

116TH CONGRESS  
2D SESSION

# S. 4528

To strengthen the United States ties with Latin American and Caribbean countries through diplomatic, economic, and security cooperation, to counter efforts by the People's Republic of China to undermine United States interests and values in the Americas, and to promote economic development and competitiveness in the Latin American and Caribbean region.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 13, 2020

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To strengthen the United States ties with Latin American and Caribbean countries through diplomatic, economic, and security cooperation, to counter efforts by the People's Republic of China to undermine United States interests and values in the Americas, and to promote economic development and competitiveness in the Latin American and Caribbean region.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
 3 “Advancing Competitiveness, Transparency, and Security  
 4 in the Americas Act of 2020”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Sense of Congress.
- Sec. 4. Statement of policy.
- Sec. 5. Definitions.
- Sec. 6. Assessing the intentions of the People’s Republic of China in the West-  
 ern Hemisphere.

TITLE I—INCREASING COMPETITIVENESS IN LATIN AMERICA  
 AND THE CARIBBEAN

- Sec. 101. Developing and implementing a strategy to increase economic com-  
 petitiveness and promote the rule of law.
- Sec. 102. Strengthening United States International Development Finance Cor-  
 poration engagement in Latin America and the Caribbean.
- Sec. 103. Advancing regulation of foreign investment in infrastructure projects  
 to protect host countries’ national interests.
- Sec. 104. Strengthening infrastructure project selection and procurement proc-  
 esses.
- Sec. 105. Promoting the rule of law in digital governance.
- Sec. 106. Investing in projects that strengthen the region’s digital infrastruc-  
 ture.
- Sec. 107. Countering foreign corrupt practices in the Americas.
- Sec. 108. Countering malign business practices.
- Sec. 109. Promoting greater energy security.

TITLE II—PROMOTING REGIONAL SECURITY AND DIGITAL  
 SECURITY, AND PROTECTING HUMAN RIGHTS IN THE AMERICAS

- Sec. 201. Ensuring the integrity of telecom and data networks and critical in-  
 frastructure.
- Sec. 202. Addressing the risks that pervasive surveillance and monitoring tech-  
 nologies pose to human rights.
- Sec. 203. Revitalizing bilateral and multilateral military education programs.

TITLE III—ADVANCING THE ROLE OF CIVIL SOCIETY IN LATIN  
 AMERICA AND THE CARIBBEAN

- Sec. 301. Counteracting growing Chinese educational and cultural influence in  
 Latin America and the Caribbean.
- Sec. 302. Advancing the role of civil society and the media to promote account-  
 ability.

TITLE IV—RESOURCING FOR SUCCESS

Sec. 401. Appointment of China Engagement Officers at United States embassies in the Western Hemisphere.

Sec. 402. Assessing staffing needs at United States embassies in Latin America and the Caribbean.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The People's Republic of China has dra-  
4 matically increased engagement with Latin America  
5 and the Caribbean since 2004. Latin America is the  
6 second largest destination for Chinese foreign direct  
7 investment. China has become the top trading part-  
8 ner of Brazil, Chile, Peru, and Uruguay. China's  
9 trade with Latin America has grown from  
10 \$17,000,000,000 in 2002 to \$306,000,000,000 in  
11 2018.

12 (2) Between 2005 and 2018, the People's Re-  
13 public of China provided Latin America with an esti-  
14 mated \$141,000,000,000 in development loans and  
15 other assistance. The annual amount of such loans  
16 and assistance consistently surpasses the annual sov-  
17 ereign lending to Latin America and the Caribbean  
18 from either the World Bank or the Inter-American  
19 Development Bank.

20 (3) The People's Republic of China—

21 (A) is investing extensively across the re-  
22 gion's extractive sector and agricultural supply

1 chains to more effectively control raw materials  
2 supply and pricing;

3 (B) has acquired and built new port facili-  
4 ties and other transport and energy infrastruc-  
5 ture in Brazil, Panama, Costa Rica, El Sal-  
6 vador, and elsewhere in the region to expand its  
7 footprint in Latin America; and

8 (C) has developed strong partnerships and  
9 engaged in extensive deal-making in tele-  
10 communications and other technology-intensive  
11 sectors in the Latin American and Caribbean  
12 region.

13 (4) In 2015, the People's Republic of China  
14 and countries of the Community of Latin American  
15 and Caribbean States (CELAC) held the first meet-  
16 ing of the China-CELAC Ministerial Forum, at  
17 which they agreed to a 5-year cooperation plan re-  
18 garding politics, security, trade, investment, finance,  
19 infrastructure, energy, resources, industry, agri-  
20 culture, science, and people-to-people exchanges.  
21 China is also active in other regional institutions, in-  
22 cluding multilateral development banks.

23 (5) The United States Southern Command has  
24 warned that China's space and telecommunications  
25 ventures in Latin America and the Caribbean have

1 created United States commercial and security  
2 vulnerabilities.

3 (6) China has spent more than  
4 \$244,000,000,000 on energy projects worldwide  
5 since 2000, 25 percent of which was spent in Latin  
6 America and the Caribbean. Although the majority  
7 of this spending was for oil, gas, and coal, China has  
8 also been the largest investor in clean energy glob-  
9 ally for almost a decade.

10 (7) China promotes the repressive use of tech-  
11 nology—

12 (A) by selling crowd control weapons and  
13 riot gear used against demonstrators; and

14 (B) by developing tracking systems that  
15 can be used by governments to surveil and mon-  
16 itor their citizens.

17 (8) Although China did not originally include  
18 the Latin American and Caribbean region in its Belt  
19 and Road Initiative—

20 (A) at a meeting with the Community of  
21 Latin American and Caribbean States in Janu-  
22 ary 2018, China invited Latin America and the  
23 Caribbean to participate in the Belt and Road  
24 Initiative, referring to the region as a natural  
25 fit for a program that aims to improve

1 connectivity between land and sea through  
2 jointly built logistic, electricity, and information  
3 pathways; and

4 (B) 19 Latin American and Caribbean  
5 countries have signed bilateral Belt and Road  
6 Cooperation Agreements since 2017.

7 (9) The People's Republic of China offers to fi-  
8 nance projects in Latin America and the Caribbean  
9 on deceptively easy terms that frequently lead recipi-  
10 ent countries to become dependent on, and deeply  
11 indebted to, China. Chinese companies frequently  
12 engage in exploitative practices, including predatory  
13 lending, and project requirements that—

14 (A) provide little or no benefit to the host  
15 country; and

16 (B) facilitate corrupt practices.

17 (10) The Government of China expects that  
18 Chinese companies will invest the equivalent of  
19 \$250,000,000,000 in Latin America and the Carib-  
20 bean by 2025.

21 (11) Since 2017, China has used its increasing  
22 economic influence in Latin America and the Carib-  
23 bean to encourage countries, including El Salvador,  
24 Panama, and the Dominican Republic, to sever dip-  
25 lomatic relations with Taiwan. Of the 15 countries

1       that still maintain diplomatic relations with Taiwan,  
2       9 are in Latin America and the Caribbean, namely:  
3       Belize, Guatemala, Haiti, Honduras, Nicaragua,  
4       Paraguay, St. Kitts and Nevis, St. Lucia, and St.  
5       Vincent and the Grenadines.

6 **SEC. 3. SENSE OF CONGRESS.**

7       It is the sense of Congress that—

8           (1) the United States shares extensive economic  
9       and commercial relations, democratic values, cultural  
10      ties, and geographic proximity with the nations of  
11      the Western Hemisphere;

12          (2) increased United States engagement with  
13      countries in the Western Hemisphere is essential to  
14      addressing initiatives by rival powers, such as China,  
15      to increase their presence and influence over govern-  
16      ments in Latin American and the Caribbean at the  
17      expense of strategic economic and security interests  
18      of the United States;

19          (3) the United States is uniquely positioned to  
20      promote the rule of law and support the strength-  
21      ening of democratic institutions and individual free-  
22      doms in Latin America and the Caribbean, while im-  
23      proving the quality of life of citizens throughout the  
24      Western Hemisphere;

1           (4) China’s growing presence in the Western  
2 Hemisphere—

3           (A) has contributed to the survival of auto-  
4 cratic and anti-democratic regimes, such as the  
5 Maduro regime and the Government of Cuba,  
6 by acting as a lender of last resort and pro-  
7 viding other forms of economic support;

8           (B) has assisted such regimes in under-  
9 mining democratic norms through weapons  
10 sales and the proliferation of surveillance tech-  
11 nology; and

12           (C) has provided governments with the re-  
13 sources to implement irresponsible economic  
14 policies to the detriment of its citizens.

15           (5) the United States Government should con-  
16 tinue to assert a positive presence in the Western  
17 Hemisphere based upon—

18           (A) supporting the rule of law, combating  
19 corruption, and advancing digital security as a  
20 means to improve prospects for regional growth  
21 and development and mitigate the unfair advan-  
22 tage accrued to those that engage in unfair and  
23 illegal practices;

24           (B) facilitating technical assistance and  
25 knowledge-sharing programs that strengthen re-



gional governments' and businesses' capacity for engaging in sound negotiations and contracts, protect their economic interests, and protect the economic interests of their citizens;

(C) engaging in development investments that strengthen United States public and private sector ties to Western Hemisphere governments and businesses, promote shared conviction that open markets and fair competition are critical to sustained economic growth, enhance regional businesses' ability to move up the value chain, and are environmentally sustainable;

(D) raising awareness regarding how the proliferation of Chinese economic largesse and the increased adoption of Chinese surveillance technology can harm Western Hemisphere economies and undermine democratic institutions;

(E) empowering local and international media and civil society to carefully monitor investment activity in Latin America and the Caribbean to ensure accountability and uncover the malign effects of greater Chinese engagement, including a lack of transparency, facilitation of corruption, unsustainable debt, environ-

1           mental damage, opaque labor and business  
2           practices of Chinese firms, and the increased  
3           likelihood of projects that leave host countries  
4           in unsustainable debt; and

5           (F) promoting greater economic engage-  
6           ment between the United States and other  
7           countries of the Western Hemisphere to spur  
8           economic development in the region and in-  
9           crease economic opportunities for the United  
10          States private sector.

11 **SEC. 4. STATEMENT OF POLICY.**

12       It is the policy of the United States—

13           (1) to expand United States engagement in the  
14       Western Hemisphere through economic and public  
15       diplomacy that strengthens political and economic  
16       relations, reinforces shared democratic values, and  
17       facilitates economic development in the Western  
18       Hemisphere; and

19           (2) to promote United States economic pros-  
20       perity through increased engagement with Latin  
21       America and the Caribbean.

22 **SEC. 5. DEFINITIONS.**

23       In this Act:

24           (1) CARIBBEAN.—The term “Caribbean” does  
25       not include Cuba, unless it is specifically named.

1 (2) LATIN AMERICA AND THE CARIBBEAN.—

2 The term “Latin America and the Caribbean” does  
3 not include Cuba, unless Cuba is specifically named.

4 (3) RULE OF LAW.—The term “rule of law” re-  
5 fers to a durable system of institutions and proc-  
6 esses founded on the universal principles of—

7 (A) accountability;

8 (B) just laws that protect fundamental  
9 freedoms;

10 (C) open and transparent government  
11 processes; and

12 (D) accessible and impartial dispute reso-  
13 lution.

14 **SEC. 6. ASSESSING THE INTENTIONS OF THE PEOPLE’S RE-**  
15 **PUBLIC OF CHINA IN THE WESTERN HEMI-**  
16 **SPHERE.**

17 (a) DEFINED TERM.—In this section, the term “ap-  
18 propriate congressional committees” means—

19 (1) the Committee on Foreign Relations of the  
20 Senate;

21 (2) the Select Committee on Intelligence of the  
22 Senate;

23 (3) the Committee on Foreign Affairs of the  
24 House of Representatives; and

1           (4) the Permanent Select Committee on Intel-  
2           ligence of the House of Representatives.

3           (b) REPORTING REQUIREMENT.—Not later than 90  
4           days after the date of the enactment of this Act, the Sec-  
5           retary of State, working through the Assistant Secretary  
6           of State for the Bureau of Intelligence and Research, and  
7           in coordination with the Director of National Intelligence  
8           and the Director of the Central Intelligence Agency, shall  
9           submit a report to the appropriate congressional commit-  
10          tees that assesses the nature, intent, and impact to United  
11          States strategic interests of—

12           (1) Chinese economic activity in Latin America  
13           and the Caribbean, such as foreign direct invest-  
14           ment, development financing, oil-for-loans deals,  
15           other preferential trading arrangements, and  
16           projects related to China’s Belt and Road Initiative;

17           (2) the involvement of Chinese government enti-  
18           ties and state-owned enterprises in infrastructure  
19           projects in Latin America and the Caribbean, such  
20           as—

21           (A) the building, renovating, and operating  
22           of port facilities, including the Margarita Port  
23           of Panama, Posorja Deepwater Port in Ecua-  
24           dor, and the Port of Paranaguá in Brazil;

1 (B) the building and maintenance of the  
2 region's telecom infrastructure, including the  
3 bidding and construction of fiber optic sub-  
4 marine cables and the installation of 5G tech-  
5 nologies, by Chinese companies, including  
6 Huawei, ZTE, and possibly others, and the like-  
7 lihood that these companies will be the domi-  
8 nant providers of telecommunications infra-  
9 structure and associated products and services  
10 in the region, with great influence over Latin  
11 American government telecom entities;

12 (C) the building of government facilities in  
13 the region; and

14 (D) the building of Ecuador's Coca Codo  
15 Sinclair Dam and other energy infrastructure  
16 projects in the region;

17 (3) Chinese military activity in the region, in-  
18 cluding military education and training programs,  
19 weapons sales, and space-related activities in the  
20 military or civilian spheres, such as the major sat-  
21 ellite and space control station China recently con-  
22 structed in Argentina;

23 (4) Chinese security activity in Latin America  
24 and the Caribbean, including sales of surveillance  
25 and monitoring technology to regional governments

1       such as Venezuela, Cuba, and Ecuador, and the po-  
2       tential use of such technology as tools of Chinese in-  
3       telligence;

4           (5) Chinese intelligence engagement in Latin  
5       America and the Caribbean, and the development of  
6       dual-use platforms;

7           (6) the nature of the People's Republic of Chi-  
8       na's presence in the region, and whether it is com-  
9       petitive, threatening, or benign to the United States  
10      national interests; and

11          (7) Chinese diplomatic activity aimed at influ-  
12      encing the decisions, procedures, and programs of  
13      multilateral organizations, including the Organiza-  
14      tion of American States (OAS) and the Inter-Amer-  
15      ican Development Bank (IDB), as well the work in  
16      Latin America and the Caribbean of the World  
17      Bank and International Monetary Fund (IMF).

18      (c) COORDINATION.—In preparing the report re-  
19      quired under subsection (b), the Secretary of State shall  
20      coordinate with the Secretary of the Treasury and the Ad-  
21      ministrator of the United States Agency for International  
22      Development, as feasible.

23      (d) FORM.—The report required under subsection (b)  
24      shall be submitted in unclassified form and shall include  
25      classified annexes.

1 **TITLE I—INCREASING COMPETI-**  
2 **TIVENESS IN LATIN AMERICA**  
3 **AND THE CARIBBEAN**

4 **SEC. 101. DEVELOPING AND IMPLEMENTING A STRATEGY**  
5 **TO INCREASE ECONOMIC COMPETITIVENESS**  
6 **AND PROMOTE THE RULE OF LAW.**

7 (a) STRATEGY REQUIREMENT.—Not later than 180  
8 days after the date of the enactment of this Act, the Sec-  
9 retary of State, in consultation with the Secretary of the  
10 Treasury, the Secretary of Commerce, the Attorney Gen-  
11 eral, the United States Trade Representative, the Admin-  
12 istrator of the United States Agency for International De-  
13 velopment, and the Chief Executive Officer of the United  
14 States International Development Finance Corporation,  
15 shall submit a multi-year strategy for increasing United  
16 States economic competitiveness and promoting the rule  
17 of law in Latin American and Caribbean countries, par-  
18 ticularly in the areas of investment, sustainable develop-  
19 ment, commercial relations, anti-corruption activities, and  
20 infrastructure projects, to—

21 (1) the Committee on Foreign Relations of the  
22 Senate;

23 (2) the Committee on Finance of the Senate;

24 (3) the Committee on Foreign Affairs of the  
25 House of Representatives; and

1           (4) the Committee on Ways and Means of the  
2       House of Representatives.

3       (b) **ADDITIONAL ELEMENTS.**—The strategy sub-  
4       mitted pursuant to subsection (a) shall include a plan of  
5       action to—

6           (1) assist Latin American and Caribbean coun-  
7       tries with the sustainable development of their  
8       economies;

9           (2) promote the rule of law as a means to en-  
10      sure fair competition, combat corruption, and  
11      strengthen legal structures critical to robust demo-  
12      cratic governance;

13          (3) identify and mitigate obstacles to economic  
14      growth in Latin America and the Caribbean;

15          (4) maintain free and transparent access to the  
16      internet and digital infrastructure in the Western  
17      Hemisphere; and

18          (5) facilitate a more competitive environment  
19      for United States businesses in Latin America and  
20      the Caribbean.

21      (c) **REPORTING REQUIREMENT.**—Not later than 1  
22      year after the date of the enactment of this Act, and annu-  
23      ally thereafter, the Secretary of State, in consultation with  
24      the Secretary of the Treasury, the Secretary of Commerce,  
25      the Attorney General, the United States Trade Represent-



1   ative, and the leadership of the United States Inter-  
 2   national Development Finance Corporation, shall brief the  
 3   congressional committees listed in subsection (a) on the  
 4   implementation of this title, including examples of suc-  
 5   cesses and challenges.

6   **SEC. 102. STRENGTHENING UNITED STATES INTER-**  
 7                   **NATIONAL DEVELOPMENT FINANCE COR-**  
 8                   **PORATION ENGAGEMENT IN LATIN AMERICA**  
 9                   **AND THE CARIBBEAN.**

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

12           (1) United States support for the development  
 13       of competitive industries in Latin America and the  
 14       Caribbean, which are necessary for workforce devel-  
 15       opment, increased wages, and further economic de-  
 16       velopment, will provide an opportunity to strengthen  
 17       United States competitiveness;

18           (2) the reliance of the BUILD Act of 2018 on  
 19       the Gini coefficient to measure eligibility for develop-  
 20       ment financing from the United States International  
 21       Development Finance Corporation would exclude the  
 22       Caribbean’s 12 countries from qualifying for devel-  
 23       opment financing; and

24           (3) given the geographic proximity of Caribbean  
 25       countries to the United States, the economic sta-

1 bility of Caribbean nations is important to United  
 2 States national security interests.

3 (b) ELIGIBILITY OF CARIBBEAN COUNTRIES FOR FI-  
 4 NANCING THROUGH THE UNITED STATES INTER-  
 5 NATIONAL DEVELOPMENT FINANCE CORPORATION.—Sec-  
 6 tion 1412(c) of the BUILD Act of 2018 (division F of  
 7 Public Law 115–254) is amended by adding at the end  
 8 the following:

9 “(3) INCLUSION OF CARIBBEAN COUNTRIES.—  
 10 Notwithstanding paragraphs (1) and (2), Caribbean  
 11 countries (excluding Cuba) shall be included among  
 12 the countries receiving prioritized support under title  
 13 II during the 10-year period beginning on the date  
 14 of the enactment of the Advancing Competitiveness,  
 15 Transparency, and Security in the Americas Act of  
 16 2020.”.

17 (c) PRIORITIZING ENGAGEMENT IN THE WESTERN  
 18 HEMISPHERE.—Section 1412 of the BUILD Act of 2018,  
 19 as amended by subsection (b), is further amended by add-  
 20 ing at the end the following:

21 “(d) FOREIGN POLICY GUIDANCE.—The Secretary of  
 22 State, in accordance with the priorities identified in sub-  
 23 section (c), shall provide foreign policy guidance to the  
 24 Corporation to prioritize development financing to Latin  
 25 American and Caribbean countries (excluding Cuba) by

1 dedicating not less than 35 percent of development financ-  
 2 ing and equity investments to countries in Latin America  
 3 and the Caribbean during the 10-year period beginning  
 4 on the date of the enactment of the Advancing Competi-  
 5 tiveness, Transparency, and Security in the Americas Act  
 6 of 2020.”.

7 **SEC. 103. ADVANCING REGULATION OF FOREIGN INVEST-**  
 8 **MENT IN INFRASTRUCTURE PROJECTS TO**  
 9 **PROTECT HOST COUNTRIES’ NATIONAL IN-**  
 10 **TERESTS.**

11 (a) FINDING.—Congress finds that the Committee on  
 12 Foreign Investment in the United States (referred to in  
 13 this subsection as “CFIUS”), as set forth in section 721  
 14 of the Defense Production Act of 1950 (50 U.S.C.  
 15 4565)—

16 (1) protects United States national security in-  
 17 terests that are related to foreign direct investment  
 18 in the United States economy; and

19 (2) provides a mechanism by which the United  
 20 States Government can respond to concerns that in-  
 21 vestments may be driven by political, rather than  
 22 economic, motives.

23 (b) IN GENERAL.—The Secretary of State, working  
 24 through the Assistant Secretary of State for Economic  
 25 and Business Affairs and the Assistant Secretary of State

1 for International Narcotics and Law Enforcement Affairs,  
2 in coordination with the Secretary of the Treasury, shall  
3 offer to provide technical assistance to partner govern-  
4 ments in Latin America and the Caribbean to assist mem-  
5 bers of national legislatures and executive branch officials  
6 in establishing legislative and regulatory frameworks that  
7 are similar to the frameworks set forth in section 721 of  
8 the Defense Production Act of 1950 (50 U.S.C. 4565).

9 (c) PURPOSES.—In carrying out subsection (b), the  
10 Secretary of State, in coordination with the Secretary of  
11 the Treasury, shall actively encourage partner govern-  
12 ments—

13 (1) to protect their respective country’s national  
14 security interests;

15 (2) to protect the national security interests of  
16 their allies; and

17 (3) to review and approve, suspend, or prohibit  
18 investments and projects, on a case-by-case basis  
19 and in the aggregate, to evaluate and assess their  
20 potential risk to such national security interests.

21 (d) DIPLOMATIC ENGAGEMENT.—In providing the  
22 technical assistance described in subsection (b), the Sec-  
23 retary of State shall conduct diplomatic engagement with  
24 legislators from countries vital to the interests of the  
25 United States to encourage them to adopt legislation de-

1 scribed in subsections (b) and (c) to regulate infrastruc-  
2 ture development projects

3 (e) STRATEGY.—Not later than 90 days after the  
4 date of the enactment of this Act, the Secretary of State  
5 shall submit a strategy for carrying out the activities de-  
6 scribed in subsections (b) through (d) to—

7 (1) the Committee on Foreign Relations of the  
8 Senate;

9 (2) the Committee on Appropriations of the  
10 Senate;

11 (3) the Committee on Banking, Housing, and  
12 Urban Affairs of the Senate;

13 (4) the Committee on Foreign Affairs of the  
14 House of Representatives;

15 (5) the Committee on Appropriations of the  
16 House of Representatives; and

17 (6) the Committee on Financial Services of the  
18 House of Representatives.

19 (f) SEMIANNUAL BRIEFING REQUIREMENT.—Not  
20 later than 180 days after the date of the enactment of  
21 this Act, and every 180 days thereafter, the Secretary of  
22 State shall provide a briefing regarding the activities de-  
23 scribed in subsections (b) through (d) and the strategy  
24 submitted under subsection (e) to—

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

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

5       (g) AUTHORIZATION OF APPROPRIATIONS.—

6           (1) IN GENERAL.—There is authorized to be  
7       appropriated to the Secretary of State \$10,000,000  
8       for fiscal year 2020 to carry out the activities set  
9       forth in subsections (b) through (d).

10          (2) NOTIFICATION REQUIREMENTS.—Amounts  
11       appropriated pursuant to paragraph (1) are subject  
12       to the notification requirements applicable to ex-  
13       penditures from the Economic Support Fund under  
14       section 531(c) of the Foreign Assistance Act of 1961  
15       (22 U.S.C. 2346(c)) and the International Narcotics  
16       and Law Enforcement Fund under section 489 of  
17       the Foreign Assistance Act of 1961 (22 U.S.C.  
18       2291h), to the extent that such funds are expended.

19 **SEC. 104. STRENGTHENING INFRASTRUCTURE PROJECT**  
20 **SELECTION AND PROCUREMENT PROCESSES.**

21       (a) FINDINGS.—Congress makes the following find-  
22       ings:

23           (1) Corruption, as evidenced by the Odebrecht  
24       construction scandal and the Panama Papers, cre-

1       ates significant obstacles to doing business in Latin  
2       America and the Caribbean.

3           (2) China further exacerbates the levels of cor-  
4       ruption in the region by engaging in corrupt prac-  
5       tices when pursuing secure infrastructure contracts  
6       and procurement agreements.

7           (3) Procurement agreements not based exclu-  
8       sively on cost, quality, and necessity can lead to  
9       projects that do not serve the best interests of the  
10      public.

11      (b) ENGAGEMENT INITIATIVES.—The Secretary of  
12      State, in coordination with the Administrator of the  
13      United States Agency for International Development, the  
14      Chief Executive Officer of United States International De-  
15      velopment Finance Corporation, the Director of the  
16      United States Trade Development Agency, and represent-  
17      atives of the Department of the Treasury’s Office of Tech-  
18      nical Assistance, shall plan and carry out initiatives to en-  
19      gage with governments in Latin America and the Carib-  
20      bean for the purpose of strengthening infrastructure  
21      project selection processes and procurement processes, in-  
22      cluding—

23           (1) discussing, devising, and disseminating best  
24      practices, frameworks, and tools that—

1 (A) ensure greater adherence to the rule of  
2 law;

3 (B) promote greater transparency in infra-  
4 structure, trade, and development projects; and

5 (C) more effectively regulate tender proc-  
6 esses to minimize opportunities for corrupt  
7 practices;

8 (2) strengthening legal structures as needed to  
9 ensure business agreements are transparent, clear,  
10 and enforceable;

11 (3) increasing the capacity of Latin American  
12 and Caribbean governments to effectively assess and  
13 negotiate investment opportunities in accordance  
14 with applicable laws, including commercial and pub-  
15 lic infrastructure projects;

16 (4) promoting legislation that codifies best  
17 practices in applying the rule of law to infrastruc-  
18 ture, trade, and development projects;

19 (5) promoting the adoption of infrastructure  
20 project selection processes that include environ-  
21 mental impact studies that prioritize minimal envi-  
22 ronmental impact, strong environmental standards,  
23 and social safeguards for vulnerable and  
24 marginalized populations, including indigenous and  
25 Afro-Latino populations;



1           (6) emphasizing differences in business prac-  
2           tices between the United States and China, particu-  
3           larly those relating to the rule of law, transparency,  
4           and financing; and

5           (7) fostering and enabling economic and tech-  
6           nical data sharing relating to contract costs, struc-  
7           turing, and terms, including loan terms, cost over-  
8           runs, and quality assurance, among regional govern-  
9           ments and the United States.

10          (c) CONSULTATION.—During the planning of the ini-  
11       tiatives described in subsection (b), the Secretary of State,  
12       in coordination with the Administrator of the United  
13       States Agency for International Development, the Chief  
14       Executive Officer of the United States International De-  
15       velopment Finance Corporation, the Director of the  
16       United States Trade Development Agency’s Global Pro-  
17       curement Initiative, and representatives of the Depart-  
18       ment of the Treasury’s Office of Technical Assistance,  
19       shall consult with representatives of the private sector and  
20       nongovernmental organizations in the United States,  
21       Latin America, and the Caribbean.

22          (d) BRIEFING REQUIREMENT.—Not later than 1 year  
23       after the date of the enactment of this Act, and every 180  
24       days thereafter, the Secretary of State shall provide a

1 briefing regarding the initiatives described in subsection  
2 (b) to—

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

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

7       (e) BASELINE ASSESSMENT.—Not later than 180  
8 days after the date of the enactment of this Act, the Sec-  
9 retary of State shall submit a report to the congressional  
10 committees referred to in subsection (d) that assesses,  
11 based on credible indices of the performance of the rule  
12 of law (including the World Justice Project’s Rule of Law  
13 Index), the progress made by Latin American and Carib-  
14 bean governments toward strengthening the rule of law,  
15 reducing corruption, and creating greater transparency in  
16 business practices, including through—

17           (1) standardizing and regulating procurement  
18       practices; and

19           (2) streamlining, modernizing, and digitizing  
20       records for public procurement and customs duties.

21       (f) AUTHORIZATION OF APPROPRIATIONS.—

22           (1) IN GENERAL.—There is authorized to be  
23       appropriated to the Secretary of State for fiscal year  
24       2021, \$5,000,000 to carry out the activities set forth  
25       in subsections (b) and (c).

1           (2) NOTIFICATION REQUIREMENTS.—Amounts  
 2           appropriated pursuant to paragraph (1) are subject  
 3           to the notification requirements applicable to ex-  
 4           penditures from the Economic Support Fund under  
 5           section 531(c) of the Foreign Assistance Act of 1961  
 6           (22 U.S.C. 2346(c)) to the extent that such funds  
 7           are expended.

8   **SEC. 105. PROMOTING THE RULE OF LAW IN DIGITAL GOV-**  
 9                                   **ERNANCE.**

10          (a) SENSE OF CONGRESS.—It is the sense of Con-  
 11          gress that United States engagement with Latin America  
 12          and the Caribbean regarding digital infrastructure and se-  
 13          curity should—

14                 (1) help protect privacy, civil liberties, and  
 15          human rights; and

16                 (2) strengthen institutions aimed at fighting  
 17          cybercrimes.

18          (b) IN GENERAL.—The Secretary of State, in coordi-  
 19          nation with the Department of Justice, shall conduct dip-  
 20          lomatic engagement to encourage and facilitate Latin  
 21          American and Caribbean governments’ adoption of stand-  
 22          ards to address cybercrimes, such as institutionalizing the  
 23          recommendations of the Organization of American States  
 24          Ninth Meeting of Ministers of Justice or Other Ministers  
 25          or Attorneys General of the Americas Working Group on

1 Cybercrime (December 2016: OEA/Ser. K/XXXIV), in-  
2 cluding—

3           (1) adopting or updating procedural measures  
4           and legislation necessary to ensure the collection and  
5           safe custody of all forms of electronic evidence and  
6           their admissibility in criminal proceedings and trials  
7           and to enable States to assist one another in matters  
8           involving electronic evidence, with due regard for  
9           rights to privacy and due process;

10          (2) developing and implementing national strat-  
11          egies to deter, investigate, and prosecute cybercrime  
12          as part of a broader and more coordinated effort to  
13          protect the information technology systems and net-  
14          works of citizens, businesses, and governments;

15          (3) continuing to develop partnerships among  
16          Latin American and Caribbean officials responsible  
17          for preventing, investigating, and prosecuting such  
18          crimes, and the private sector, in order to streamline  
19          and improve the procurement of information in the  
20          context of mutual assistance proceedings; and

21          (4) working, in cooperation with like-minded de-  
22          mocracies in international organizations, to advance  
23          standards for digital governance and promote a free  
24          and open internet.

1       (c) SEMIANNUAL BRIEFING REQUIREMENT.—Not  
 2 later than 180 days after the date of the enactment of  
 3 this Act, and every 180 days thereafter until the date that  
 4 is 5 years after such date of enactment, the Secretary of  
 5 State shall brief the Committee on Foreign Relations of  
 6 the Senate and the Committee on Foreign Affairs of the  
 7 House of Representatives regarding the diplomatic en-  
 8 gagement described in subsection (b).

9       **SEC. 106. INVESTING IN PROJECTS THAT STRENGTHEN THE**  
 10                                   **REGION’S DIGITAL INFRASTRUCTURE.**

11       (a) FINDINGS.—Congress makes the following find-  
 12 ings:

13               (1) According to a 2016 report by the Organi-  
 14 zation for Economic Cooperation and Development,  
 15 “Working Paper No. 334: Harnessing the Digital  
 16 Economy for Developing Countries”—

17                       (A) the digital economy fosters growth and  
 18 productivity and supports inclusive development  
 19 by improving accessibility for previously  
 20 marginalized groups;

21                       (B) access to digital infrastructure can  
 22 provide these groups with a whole range of  
 23 markets and services, including education, peer-  
 24 to-peer lending, e-government, the sharing econ-

1 omy, crowdfunding, and online job matching  
2 services; and

3 (C) adoption and usage of digital tech-  
4 nologies raises the productivity of capital and  
5 labor, enables the participation in global value  
6 chains, and contributes to greater inclusion by  
7 lowering transaction costs and expanding access  
8 to information.

9 (2) According to the Inter-American Develop-  
10 ment Bank, the combination of high rates of finan-  
11 cial exclusion and high mobile penetration and tech-  
12 nological innovation represents a great opportunity  
13 to use technology to enable financial services to  
14 reach a part of the population in Latin America that  
15 has been underserved by traditional financial serv-  
16 ices.

17 (b) DIGITAL INFRASTRUCTURE ACCESS AND SECU-  
18 RITY STRATEGY.—Not later than 180 days after the date  
19 of the enactment of this Act, the Secretary of State, in  
20 coordination with relevant Federal agencies, shall submit  
21 to Congress a strategy and implementation plan for  
22 leveraging United States expertise to help Latin American  
23 and Caribbean governments—

24 (1) develop and secure their digital infrastruc-  
25 ture;

1           (2) protect technological assets, including data  
2       privacy;

3           (3) advance cybersecurity to protect against  
4       cybercrime and cyberespionage; and

5           (4) create more equal access to economic oppor-  
6       tunities for their citizens.

7       (c) CHALLENGES.—The strategy described in sub-  
8       section (b) shall address—

9           (1) the severe digital divides between more  
10      wealthy urban centers and rural districts;

11          (2) the need for protection of citizens' privacy;  
12      and

13          (3) the need to expand existing initiatives to  
14      allow public-private partnerships to increase access  
15      to micro-grids and decentralized electronic systems.

16       (d) CONSULTATION.—In creating the strategy de-  
17       scribed in subsection (b), the Secretary of State shall con-  
18       sult with—

19          (1) leaders of the United States telecommuni-  
20      cation industry;

21          (2) other technology experts from nongovern-  
22      mental organizations and academia; and

23          (3) representatives from relevant United States  
24      Government agencies.

1 (e) SEMIANNUAL BRIEFING REQUIREMENT.—Not  
 2 later than 180 days after the date of the enactment of  
 3 this Act, and every 180 days thereafter until the date that  
 4 is 5 years after such date of enactment, the Secretary of  
 5 State shall brief the Committee on Foreign Relations of  
 6 the Senate and the Committee on Foreign Affairs of the  
 7 House of Representatives regarding the implementation of  
 8 the strategy described in subsection (b).

9 **SEC. 107. COUNTERING FOREIGN CORRUPT PRACTICES IN**  
 10 **THE AMERICAS.**

11 (a) IN GENERAL.—The Secretary of State, working  
 12 through the Assistant Secretary of State for Economic  
 13 and Business Affairs and the Assistant Secretary of State  
 14 for International Narcotics and Law Enforcement Affairs,  
 15 shall offer to provide technical assistance to partner gov-  
 16 ernments in Latin America and the Caribbean to assist  
 17 members of national legislatures and executive branch of-  
 18 ficials in establishing legislative and regulatory frame-  
 19 works that are similar to those set forth in—

20 (1) section 30A of the Securities Exchange Act  
 21 of 1934 (15 U.S.C. 78dd–1); and

22 (2) section 104 of the Foreign Corrupt Prac-  
 23 tices Act of 1977 (15 U.S.C. 78dd–2).



1 (b) PURPOSES.—In carrying out subsection (a), the  
2 Secretary of State shall actively encourage partner govern-  
3 ments—

4 (1) to adopt standards similar to those in the  
5 Foreign Corrupt Practices Act of 1977 (title I of  
6 Public Law 95–213) that deter fraudulent business  
7 practices and increase government and private sector  
8 accountability in Latin America and the Caribbean;  
9 and

10 (2) to strengthen the investigative and prosecu-  
11 torial capacity of government institutions in Latin  
12 America and the Caribbean to combat fraudulent  
13 business practices involving public officials.

14 (c) STRATEGY REQUIREMENT.—Not later than 90  
15 days after the date of the enactment of this Act, the Sec-  
16 retary of State shall submit a strategy for carrying out  
17 the activities described in subsections (a) and (b) to—

18 (1) the Committee on Foreign Relations of the  
19 Senate;

20 (2) the Committee on Appropriations of the  
21 Senate;

22 (3) the Committee on Foreign Affairs of the  
23 House of Representatives; and

24 (4) the Committee on Appropriations of the  
25 House of Representatives.

1 (d) CONSULTATION.—In formulating the strategy de-  
2 scribed in subsection (c), the Secretary of State shall con-  
3 sult with the Secretary of the Treasury and the Attorney  
4 General.

5 (e) SEMIANNUAL BRIEFING REQUIREMENT.—Not  
6 later than 180 days after the date of the enactment of  
7 this Act, and every 180 days thereafter until the date that  
8 is 5 years after such date of enactment, the Secretary of  
9 State shall provide a briefing regarding the activities de-  
10 scribed in subsections (a) and (b) and the strategy sub-  
11 mitted under subsection (c) to—

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

14 (2) the Committee on Foreign Affairs of the  
15 House of Representatives.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There is authorized to be  
18 appropriated \$10,000,000 to the Department of  
19 State for fiscal year 2021—

20 (A) to carry out the activities set forth in  
21 subsections (a) and (b); and

22 (B) to develop the strategy submitted  
23 under subsection (c).

24 (2) NOTIFICATION REQUIREMENTS.—Amounts  
25 appropriated pursuant to paragraph (1) are subject

1 to the notification requirements applicable to ex-  
2 penditures from the Economic Support Fund under  
3 section 531(c) of the Foreign Assistance Act of 1961  
4 (22 U.S.C. 2346(c)) and the International Narcotics  
5 and Law Enforcement Fund under section 489 of  
6 the Foreign Assistance Act of 1961 (22 U.S.C.  
7 2291h), to the extent that such funds are expended.

8 **SEC. 108. COUNTERING MALIGN BUSINESS PRACTICES.**

9 (a) FINDINGS.—Congress makes the following find-  
10 ings:

11 (1) China has demonstrated a pattern of ex-  
12 ploiting international norms and domestic laws in  
13 foreign states to its benefit, while ignoring such laws  
14 and norms when they interfere with China’s per-  
15 ceived national interests.

16 (2) China has demonstrated a pattern of  
17 bribing foreign government officials to ensure that it  
18 receives favorable terms on infrastructure deals and  
19 overstates the benefits or underplays the risks of  
20 proposed infrastructure projects.

21 (b) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR  
22 PAROLE.—An alien described in this subsection is an alien  
23 whom the Secretary of State or the Secretary of Homeland  
24 Security (or a designee of either Secretary) knows, or has  
25 reason to believe, is engaging or has engaged in acts of

1 significant corruption in a country in Latin America or  
 2 the Caribbean with representatives of, or on behalf of, the  
 3 Government of China, a Chinese state-owned entity, or a  
 4 Chinese private sector entity.

5 (c) VISAS, ADMISSION, OR PAROLE.—An alien de-  
 6 scribed in subsection (b) is—

7 (1) inadmissible to the United States;

8 (2) ineligible to receive a visa or other docu-  
 9 mentation to enter the United States; and

10 (3) otherwise ineligible to be admitted or pa-  
 11 roled into the United States or to receive any benefit  
 12 under the Immigration and Nationality Act (8  
 13 U.S.C. 1101 et seq.).

14 (d) CURRENT VISAS REVOKED.—

15 (1) IN GENERAL.—An alien described in sub-  
 16 section (b) is subject to revocation of any visa or  
 17 other entry documentation regardless of when the  
 18 visa or other entry documentation is or was issued.

19 (2) IMMEDIATE EFFECT.—A revocation under  
 20 paragraph (1)—

21 (A) shall take effect immediately; and

22 (B) shall automatically cancel any other  
 23 valid visa or entry documentation that is in the  
 24 alien's possession.

1 (e) EXCEPTIONS.—Sanctions under subsections (c)  
2 and (d) shall not apply with respect to an alien if admit-  
3 ting or paroling the alien into the United States is nec-  
4 essary—

5 (1) to permit the United States to comply with  
6 the Agreement regarding the Headquarters of the  
7 United Nations, signed at Lake Success June 26,  
8 1947, and entered into force November 21, 1947,  
9 between the United Nations and the United States,  
10 or other applicable international obligations; or

11 (2) to carry out or assist law enforcement activ-  
12 ity in the United States.

13 (f) NATIONAL SECURITY.—The President may waive  
14 the application of this section with respect to an alien if  
15 the President—

16 (1) determines that such a waiver is in the na-  
17 tional security interest of the United States; and

18 (2) submits a notice of, and justification for,  
19 such waiver to the appropriate congressional com-  
20 mittees.

21 **SEC. 109. PROMOTING GREATER ENERGY SECURITY.**

22 (a) POLICY STATEMENT.—It is the policy of the  
23 United States to help Caribbean countries—

24 (1) achieve greater energy security; and

25 (2) lower their dependence on imported fuels.

1 (b) STRATEGY REQUIREMENT.—Not later than 120  
2 days after the date of the enactment of this Act, the Sec-  
3 retary of State shall submit a multi-year strategy to the  
4 Committee on Foreign Relations of the Senate and the  
5 Committee on Foreign Affairs of the House of Representa-  
6 tives for regional cooperation with Caribbean countries—

7 (1) to lower the region’s dependence on im-  
8 ported fuels, grow the region’s domestic energy pro-  
9 duction for the generation of electricity, and  
10 strengthen regional energy security;

11 (2) to lower the region’s dependence on oil in  
12 the transportation sector;

13 (3) to increase the region’s energy efficiency,  
14 energy conservation, and investment in alternatives  
15 to imported fuels;

16 (4) to improve grid reliability and modernize  
17 electricity transmission networks;

18 (5) to advance deployment of innovative solu-  
19 tions to expand community and individuals’ access  
20 to electricity; and

21 (6) to help reform the region’s energy markets  
22 to encourage good regulatory governance and to pro-  
23 mote a climate of private sector investment.

24 (c) ELEMENTS.—The strategy required under sub-  
25 section (b) shall include—

1           (1) a thorough review and inventory of United  
2       States Government activities to promote energy se-  
3       curity in the Caribbean region and to reduce the re-  
4       gion's reliance on oil for electricity generation that  
5       are being carried out bilaterally, regionally, and in  
6       coordination with multilateral institutions;

7           (2) opportunities for marshaling regional co-  
8       operation—

9                (A) to overcome market barriers resulting  
10       from the small size of Caribbean energy mar-  
11       kets;

12               (B) to address the high transportation and  
13       infrastructure costs faced by Caribbean coun-  
14       tries;

15               (C) to ensure greater donor coordination  
16       between governments, multilateral institutions,  
17       multilateral banks, and private investors; and

18               (D) to expand regional financing opportu-  
19       nities to allow for lower cost energy entrepre-  
20       neurship;

21           (3) measures to encourage each Caribbean gov-  
22       ernment to ensure that it has—

23                (A) an independent utility regulator or  
24       equivalent;

1 (B) affordable access by third-party inves-  
2 tors to its electrical grid with minimal regu-  
3 latory interference;

4 (C) effective energy efficiency and energy  
5 conservation;

6 (D) programs to address technical and  
7 nontechnical issues;

8 (E) a plan to eliminate major market dis-  
9 tortions;

10 (F) cost-reflective tariffs; and

11 (G) no tariffs or other taxes on clean en-  
12 ergy solutions; and

13 (4) recommendations for how United States  
14 policy, technical, and economic assistance can be  
15 used in the Caribbean region—

16 (A) to advance renewable energy develop-  
17 ment and the incorporation of renewable tech-  
18 nologies into existing energy grids and the de-  
19 velopment and deployment of micro-grids where  
20 appropriate and feasible;

21 (B) to create regional financing opportuni-  
22 ties to allow for lower cost energy entrepreneur-  
23 ship;

24 (C) to deploy transaction advisors in the  
25 region to help attract private investment and



1 break down any market or regulatory barriers;  
 2 and

3 (D) to establish a mechanism for each host  
 4 government to have access to independent legal  
 5 advice—

6 (i) to speed the development of en-  
 7 ergy-related contracts; and

8 (ii) to better protect the interests of  
 9 Caribbean governments and their citizens.

10 **TITLE II—PROMOTING RE-**  
 11 **GIONAL SECURITY AND DIG-**  
 12 **ITAL SECURITY, AND PRO-**  
 13 **TECTING HUMAN RIGHTS IN**  
 14 **THE AMERICAS**

15 **SEC. 201. ENSURING THE INTEGRITY OF TELECOM AND**  
 16 **DATA NETWORKS AND CRITICAL INFRA-**  
 17 **STRUCTURE.**

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

20 (1) allegations of espionage, intellectual prop-  
 21 erty theft, hacking, and unscrupulous business prac-  
 22 tices often accompany the entrance of Chinese com-  
 23 panies into a region;

24 (2) the United States Government should assist  
 25 Latin American and Caribbean governments and

1 businesses in developing their own digital tele-  
2 communications networks to render them less sus-  
3 ceptible to Chinese malfeasance; and

4 (3) strengthening and implementing intellectual  
5 property and cyber governance laws will boost inno-  
6 vation in the Latin America and the Caribbean.

7 (b) TECHNICAL ASSISTANCE.—The Secretary of  
8 State, working through the Office of the Coordinator for  
9 Cyber Issues of the Department of State, and in consulta-  
10 tion with the Attorney General, the Director of the Fed-  
11 eral Bureau of Investigation, and the Chief of the Inter-  
12 national Bureau of the Federal Communications Commis-  
13 sion shall offer to provide technical assistance to partner  
14 governments in Latin America and the Caribbean to  
15 strengthen their capacity to promote digital security, in-  
16 cluding—

17 (1) defending the integrity of digital infrastruc-  
18 ture and digital assets, including data storage sys-  
19 tems, such as Cloud computing, proprietary data,  
20 personal information, and proprietary technologies;

21 (2) detecting, identifying, and investigating  
22 cybercrimes, including the collection of digital foren-  
23 sic evidence;

24 (3) developing appropriate enforcement mecha-  
25 nisms for cybercrimes;

1           (4) detecting and identifying perpetrators; and  
2           (5) prosecuting cybercrimes and holding per-  
3           petrators accountable for such crimes.

4           (c) PRIORITIZATION.—The Secretary of State, in pro-  
5           viding the technical assistance described in subsection (b),  
6           shall prioritize working with national and regional law en-  
7           forcement entities, including—

8           (1) police forces;  
9           (2) public prosecutors;  
10          (3) attorneys general  
11          (4) courts; and  
12          (5) other law enforcement and civilian intel-  
13          ligence entities, as appropriate.

14          (d) CYBER DEFENSE ASSISTANCE.—The Secretary  
15          of State, in coordination with the Commander of the  
16          United States Cyber Command and the Director of Na-  
17          tional Intelligence, shall offer to provide technical assist-  
18          ance to strengthen the capacity of partner governments  
19          in Latin America and the Caribbean—

20          (1) to protect the integrity of their telecom and  
21          data networks and their critical infrastructure;  
22          (2) to build and monitor secure telecom and  
23          data networks;  
24          (3) to identify cyber threats and detect and  
25          deter cyber attacks;

1           (4) to investigate cyber crimes, including the  
2           collection of digital forensic evidence;

3           (5) to protect the integrity of digital infrastruc-  
4           ture and digital assets, including data storage sys-  
5           tems (including Cloud computing), proprietary data,  
6           personal information, and proprietary technologies;

7           (6) to plan maintenance, improvements, and  
8           modernization in a coordinated and regular fashion  
9           so as to ensure continuity and safety; and

10          (7) to protect the digital systems that manage  
11          roads, bridges, ports, and transportation hubs.

12          (e) BRIEFING REQUIREMENT.—Not later than 180  
13          days after the date of the enactment of this Act, and every  
14          180 days thereafter, the Secretary of State shall provide  
15          a briefing regarding the technical assistance described in  
16          subsection (b) and (d) to—

17               (1) the Committee on Foreign Relations of the  
18               Senate;

19               (2) the Committee on the Judiciary of the Sen-  
20               ate;

21               (3) the Committee on Armed Services of the  
22               Senate;

23               (4) the Committee on Foreign Affairs of the  
24               House of Representatives;

1           (5) the Committee on the Judiciary of the  
2       House of Representatives; and

3           (6) the Committee on Armed Services of the  
4       House of Representatives.

5 **SEC. 202. ADDRESSING THE RISKS THAT PERVASIVE SUR-**  
6 **VEILLANCE AND MONITORING TECH-**  
7 **NOLOGIES POSE TO HUMAN RIGHTS.**

8       (a) FINDINGS.—Congress makes the following find-  
9       ings:

10           (1) According to a 2018 report by Freedom  
11       House—

12           (A) China has stepped up efforts to use  
13       digital media to increase its own power, both in-  
14       side and outside of China;

15           (B) in 2018, for the second year in a row,  
16       China was the worst abuser of internet free-  
17       dom, and during that year, the Government of  
18       China hosted media officials from dozens of  
19       countries for 2- and 3-week seminars on its  
20       sprawling system of censorship and surveillance;

21           (C) Chinese companies have supplied tele-  
22       communications hardware, advanced facial-rec-  
23       ognition technology, and data analytics tools to  
24       a variety of governments with poor human  
25       rights records, which could benefit Chinese in-

1 intelligence services and repressive local authori-  
 2 ties; and

3 (D) China’s Belt and Road Initiative in-  
 4 cludes a “Digital Silk Road” of Chinese-built  
 5 fiber-optic networks that could expose internet  
 6 traffic to greater monitoring by local and Chi-  
 7 nese intelligence agencies, given that China is  
 8 determined to set the technical standards for  
 9 how the next generation of traffic is coded and  
 10 transmitted.

11 (2) As part of its engagement with Latin Amer-  
 12 ican and Caribbean governments, China has begun  
 13 promoting the installation of pervasive surveillance  
 14 camera systems, under the pretext of citizen secu-  
 15 rity, in Bolivia, Ecuador, and Venezuela, to be fi-  
 16 nanced, designed, installed, and maintained by com-  
 17 panies linked to the Government of China.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-  
 19 gress that—

20 (1) China is exporting its model for internal se-  
 21 curity and state control of society through advanced  
 22 technology and artificial intelligence; and

23 (2) the adoption of surveillance systems can  
 24 lead to breaches of citizens’ private information, in-

1        creased censorship, violations of civil rights, and  
2        harassment of political opponents.

3        (c) DIPLOMATIC ENGAGEMENT.—The Secretary of  
4        State shall conduct diplomatic engagement with govern-  
5        ments in Latin America and the Caribbean—

6            (1) to help officials identify and mitigate the  
7        risks to civil liberties posed by pervasive surveillance  
8        and monitoring technologies; and

9            (2) to offer recommendations on ways to miti-  
10       gate such risks.

11       (d) INTERNET FREEDOM PROGRAMS.—The Chief  
12       Executive Officer of the United States Agency for Global  
13       Media, working through the Open Technology Fund, and  
14       the Secretary of State, working through the Bureau of De-  
15       mocracy, Human Rights, and Labor’s office of Internet  
16       Freedom and Business and Human Rights, shall expand  
17       and prioritize efforts to provide anti-censorship technology  
18       and services to journalists and citizens in Latin America,  
19       in order to enhance their ability to safely access or share  
20       digital news and information without fear of repercussions  
21       or surveillance.

22       (e) SUPPORT FOR CIVIL SOCIETY.—The Secretary of  
23       State, acting through the Assistant Secretary of State for  
24       Democracy, Human Rights, and Labor, and in coordina-  
25       tion with the Administrator of the United States Agency

1 for International Development, shall work through non-  
2 governmental organizations—

3 (1) to support and promote programs that sup-  
4 port internet freedom and the free flow of informa-  
5 tion online in Latin America and the Caribbean;

6 (2) to protect open, secure, and reliable access  
7 to the internet in Latin America and the Caribbean;

8 (3) to provide integrated support to civil society  
9 for technology, digital safety, policy and advocacy,  
10 and applied research programs in Latin America  
11 and the Caribbean;

12 (4) to train journalists and civil society leaders  
13 in Latin America and the Caribbean on investigative  
14 techniques necessary to ensure public accountability  
15 and prevent government overreach in the digital  
16 sphere; and

17 (5) to assist independent media outlets and  
18 journalists in Latin America and the Caribbean to  
19 build their own capacity and develop high-impact, in-  
20 depth news reports covering governance and human  
21 rights topics.

22 (f) BRIEFING REQUIREMENT.—Not more than 180  
23 days after the date of the enactment of this Act, and every  
24 180 days thereafter, the Secretary of State, the Adminis-  
25 trator of the United States Agency for International De-



1 velopment, and the Chief Executive Officer of the United  
2 States Agency for Global Media shall provide a briefing  
3 regarding the efforts described in subsections (c), (d), and  
4 (e) to—

5 (1) the Committee on Foreign Relations of the  
6 Senate;

7 (2) the Committee on Appropriations of the  
8 Senate;

9 (3) the Committee on Foreign Affairs of the  
10 House of Representatives; and

11 (4) the Committee on Appropriations of the  
12 House of Representatives.

13 (g) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There are authorized to be  
15 appropriated \$10,000,000 for fiscal year 2021 to  
16 carry out the activities set forth in subsection (e).

17 (2) NOTIFICATION REQUIREMENTS.—Amounts  
18 appropriated pursuant to paragraph (1) are subject  
19 to the notification requirements applicable to ex-  
20 penditures from—

21 (A) the Economic Support Fund under  
22 section 531(c) of the Foreign Assistance Act of  
23 1961 (22 U.S.C. 2346(c)); and

1 (B) the Development Assistance Fund  
2 under section 653(a) of the Foreign Assistance  
3 Act of 1961 (22 U.S.C. 2413(a)).

4 **SEC. 203. REVITALIZING BILATERAL AND MULTILATERAL**  
5 **MILITARY EDUCATION PROGRAMS.**

6 (a) IN GENERAL.—The Secretary of State shall dedi-  
7 cate not less than 17 percent of the amounts appropriated  
8 to bilateral and multilateral military education programs,  
9 such as the International Military Education and Training  
10 program, for Latin America and the Caribbean during the  
11 5-year period beginning on the date of the enactment of  
12 this Act.

13 (b) MODERNIZATION.—The Secretary of State shall  
14 take steps to modernize and strengthen the programs re-  
15 ceiving funding under subsection (a)—

16 (1) to ensure that such programs are vigorous,  
17 substantive, and the preeminent choice for inter-  
18 national military education and training for Latin  
19 American and Caribbean partners.

20 (c) REQUIRED ELEMENTS.—The programs referred  
21 to under subsection (a) shall—

22 (1) provide training and capacity-building op-  
23 portunities to Latin American and Caribbean secu-  
24 rity services;

1           (2) provide practical skills and frameworks  
2       for—

3           (A) improving the functioning and organi-  
4           zation of security services in Latin America and  
5           the Caribbean;

6           (B) creating a better understanding of the  
7           United States and its values; and

8           (C) using technology for maximum effi-  
9           ciency and organization; and

10          (3) promote and ensure that security services in  
11       Latin America and the Caribbean operate in compli-  
12       ance with international norms, standards, and rules  
13       of engagement, including a respect for human  
14       rights, democracy, and civilian control.

15       (d) LIMITATION.—Security assistance under this sec-  
16       tion is subject to the limitations set forth in section 620M  
17       of the Foreign Assistance Act of 1961 (22 U.S.C. 2378d).

1 **TITLE III—ADVANCING THE**  
 2 **ROLE OF CIVIL SOCIETY IN**  
 3 **LATIN AMERICA AND THE**  
 4 **CARIBBEAN**

5 **SEC. 301. COUNTERACTING GROWING CHINESE EDU-**  
 6 **CATIONAL AND CULTURAL INFLUENCE IN**  
 7 **LATIN AMERICA AND THE CARIBBEAN.**

8 (a) FINDING.—According to a report by the National  
 9 Endowment for Democracy—

10 (1) China has spent the equivalent of billions of  
 11 dollars to shape public opinion and perceptions  
 12 around the world through thousands of people-to-  
 13 people exchanges, cultural activities, educational pro-  
 14 grams, and the development of media enterprises  
 15 and information initiatives with global reach;

16 (2) the aim of Chinese influence efforts is in-  
 17 tended to distract and manipulate the political and  
 18 information environments in targeted countries; and

19 (3) the countries most vulnerable to Chinese ef-  
 20 forts are those in which democratic institutions are  
 21 weak.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-  
 23 gress that China's efforts to mold public opinion and influ-  
 24 ence educational institutions on the issues described in  
 25 subsection (a) undermines United States influence in

1 Latin America and the Caribbean and threaten democratic  
2 institutions and practices in the region.

3 (c) STRATEGY.—The Secretary of State, acting  
4 through the Assistant Secretary of State for Educational  
5 and Cultural Affairs, and in coordination with the Assist-  
6 ant Administrator for the Bureau of Economic Growth,  
7 Education, and Environment at the United States Agency  
8 for International Development, shall devise a strategy—

9 (1) to expand existing programs and, as nec-  
10 essary, design and implement educational, profes-  
11 sional, and cultural exchanges and other programs  
12 to create and sustain mutual understanding with  
13 other countries necessary to advance United States  
14 foreign policy goals by cultivating people-to-people  
15 ties among current and future global leaders that  
16 build enduring networks and personal relationships  
17 and promote United States national security and  
18 values, including the expansion of exchange visitor  
19 programs, such as international visitor leadership  
20 programs and professional capacity building pro-  
21 grams that prioritize building skills in entrepreneur-  
22 ship, promoting transparency, and technology;

23 (2) to expand and strengthen existing pro-  
24 grams, and, as necessary, design and implement  
25 basic and higher education programs in Latin Amer-

1       ica and the Caribbean, in accordance with the  
2       United States Strategy on International Basic Edu-  
3       cation and the United States Agency for Inter-  
4       national Development Education Policy, to enable all  
5       young adults, youth, and children to acquire the  
6       quality education and skills needed to be productive  
7       members in society, which will lead to better health,  
8       economic growth, a sustainable environment, and  
9       peaceful, democratic societies;

10           (3) to dedicate not less than 18 percent of the  
11       budget of the Bureau of Educational and Cultural  
12       Affairs of the Department of State to carry out the  
13       activities described in paragraph (1); and

14           (4) to dedicate not less than 8 percent of the  
15       budget of the Education Office of the United States  
16       Agency for International Development to carry out  
17       the activities described in paragraph (2).

18       (d) BRIEFING REQUIREMENT.—Not later than 180  
19       days after the date of the enactment of this Act, and every  
20       180 days thereafter, the Secretary of State, the Assistant  
21       Secretary of State for Educational and Cultural Affairs,  
22       and the Assistant Administrator for the Bureau of Eco-  
23       nomic Growth, Education, and Environment at the United  
24       States Agency for International Development shall provide

1 a briefing regarding the efforts described in subsection (c)  
2 to—

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

5 (2) the Committee on Appropriations of the  
6 Senate;

7 (3) the Committee on Foreign Affairs of the  
8 House of Representatives; and

9 (4) the Committee on Appropriations of the  
10 House of Representatives.

11 **SEC. 302. ADVANCING THE ROLE OF CIVIL SOCIETY AND**  
12 **THE MEDIA TO PROMOTE ACCOUNTABILITY.**

13 (a) IN GENERAL.—The Secretary of State, acting  
14 through the Assistant Secretary of State for Democracy,  
15 Human Rights, and Labor, the Assistant Secretary of  
16 State for Education and Cultural Affairs, and the Coordi-  
17 nator of the Global Engagement Center, shall expand ex-  
18 isting initiatives and, as necessary, develop and implement  
19 new initiatives that facilitate and strengthen the capacity  
20 of civil society and independent media outlets to increase  
21 transparency and accountability among government and  
22 business leaders.

23 (b) PROGRAM ELEMENTS.—The initiatives under  
24 subsection (a) shall include—

1           (1) training for journalists and civil society  
2       leaders on investigative techniques necessary to im-  
3       prove transparency and accountability in government  
4       and the private sector;

5           (2) training on investigative reporting relating  
6       to incidents of corruption and unfair trade, business  
7       and commercial practices, including the role of the  
8       Government of China in such practices;

9           (3) training on investigative reporting relating  
10      to efforts the use of misinformation, disinformation,  
11      and state media to influence public opinion in Latin  
12      America and the Caribbean, including the role of the  
13      Government of China in such practices; and

14          (4) assistance for nongovernmental organiza-  
15      tions to strengthen their capacity to monitor the ac-  
16      tivities described in paragraphs (2) and (3).

17      (c) CONSULTATION.—In developing and imple-  
18      menting the initiatives under subsection (a), the Secretary  
19      of State shall consult with—

20          (1) nongovernmental organizations focused on  
21      transparency and combating corruption, such as  
22      Transparency International, the Latin American and  
23      Caribbean chapters of Transparency International,  
24      and similar organizations; and



1           (2) media organizations that promote investiga-  
2           tive journalism and train organizations in investiga-  
3           tive techniques necessary to ensure public account-  
4           ability, such as ProPublica, the Center for Public In-  
5           tegrity, and the International Consortium of Inves-  
6           tigative Journalists.

7           (d) SEMIANNUAL BRIEFING REQUIREMENT.—Not  
8           later than 180 days after the date of the enactment of  
9           this Act, and every 180 days thereafter, the Secretary of  
10          State shall provide a briefing regarding the initiatives  
11          under subsection (a) to—

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

14           (2) the Committee on Foreign Affairs of the  
15          House of Representatives.

16          (e) AUTHORIZATION OF APPROPRIATIONS.—

17           (1) IN GENERAL.—There is authorized to be  
18           appropriated to the Secretary of State \$10,000,000  
19           for fiscal year 2021 to carry out the initiatives under  
20           subsection (a).

21           (2) NOTIFICATION REQUIREMENTS.—Amounts  
22           appropriated pursuant to paragraph (1) are subject  
23           to the notification requirements applicable to ex-  
24           penditures from the Economic Support Fund under  
25           section 531(c) of the Foreign Assistance Act of 1961

1 (22 U.S.C. 2346(c)) and the International Narcotics  
2 and Law Enforcement Fund under section 489 of  
3 the Foreign Assistance Act of 1961 (22 U.S.C.  
4 2291h), to the extent that such funds are expended.

5 **TITLE IV—RESOURCING FOR**  
6 **SUCCESS**

7 **SEC. 401. APPOINTMENT OF CHINA ENGAGEMENT OFFI-**  
8 **CERS AT UNITED STATES EMBASSIES IN THE**  
9 **WESTERN HEMISPHERE.**

10 (a) IN GENERAL.—The Secretary of State shall di-  
11 rect the Chiefs of Mission at United States Embassies and  
12 Consulates in Latin America and the Caribbean, including  
13 Cuba, to designate a China Engagement Officer, from  
14 among existing staff at the Post, to monitor and report  
15 on Chinese activities related to diplomatic engagement,  
16 economic investment, critical infrastructure, cybersecurity,  
17 surveillance technology, digital infrastructure, military  
18 and security presence and trainings, intelligence activities,  
19 educational and cultural exchanges, education, and cor-  
20 ruption in the respective countries.

21 (b) ANNUAL MEETING.—The Assistant Secretary for  
22 Western Hemisphere Affairs shall convene an annual  
23 meeting (either in person or by video conference call) of  
24 all of the China Engagement Officers designated pursuant  
25 to subsection (a)—

1           (1) to discuss and compare developments in  
2           their individual countries;

3           (2) to identify trends in Chinese activities in  
4           Latin America and the Caribbean and its sub-  
5           regions; and

6           (3) to recommend potential strategies to miti-  
7           gate or compete with Chinese activities in the region.

8           (c) BRIEFING REQUIREMENT.—Concurrent with the  
9           annual meeting described in subsection (b), China En-  
10          gagement Officers serving in Latin America and the Car-  
11          ibbean, including Cuba, shall brief—

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

14           (2) the Committee on Foreign Affairs of the  
15          House of Representatives.

16          (d) CONSULTATION.—The Assistant Secretary for  
17          Western Hemisphere Affairs and the China Engagement  
18          Officers designated pursuant to subsection (a) shall be  
19          available for consultations with the staff of the congres-  
20          sional committees referred to in subsection (c).

21      **SEC. 402. ASSESSING STAFFING NEEDS AT UNITED STATES**  
22                                      **EMBASSIES IN LATIN AMERICA AND THE CAR-**  
23                                      **IBBEAN.**

24          (a) STAFFING ASSESSMENT.—Not later than 180  
25          days after the date of the enactment of this Act, the Sec-

1   retary of State shall submit the assessments and accom-  
2   panying reports, if necessary, described in subsections (b)  
3   and (c) to the Committee on Foreign Relations of the Sen-  
4   ate and the Committee on Foreign Affairs of the House  
5   of Representatives.

6       (b) FOREIGN COMMERCIAL SERVICE ASSESSMENT.—

7           (1) IN GENERAL.—The Secretary of State, the  
8       Administrator of the United States Agency for  
9       International Development, and the Secretary of  
10      Commerce shall prepare a written assessment that—

11           (A) determines whether the current staff-  
12           ing levels of the United States Foreign Com-  
13           mercial Service at all United States embassies,  
14           diplomatic, and development offices in Latin  
15           America and the Caribbean are sufficient to  
16           successfully advance United States economic  
17           policy in Latin America and the Caribbean; and

18           (B) specifically details the results for each  
19           United States embassy, diplomatic, and devel-  
20           opment office in Latin America and the Carib-  
21           bean.

22           (2) ACCOMPANYING REPORT.—If the assess-  
23           ment under paragraph (1) reveals insufficient staff-  
24           ing levels, the Secretary of State, the Administrator  
25           of the United States Agency for International Devel-

1        opment, and the Secretary of Commerce shall sub-  
2        mit an accompanying report that—

3                (A) identifies the costs associated with in-  
4                creasing the overseas presence of United States  
5                Foreign Commercial Service officers in Latin  
6                America and the Caribbean; and

7                (B) includes a timeline and strategy for in-  
8                creasing such staffing levels.

9        (c) PUBLIC DIPLOMACY ASSESSMENT.—

10                (1) IN GENERAL.—The Secretary of State shall  
11                prepare a written assessment that—

12                (A) determines whether the current staff-  
13                ing levels of Foreign Service public diplomacy  
14                officers at all United States embassies and dip-  
15                lomatic offices in Latin America and the Carib-  
16                bean are sufficient—

17                        (i) to successfully advance United  
18                        States national interests; and

19                        (ii) to counter misinformation and  
20                        disinformation efforts by the Government  
21                        of China and the Government of Russia;  
22                        and

23                (B) specifically details the results for each  
24                United States embassy and diplomatic office in  
25                Latin America and the Caribbean.

1           (2) ACCOMPANYING REPORT.—If the assess-  
2           ment under paragraph (1) reveals insufficient staff-  
3           ing levels, the Secretary of State shall submit an ac-  
4           companying report that—

5                   (A) identifies the costs associated with in-  
6                   creasing the overseas presence of Foreign Serv-  
7                   ice public diplomacy officers in Latin America  
8                   and the Caribbean; and

9                   (B) includes a timeline and strategy for in-  
10           creasing such staffing levels.

○