitoring Pro-  
5 gram to identify seafood imports at risk of  
6 being harvested or produced using forced labor;  
7 and

8 (B) publish information regarding the  
9 strategy developed under subparagraph (A) on  
10 the website of U.S. Customs and Border Pro-  
11 tection.

12 (c) INTERNATIONAL ENGAGEMENT.—The United  
13 States Trade Representative, in coordination with the Sec-  
14 retary of Commerce, shall engage with interested countries  
15 regarding the development of compatible and effective sea-  
16 food tracking and sustainability plans in order to—

17 (1) identify best practices;

18 (2) coordinate regarding data sharing;

19 (3) reduce barriers to trade in fairly grown or  
20 harvested fish; and

21 (4) end the trade in products that—

22 (A) are harvested or produced using illegal,  
23 unregulated, or unreported fishing, human traf-  
24 ficking, or forced labor; or

25 (B) pose a risk of fraud.



1 **Subtitle B—Addressing Censorship**  
2 **and Barriers to Digital Trade**

3 **SEC. 7111. CENSORSHIP AS A TRADE BARRIER.**

4 (a) IN GENERAL.—Chapter 8 of title I of the Trade  
5 Act of 1974 (19 U.S.C. 2241 et seq.) is amended by add-  
6 ing at the end the following:

7 **“SEC. 183. IDENTIFICATION OF COUNTRIES THAT DISRUPT**  
8 **DIGITAL TRADE.**

9 “(a) IN GENERAL.—Not later than 60 days after the  
10 date on which the National Trade Estimate is submitted  
11 under section 181(b), the United States Trade Represent-  
12 ative (in this section referred to as the ‘Trade Representa-  
13 tive’) shall identify, in accordance with subsection (b), for-  
14 eign countries that are trading partners of the United  
15 States that engage in acts, policies, or practices that dis-  
16 rupt digital trade activities, including—

17 “(1) coerced censorship in their own markets or  
18 extraterritorially; and

19 “(2) other eCommerce or digital practices with  
20 the goal, or substantial effect, of promoting censor-  
21 ship or extrajudicial data access that disadvantages  
22 United States persons.

23 “(b) REQUIREMENTS FOR IDENTIFICATIONS.—In  
24 identifying countries under subsection (a), the Trade Rep-  
25 resentative shall identify only foreign countries that—

1           “(1) disrupt digital trade in a discriminatory or  
2 trade distorting manner with the goal, or substantial  
3 effect, of promoting censorship or extrajudicial data  
4 access;

5           “(2) deny fair and equitable market access to  
6 digital service providers that are United States per-  
7 sons with the goal, or substantial effect, of pro-  
8 moting censorship or extrajudicial data access; or

9           “(3) engage in coerced censorship or  
10 extrajudicial data access so as to harm the integrity  
11 of services or products provided by United States  
12 persons in the market of that country, the United  
13 States market, or other markets.

14           “(c) DESIGNATION OF PRIORITY FOREIGN COUN-  
15 TRIES.—

16           “(1) IN GENERAL.—The Trade Representative  
17 shall designate as priority foreign countries the for-  
18 eign countries identified under subsection (a) that—

19                   “(A) engage in the most onerous or egre-  
20 gious acts, policies, or practices that have the  
21 greatest impact on the United States; and

22                   “(B) are not negotiating or otherwise mak-  
23 ing progress to end those acts, policies, or prac-  
24 tices.

1           “(2) REVOCATIONS AND ADDITIONAL IDENTI-  
2           FICATIONS.—

3           “(A) IN GENERAL.—The Trade Represent-  
4           ative may at any time, if information available  
5           to the Trade Representative indicates that such  
6           action is appropriate—

7                   “(i) revoke the identification of any  
8                   foreign country as a priority foreign coun-  
9                   try under paragraph (1); or

10                   “(ii) identify any foreign country as a  
11                   priority foreign country under that para-  
12                   graph.

13           “(B) REPORT ON REASONS FOR REVOCA-  
14           TION.—The Trade Representative shall include  
15           in the semiannual report submitted to Congress  
16           under section 309(3) a detailed explanation of  
17           the reasons for the revocation under subpara-  
18           graph (A) of the identification of any foreign  
19           country as a priority foreign country under  
20           paragraph (1) during the period covered by the  
21           report.

22           “(d) REFERRAL TO ATTORNEY GENERAL OR INVES-  
23           TIGATION.—If the Trade Representative identifies an in-  
24           stance in which a foreign country designated as a priority  
25           foreign country under subsection (c) has successfully pres-

1 sured an online service provider to inhibit free speech in  
2 the United States, the Trade Representative shall—

3 “(1) submit to Committee on Finance of the  
4 Senate and the Committee on Ways and Means of  
5 the House of Representatives a report detailing the  
6 precise circumstances of the instance, including the  
7 actions taken by the foreign country and the online  
8 service provider;

9 “(2) if the online service provider is under the  
10 jurisdiction of the United States, refer the instance  
11 to the Attorney General; and

12 “(3) if appropriate, initiate an investigation  
13 under section 302 and impose a remedy under sec-  
14 tion 301(c).

15 “(e) PUBLICATION.—The Trade Representative shall  
16 publish in the Federal Register a list of foreign countries  
17 identified under subsection (a) and foreign countries des-  
18 ignated as priority foreign countries under subsection (c)  
19 and shall make such revisions to the list as may be re-  
20 quired by reason of action under subsection (c)(2).

21 “(f) ANNUAL REPORT.—Not later than 30 days after  
22 the date on which the Trade Representative submits the  
23 National Trade Estimate under section 181(b), the Trade  
24 Representative shall submit to the Committee on Finance  
25 of the Senate and the Committee on Ways and Means of

1 the House of Representatives a report on actions taken  
2 under this section during the one-year period preceding  
3 that report, and the reasons for those actions, including—

4 “(1) a list of any foreign countries identified  
5 under subsection (a); and

6 “(2) a description of progress made in decreasing  
7 disruptions to digital trade.”.

8 (b) INVESTIGATIONS UNDER TITLE III OF THE  
9 TRADE ACT OF 1974.—Section 302(b)(2) of the Trade  
10 Act of 1974 (19 U.S.C. 2412(b)(2)) is amended—

11 (1) in subparagraph (A), in the matter preceding  
12 clause (i), by inserting “or designated as a  
13 priority foreign country under section 183(c)” after  
14 “section 182(a)(2)”; and

15 (2) in subparagraph (D), by striking “by reason  
16 of subparagraph (A)” and inserting “with respect to  
17 a country identified under section 182(a)(2)”.

18 (c) CLERICAL AMENDMENT.—The table of contents  
19 for the Trade Act of 1974 is amended by inserting after  
20 the item relating to section 182 the following:

“Sec. 183. Identification of countries that disrupt digital trade.”.

21 **SEC. 7112. INVESTIGATION OF CENSORSHIP AND BARRIERS**  
22 **TO DIGITAL TRADE.**

23 (a) IN GENERAL.—Subsection (b) of section 301 of  
24 the Trade Act of 1974 (19 U.S.C. 2411) is amended—

1 (1) by redesignating paragraphs (1) and (2) as  
2 subparagraphs (A) and (B), respectively;

3 (2) in the matter preceding subparagraph (A),  
4 as redesignated by paragraph (1), by striking “If the  
5 Trade Representative” and inserting “(1) If the  
6 Trade Representative”;

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

8 “(2) For purposes of paragraph (1), an act, policy,  
9 or practice that is unreasonable includes any act, policy,  
10 or practice, or any combination of acts, policies, or prac-  
11 tices, that denies fair and equitable market opportunities,  
12 including through censorship or barriers to the provision  
13 of domestic digital services, by the government of a foreign  
14 country that—

15 “(A) precludes competition by conferring special  
16 benefits on domestic entities or imposing discrimina-  
17 tory burdens on foreign entities;

18 “(B) provides inconsistent or unfair market ac-  
19 cess to United States persons;

20 “(C) requires censorship of content that origi-  
21 nates in the United States; or

22 “(D) requires extrajudicial data access that dis-  
23 advantages United States persons.”.

24 (b) AUTHORIZED ACTION.—Subsection (c) of such  
25 section is amended by adding at the end the following:

1 “(7) In the case of an act, policy, or practice de-  
2 scribed in paragraph (2) of subsection (b) by the govern-  
3 ment of a foreign country that is determined to be unrea-  
4 sonable under paragraph (1) of that subsection, the Trade  
5 Representative may direct the blocking of access from that  
6 country to data from the United States to address the lack  
7 of reciprocal market access or parallel data flows.”.

8 (c) CONFORMING AMENDMENT.—Section  
9 304(a)(1)(A)(ii) of the Trade Act of 1974 (19 U.S.C.  
10 2414(a)(1)(A)(ii)) is amended by striking “(b)(1)” and in-  
11 serting “(b)(1)(A)”.

12 **SEC. 7113. REVIEW OF DISCRIMINATORY DIGITAL TRADE**  
13 **ACTS, POLICIES, AND PRACTICES PROPOSED**  
14 **BY MAJOR TRADING PARTNERS OF THE**  
15 **UNITED STATES.**

16 (a) REVIEW OF PROPOSALS.—

17 (1) IN GENERAL.—Not later than 90 days after  
18 the date of the enactment of this Act, the United  
19 States Trade Representative shall initiate a review  
20 regarding any discriminatory digital trade act, pol-  
21 icy, or practice proposed by a major trading partner  
22 of the United States.

23 (2) ELEMENTS.—The review required by para-  
24 graph (1) shall cover any digital trade act, policy, or  
25 practice proposed by a major trading partner of the

1 United States that, if enacted, would accord less fa-  
2 vorable treatment to imported or cross-border digital  
3 goods and services than to like digital goods and  
4 services of national origin, including by—

5 (A) requiring imported or cross-border dig-  
6 ital goods and services to meet standards devel-  
7 oped in a process under which participation by  
8 foreign entities was limited by the major trad-  
9 ing partner;

10 (B) requiring additional regulatory, report-  
11 ing, or other obligations without a legitimate  
12 policy objective;

13 (C) requiring re-engineering or separation  
14 of integrated products without a legitimate pol-  
15 icy objective;

16 (D) establishing licensing requirements de-  
17 pendent on the use of domestic digital services  
18 or products;

19 (E) requiring the sharing of data, intellec-  
20 tual property, trade secrets, or confidential  
21 business information in a manner accessible to  
22 competitors; or

23 (F) undermining privacy for consumers or  
24 users or creating serious concerns regarding the



1 provision of sensitive data to foreign govern-  
2 ments.

3 (b) DETERMINATION.—Not later than 180 days after  
4 the date of the enactment of this Act, the Trade Rep-  
5 resentative shall, pursuant to the review required under  
6 subsection (a)(1)—

7 (1) determine whether—

8 (A) the rights to which the United States  
9 is entitled under any trade agreement will be  
10 denied if a proposed digital trade act, policy, or  
11 practice described in that subsection is final-  
12 ized; or

13 (B) any act, policy, or practice described in  
14 subsection (a)(1)(B) or (b)(1) of section 301 of  
15 the Trade Act of 1974 (19 U.S.C. 2411) will  
16 exist if a proposed digital trade act, policy, or  
17 practice described in subsection (a)(1) of this  
18 section is finalized; and

19 (2) brief the Committee on Finance of the Sen-  
20 ate and the Committee on Ways and Means of the  
21 House of Representatives regarding the results of  
22 the review required under subsection (a)(1).

23 (c) NEGOTIATION WITH MAJOR TRADING PART-  
24 NERS.—If the Trade Representative makes an affirmative  
25 determination under subsection (b)(1) with respect to a

1 digital trade act, policy, or practice described in subsection  
2 (a)(1) proposed by a major trading partner of the United  
3 States, the Trade Representative shall discuss that deter-  
4 mination with the major trading partner, if the act, policy,  
5 or practice continues to be proposed, with the objective  
6 of eliminating the discriminatory aspects of the act, policy,  
7 or practice.

8 **Subtitle C—Protecting Innovators**  
9 **and Consumers**

10 **SEC. 7121. TECHNICAL AND LEGAL SUPPORT FOR AD-**  
11 **DRESSING INTELLECTUAL PROPERTY**  
12 **RIGHTS INFRINGEMENT CASES.**

13 (a) **IN GENERAL.**—The head of any Federal agency  
14 may provide support, as requested and appropriate, to  
15 United States persons seeking technical, legal, or other  
16 support in addressing intellectual property rights infringe-  
17 ment cases regarding the People’s Republic of China.

18 (b) **UNITED STATES PERSON DEFINED.**—In this sec-  
19 tion, the term “United States person” means—

20 (1) a United States citizen or an alien lawfully  
21 admitted for permanent residence to the United  
22 States; or

23 (2) an entity organized under the laws of the  
24 United States or of any jurisdiction within the

1 United States, including a foreign branch of such an  
2 entity.

3 **SEC. 7122. IMPROVEMENT OF ANTI-COUNTERFEITING**  
4 **MEASURES.**

5 (a) INCREASED INSPECTIONS.—

6 (1) REPORT ON SEIZURES OF COUNTERFEIT  
7 GOODS.—Not later than one year after the date of  
8 the enactment of this Act, and annually thereafter,  
9 the Commissioner of U.S. Customs and Border Pro-  
10 tection shall submit to the Committee on Finance of  
11 the Senate and the Committee on Ways and Means  
12 of the House of Representatives a report on seizures  
13 by U.S. Customs and Border Protection of counter-  
14 feit goods during the one-year period preceding sub-  
15 mission of the report, including the number of such  
16 seizures disaggregated by category of good, source  
17 country, and mode of transport.

18 (2) INCREASED INSPECTIONS OF GOODS FROM  
19 CERTAIN COUNTRIES.—The Commissioner shall in-  
20 crease inspections of imports of goods from each  
21 source country identified in the report required by  
22 paragraph (1) as one of the top source countries of  
23 counterfeit goods, as determined by the Commis-  
24 sioner.

1           (b) PUBLICATION OF CRITERIA FOR NOTORIOUS  
2 MARKETS LIST.—Not later than 2 years after the date  
3 of the enactment of this Act, and not less frequently than  
4 every 5 years thereafter, the United States Trade Rep-  
5 resentative shall publish in the Federal Register criteria  
6 for determining that a market is a notorious market for  
7 purposes of inclusion of that market in the list developed  
8 by the Trade Representative pursuant to section 182(e)  
9 of the Trade Act of 1974 (19 U.S.C. 2242(e)) (commonly  
10 known as the “Notorious Markets List”).

11           (c) PUBLICATION OF ACTION PLANS.—

12           (1) IN GENERAL.—Not less frequently than an-  
13 nually, the Trade Representative shall publish on an  
14 publicly available internet website of the Office of  
15 the United States Trade Representative—

16           (A) the action plans for priority watch list  
17 countries under section 182(g)(1) of the Trade  
18 Act of 1974 (19 U.S.C. 2242(g)(1)) for that  
19 year; and

20           (B) for each priority watch list country  
21 with respect to which such an action plan is  
22 prepared, an assessment of the progress of the  
23 country in meeting the benchmarks described in  
24 subparagraph (D) of that section.



1           “(5) any other party with an interest in the  
2 merchandise, as determined appropriate by the Com-  
3 missioner.”.

4           **Subtitle D—Ensuring a Level**  
5           **Playing Field**

6   **SEC. 7131. REPORT ON MANNER AND EXTENT TO WHICH**  
7           **THE GOVERNMENT OF THE PEOPLE’S REPUB-**  
8           **LIC OF CHINA EXPLOITS HONG KONG TO CIR-**  
9           **CUMVENT UNITED STATES LAWS AND PRO-**  
10          **TECTIONS.**

11          Title III of the United States–Hong Kong Policy Act  
12 of 1992 (22 U.S.C. 5731 et seq.) is amended by adding  
13 at the end the following:

14   **“SEC. 303. REPORT ON MANNER AND EXTENT TO WHICH**  
15           **THE GOVERNMENT OF THE PEOPLE’S REPUB-**  
16           **LIC OF CHINA EXPLOITS HONG KONG TO CIR-**  
17           **CUMVENT UNITED STATES LAWS AND PRO-**  
18          **TECTIONS.**

19          “(a) IN GENERAL.—Not later than 180 days after  
20 the date of the enactment of this section, the Secretary  
21 of State and the United States Trade Representative shall  
22 jointly submit to the appropriate congressional committees  
23 a report on the manner and extent to which the Govern-  
24 ment of the People’s Republic of China uses the status

1 of Hong Kong to circumvent the laws and protections of  
2 the United States.

3 “(b) ELEMENTS.—The report required by subsection  
4 (a) shall include the following:

5 “(1) In consultation with the Secretary of Com-  
6 merce, the Secretary of Homeland Security, and the  
7 Director of National Intelligence—

8 “(A) an assessment of how the Govern-  
9 ment of the People’s Republic of China uses  
10 Hong Kong to circumvent export controls of the  
11 United States; and

12 “(B) a list of all significant incidents in  
13 which the Government of the People’s Republic  
14 of China used Hong Kong to circumvent those  
15 controls during the reporting period.

16 “(2) In consultation with the Secretary of the  
17 Treasury and the Secretary of Commerce—

18 “(A) an assessment of how the Govern-  
19 ment of the People’s Republic of China uses  
20 Hong Kong to circumvent antidumping or coun-  
21 tervailing duties and duties under section 301  
22 of the Trade Act of 1974 (19 U.S.C. 2411) on  
23 merchandise exported to the United States from  
24 the People’s Republic of China; and

1           “(B) a list of all significant incidents in  
2           which the Government of the People’s Republic  
3           of China used Hong Kong to circumvent those  
4           duties during the reporting period.

5           “(3) In consultation with the Secretary of the  
6           Treasury, the Secretary of Homeland Security, and  
7           the Director of National Intelligence—

8           “(A) an assessment of how the Govern-  
9           ment of the People’s Republic of China uses  
10          Hong Kong to circumvent sanctions imposed by  
11          the United States or pursuant to multilateral  
12          regimes; and

13          “(B) a list of all significant incidents in  
14          which the Government of the People’s Republic  
15          of China used Hong Kong to circumvent those  
16          sanctions during the reporting period.

17          “(4) In consultation with the Secretary of  
18          Homeland Security and the Director of National In-  
19          telligence—

20          “(A) an assessment of how the Govern-  
21          ment of the People’s Republic of China uses  
22          formal or informal means to extradite or coer-  
23          sively move foreign nationals, including United  
24          States persons, from Hong Kong to the Peo-  
25          ple’s Republic of China; and



1           “(B) a list of foreign nationals, including  
2           United States persons, who have been formally  
3           or informally extradited or coercively moved  
4           from Hong Kong to the People’s Republic of  
5           China.

6           “(5) In consultation with the Secretary of De-  
7           fense, the Director of National Intelligence, and the  
8           Director of Homeland Security—

9           “(A) an assessment of how the intelligence,  
10          security, and law enforcement agencies of the  
11          Government of the People’s Republic of China,  
12          including the Ministry of State Security, the  
13          Ministry of Public Security, and the People’s  
14          Armed Police, use the Hong Kong Security Bu-  
15          reau and other security agencies in Hong Kong  
16          to conduct espionage on foreign nationals, in-  
17          cluding United States persons, conduct influ-  
18          ence operations, or violate civil liberties guaran-  
19          teed under the laws of Hong Kong; and

20          “(B) a list of all significant incidents of  
21          such espionage, influence operations, or viola-  
22          tions of civil liberties during the reporting pe-  
23          riod.

24          “(c) FORM OF REPORT; AVAILABILITY.—

1           “(1) FORM.—The report required by subsection  
2 (a) shall be submitted in unclassified form, but may  
3 include a classified index.

4           “(2) AVAILABILITY.—The unclassified portion  
5 of the report required by subsection (a) shall be  
6 posted on a publicly available internet website of the  
7 Department of State.

8           “(d) DEFINITIONS.—In this section:

9           “(1) APPROPRIATE CONGRESSIONAL COMMIT-  
10 TEES.—The term ‘appropriate congressional com-  
11 mittees’ means—

12           “(A) the Committee on Foreign Relations,  
13 the Committee on Banking, Housing, and  
14 Urban Affairs, the Committee on Finance, and  
15 the Select Committee on Intelligence of the  
16 Senate; and

17           “(B) the Committee on Foreign Affairs,  
18 the Committee on Financial Services, the Per-  
19 manent Select Committee on Intelligence, and  
20 the Committee on Ways and Means of the  
21 House of Representatives.

22           “(2) FOREIGN NATIONAL.—The term ‘foreign  
23 national’ means a person that is neither—

24           “(A) an individual who is a citizen or na-  
25 tional of the People’s Republic of China; or

1           “(B) an entity organized under the laws of  
2           the People’s Republic of China or of a jurisdic-  
3           tion within the People’s Republic of China.

4           “(3) REPORTING PERIOD.—The term ‘reporting  
5           period’ means the 5-year period preceding submis-  
6           sion of the report required by subsection (a).

7           “(4) UNITED STATES PERSON.—The term  
8           ‘United States person’ means—

9           “(A) a United States citizen or an alien  
10          lawfully admitted for permanent residence to  
11          the United States; or

12          “(B) an entity organized under the laws of  
13          the United States or of any jurisdiction within  
14          the United States, including a foreign branch of  
15          such an entity.”.

16 **SEC. 7132. ASSESSMENT OF OVERCAPACITY OF INDUSTRIES**  
17 **IN THE PEOPLE’S REPUBLIC OF CHINA.**

18          (a) REPORT ON OVERCAPACITY.—

19               (1) IN GENERAL.—Not later than one year  
20               after the date of the enactment of this Act, and an-  
21               nually thereafter, the United States Trade Rep-  
22               resentative, in consultation with the Secretary of  
23               Commerce, shall submit to the Committee on Fi-  
24               nance of the Senate and the Committee on Ways  
25               and Means of the House of Representatives a report

1 on overcapacity of industries in the People's Repub-  
2 lic of China.

3 (2) ELEMENTS.—The report required by para-  
4 graph (1) shall include—

5 (A) a determination on whether over-  
6 capacity resulting from industrial policy exists  
7 in any major industry in the People's Republic  
8 of China; and

9 (B) a description of the effects of that  
10 overcapacity on industry in the United States.

11 (b) BRIEFING.—Not later than 180 days after a posi-  
12 tive determination of overcapacity under subsection  
13 (a)(2)(A), the Trade Representative shall brief the Com-  
14 mittee on Finance of the Senate and the Committee on  
15 Ways and Means of the House of Representatives regard-  
16 ing the steps taken to address that overcapacity, which  
17 may include—

18 (1) discussions with allies;

19 (2) negotiations at an appropriate multilateral  
20 institution to which the United States is a party;  
21 and

22 (3) bilateral negotiations with the People's Re-  
23 public of China.

24 (c) DETERMINATION OF SUBSTANTIAL REDUC-  
25 TION.—Not later than each of one year and two years

1 after a briefing under subsection (b) with respect to a  
2 positive determination of overcapacity under subsection  
3 (a)(2)(A), the Trade Representative shall submit to the  
4 Committee on Finance of the Senate and the Committee  
5 on Ways and Means of the House of Representatives a  
6 report containing a determination of whether the steps  
7 taken to address that overcapacity are likely to lead to  
8 a substantive reduction in that overcapacity.

9 **TITLE II—IMPROVING TRANS-**  
10 **PARENCY AND ADMINISTRATION**  
11 **OF TRADE PROGRAMS**  
12 **AND OVERSIGHT AND AC-**  
13 **COUNTABILITY OF TRADE**  
14 **AGENCIES**

15 **SEC. 7201. ENHANCED CONGRESSIONAL OVERSIGHT OF**  
16 **THE UNITED STATES TRADE REPRESENTA-**  
17 **TIVE AND THE DEPARTMENT OF COMMERCE.**

18 (a) UNITED STATES TRADE REPRESENTATIVE.—

19 (1) PEOPLE’S REPUBLIC OF CHINA.—The  
20 United States Trade Representative shall submit to  
21 the appropriate congressional committees—

22 (A) not later than September 1, 2021, and  
23 every 180 days thereafter for the following 2  
24 years, a confidential report describing—

1 (i) the implementation of the Eco-  
2 nomic and Trade Agreement Between the  
3 Government of the United States of Amer-  
4 ica and the Government of China, dated  
5 January 15, 2020, including an identifica-  
6 tion of those provisions in the agreement  
7 that have yet to be implemented; and

8 (ii) progress toward addressing the  
9 issues identified in the report prepared by  
10 the Trade Representative dated March 22,  
11 2018, and titled, “Findings of the Inves-  
12 tigation into China’s Acts, Policies, and  
13 Practices Related to Technology Transfer,  
14 Intellectual Property, and Innovation  
15 under Section 301 of the Trade Act of  
16 1974”; and

17 (B) the text of any initial proposal for an  
18 executive agreement or memorandum of under-  
19 standing with the People’s Republic of China  
20 intended to resolve an investigation with respect  
21 to duties under section 301 of the Trade Act of  
22 1974 (19 U.S.C. 2411) not later than 3 busi-  
23 ness days before submitting the proposal to any  
24 official of the People’s Republic of China.

1           (2) TRADE ENFORCEMENT TRUST FUND.—Sec-  
2           tion 611(e) of the Trade Facilitation and Trade En-  
3           forcement Act of 2015 (19 U.S.C. 4405(e)) is  
4           amended—

5                   (A) in the subsection heading, by striking  
6           “REPORT” and inserting “REPORTS”;

7                   (B) by striking “Not later than” and in-  
8           serting “(1) REPORT AFTER ENTRY INTO  
9           FORCE.—Not later than”; and

10                   (C) by adding at the end the following:

11                   “(2) REPORT ON USE OF FUNDS.—Not later  
12           than July 1 of each year, the Trade Representative  
13           shall submit to Congress a report that identifies the  
14           use of any funds from the Trust Fund during the  
15           one-year period preceding the date of the report, in-  
16           cluding an identification of the specific enforcement  
17           matter for which the funds were used.”.

18           (b) DEPARTMENT OF COMMERCE.—

19                   (1) ANTIDUMPING OR COUNTERVAILING DU-  
20           TIES.—

21                   (A) IN GENERAL.—Not later than July 1  
22           of each year, the Secretary of Commerce shall  
23           submit to the appropriate congressional com-  
24           mittees a report that identifies any antidumping  
25           or countervailing duty determination under title

1 VII of the Tariff Act of 1930 (19 U.S. C. 1671  
2 et seq.) that in the year preceding the report  
3 was subject to a remand pursuant to an order  
4 from the United States Court of International  
5 Trade or a Chapter 10 Panel under the  
6 USMCA or that was found to be inconsistent  
7 with the obligations of the United States with  
8 the World Trade Organization.

9 (B) ELEMENTS.—With respect to each de-  
10 termination under subparagraph (A), the Sec-  
11 retary of Commerce shall indicate—

12 (i) the specific statutory requirement  
13 that the Court of International Trade or  
14 the Chapter 10 Panel found that the Sec-  
15 retary failed to observe or the specific pro-  
16 vision of the WTO Agreement that a dis-  
17 pute settlement panel or Appellate Body  
18 found to have been breached by the deter-  
19 mination; and

20 (ii) how and when the Secretary in-  
21 tends to comply with the order or obliga-  
22 tions described in subparagraph (A), as the  
23 case may be.



1           (2) NOTICE OF SUSPENSION OF ANTIDUMPING  
2 DUTY INVESTIGATION.—Section 734(b) of the Tariff  
3 Act of 1930 (19 U.S.C. 1673c(b)) is amended—

4           (A) by redesignating paragraphs (1) and  
5 (2) as subparagraphs (A) and (B) and moving  
6 those two subparagraphs, as so redesignated,  
7 two ems to the right;

8           (B) by striking “The administering author-  
9 ity” and inserting “(1) IN GENERAL.—The ad-  
10 ministering authority”; and

11           (C) by adding at the end the following:

12           “(2) NOTIFICATION TO CONGRESS.—The ad-  
13 ministering authority shall submit to Congress the  
14 text of any proposal to suspend an investigation  
15 under paragraph (1) not later than 3 business days  
16 before submitting the proposal to an interested  
17 party.”.

18           (c) DEFINITIONS.—In this section:

19           (1) APPELLATE BODY; DISPUTE SETTLEMENT  
20 PANEL.—the terms “Appellate Body” and “dispute  
21 settlement panel” have the meanings given those  
22 terms in section 121 of the Uruguay Round Agree-  
23 ments Act (19 U.S.C. 3531).

1           (2) USMCA.—The term “USMCA” means the  
2 Agreement between the United States of America,  
3 the United Mexican States, and Canada, which is—

4           (A) attached as an Annex to the Protocol  
5 Replacing the North American Free Trade  
6 Agreement with the Agreement between the  
7 United States of America, the United Mexican  
8 States, and Canada, done at Buenos Aires on  
9 November 30, 2018, as amended by the Pro-  
10 tocol of Amendment to the Agreement Between  
11 the United States of America, the United Mexi-  
12 can States, and Canada, done at Mexico City  
13 on December 10, 2019; and

14           (B) approved by Congress under section  
15 101(a)(1) of the United States–Mexico–Canada  
16 Agreement Implementation Act (19 U.S.C.  
17 4511(a)).

18           (3) WTO AGREEMENT.—The term “WTO  
19 Agreement” has the meaning given that term in sec-  
20 tion 2 of the Uruguay Round Agreements Act (19  
21 U.S.C. 3501(9)).

1 **SEC. 7202. AUTHORITY OF U.S. CUSTOMS AND BORDER PRO-**  
2 **TECTION TO CONSOLIDATE, MODIFY, OR RE-**  
3 **ORGANIZE CUSTOMS REVENUE FUNCTIONS.**

4 (a) IN GENERAL.—Section 412 of the Homeland Se-  
5 curity Act of 2002 (6 U.S.C. 212(b)) is amended—

6 (1) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) by striking “consolidate, dis-  
9 continue,” and inserting “discontinue”;  
10 and

11 (ii) by inserting after “reduce the  
12 staffing level” the following: “below the op-  
13 timal staffing level determined in the most  
14 recent Resource Allocation Model required  
15 by section 301(h) of the Customs Proce-  
16 dural Reform and Simplification Act of  
17 1978 (19 U.S.C. 2075(h))”; and

18 (B) in paragraph (2), by inserting “, Na-  
19 tional Account Managers” after “Financial Sys-  
20 tems Specialists”; and

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

22 “(d) AUTHORITY TO CONSOLIDATE, MODIFY, OR RE-  
23 ORGANIZE CUSTOMS REVENUE FUNCTIONS.—

24 “(1) IN GENERAL.—The Commissioner of U.S.  
25 Customs and Border Protection may, subject to sub-  
26 section (b), consolidate, modify, or reorganize cus-

1       toms revenue functions delegated to the Commis-  
2       sioner under subsection (a), including by adding  
3       such functions to existing positions or establishing  
4       new or modifying existing job series, grades, titles,  
5       or classifications for personnel, and associated sup-  
6       port staff, performing such functions.

7               “(2) POSITION CLASSIFICATION STANDARDS.—  
8       At the request of the Commissioner, the Director of  
9       the Office of Personnel Management shall establish  
10      new position classification standards for any new po-  
11      sitions established by the Commissioner under para-  
12      graph (1).”.

13      (b) TECHNICAL CORRECTION.—Section 412(a)(1) of  
14      the Homeland Security Act of 2002 (6 U.S.C. 212(a)(1))  
15      is amended by striking “403(a)(1)” and inserting  
16      “403(1)”.

17      **SEC. 7203. PROTECTION FROM PUBLIC DISCLOSURE OF**  
18                       **PERSONALLY IDENTIFIABLE INFORMATION**  
19                       **CONTAINED IN MANIFESTS.**

20      (a) IN GENERAL.—Paragraph (2) of section 431(c)  
21      of the Tariff Act of 1930 (19 U.S.C. 1431(c)) is amended  
22      to read as follows:

23               “(2)(A) The information listed in paragraph (1) shall  
24      not be available for public disclosure if—

1           “(i) the Secretary of the Treasury makes an af-  
2           firmative finding on a shipment-by-shipment basis  
3           that disclosure is likely to pose a threat of personal  
4           injury or property damage; or

5           “(ii) the information is exempt under the provi-  
6           sions of section 552(b)(1) of title 5, United States  
7           Code.

8           “(B) The Secretary shall ensure that any personally  
9           identifiable information, including Social Security account  
10          numbers and passport numbers, is removed from any  
11          manifest signed, produced, delivered, or electronically  
12          transmitted under this section before access to the mani-  
13          fest is provided to the public.”.

14          (b) EFFECTIVE DATE.—The amendment made by  
15          subsection (a) shall take effect on the date that is 30 days  
16          after the date of the enactment of this Act.

17        **TITLE III—AUTHORIZATION OF**  
18        **APPROPRIATIONS**

19        **SEC. 7301. AUTHORIZATION OF ADDITIONAL APPROPRIA-**  
20        **TIONS.**

21          (a) IN GENERAL.—There are authorized to be appro-  
22          priated to the head of each agency specified in subsection

23          (b) such sums as may be necessary for the agency to carry  
24          out the responsibilities of the agency under this title.

1           (b) AGENCIES SPECIFIED.—The agencies specified in  
2 this subsection are the following:

3           (1) The Office of the United States Trade Rep-  
4           resentative.

5           (2) The Department of Commerce.

6           (3) The Department of the Treasury.

7           (4) U.S. Customs and Border Protection.