

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

Purpose: To establish the China Censorship Monitor and Action Group

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

**S.** \_\_\_\_\_

To address issues involving the People’s Republic of China.

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. MERKLEY

Viz:

1 At the end of subtitle D of title I, add the following:

2 **SECTION 139. CHINA CENSORSHIP MONITOR AND ACTION**

3 **GROUP.**

4 (a) DEFINITIONS.—In this section:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-

6 TEES.—The term “appropriate congressional com-

7 mittees” means—

8 (A) the Committee on Foreign Relations of

9 the Senate; and

10 (B) the Committee on Foreign Affairs of

11 the House of Representatives.

12 (2) QUALIFIED RESEARCH ENTITY.—The term

13 “qualified research entity” means an entity that—

1 (A) is a nonpartisan research organization  
2 or a federally funded research and development  
3 center;

4 (B) has appropriate expertise and analyt-  
5 ical capability to write the report required  
6 under subsection (c); and

7 (C) is free from any financial, commercial,  
8 or other entanglements, which could undermine  
9 the independence of such report or create a  
10 conflict of interest or the appearance of a con-  
11 flict of interest, with—

12 (i) the Government of the People’s  
13 Republic of China;

14 (ii) the Chinese Communist Party;

15 (iii) any company incorporated in the  
16 People’s Republic of China or a subsidiary  
17 of such company; or

18 (iv) any company or entity incor-  
19 porated outside of the People’s Republic of  
20 China that is believed to have a substantial  
21 financial or commercial interest in the Peo-  
22 ple’s Republic of China.

23 (3) UNITED STATES PERSON.—The term  
24 “United States person” means—

1 (A) a United States citizen or an alien law-  
2 fully admitted for permanent residence to the  
3 United States; or

4 (B) an entity organized under the laws of  
5 the United States or any jurisdiction within the  
6 United States, including a foreign branch of  
7 such an entity.

8 (b) CHINA CENSORSHIP MONITOR AND ACTION  
9 GROUP.—

10 (1) IN GENERAL.—The President shall establish  
11 an interagency task force, which shall be known as  
12 the “China Censorship Monitor and Action Group”  
13 (referred to in this subsection as the “Task Force”).

14 (2) MEMBERSHIP.—The President shall—

15 (A) appoint the chair of the Task Force  
16 from among the staff of the National Security  
17 Council;

18 (B) appoint the vice chair of the Task  
19 Force from among the staff of the National  
20 Economic Council; and

21 (C) direct the head of each of the following  
22 executive branch agencies to appoint personnel  
23 to participate in the Task Force:

24 (i) The Department of State.

25 (ii) The Department of Commerce.

1 (iii) The Department of the Treasury.

2 (iv) The Department of Justice.

3 (v) The Office of the United States  
4 Trade Representative.

5 (vi) The Office of the Director of Na-  
6 tional Intelligence, and other appropriate  
7 elements of the intelligence community (as  
8 defined in section 3 of the National Secu-  
9 rity Act of 1947 (50 U.S.C. 3003)).

10 (vii) The Federal Communications  
11 Commission.

12 (viii) The United States Agency for  
13 Global Media.

14 (ix) Other agencies designated by the  
15 President.

16 (3) RESPONSIBILITIES.—The Task Force  
17 shall—

18 (A) oversee the development and execution  
19 of an integrated Federal Government strategy  
20 to monitor and address the impacts of efforts  
21 directed, or directly supported, by the Govern-  
22 ment of the People’s Republic of China to cen-  
23 sor or intimidate, in the United States or in  
24 any of its possessions or territories, any United  
25 States person, including United States compa-

1           nies that conduct business in the People’s Re-  
2           public of China, which are exercising their right  
3           to freedom of speech; and

4           (B) submit the strategy developed pursu-  
5           ant to subparagraph (A) to the appropriate  
6           congressional committees not later than 120  
7           days after the date of the enactment of this  
8           Act.

9           (4) MEETINGS.—The Task Force shall meet  
10          not less frequently than twice per year.

11          (5) CONSULTATIONS.—The Task Force should  
12          regularly consult, to the extent necessary and appro-  
13          priate, with—

14                (A) Federal agencies that are not rep-  
15                resented on the Task Force;

16                (B) independent agencies of the United  
17                States Government that are not represented on  
18                the Task Force;

19                (C) relevant stakeholders in the private  
20                sector and the media; and

21                (D) relevant stakeholders among United  
22                States allies and partners facing similar chal-  
23                lenges related to censorship or intimidation by  
24                the Government of the People’s Republic of  
25                China.

1 (6) REPORTING REQUIREMENTS.—

2 (A) ANNUAL REPORT.—The Task Force  
3 shall submit an annual report to the appro-  
4 priate congressional committees that describes,  
5 with respect to the reporting period—

6 (i) the strategic objectives and policies  
7 pursued by the Task Force to address the  
8 challenges of censorship and intimidation  
9 of United States persons while in the  
10 United States or any of its possessions or  
11 territories, which is directed or directly  
12 supported by the Government of the Peo-  
13 ple’s Republic of China;

14 (ii) the activities conducted by the  
15 Task Force in support of the strategic ob-  
16 jectives and policies referred to in clause  
17 (i); and

18 (iii) the results of the activities re-  
19 ferred to in clause (ii) and the impact of  
20 such activities on the national interests of  
21 the United States.

22 (B) FORM OF REPORT.—Each report sub-  
23 mitted pursuant to subparagraph (A) shall be  
24 unclassified, but may include a classified annex.

1           (C) CONGRESSIONAL BRIEFINGS.—Not  
2 later than 90 days after the date of the enact-  
3 ment of this Act, and annually thereafter, the  
4 Task Force shall provide briefings to the appro-  
5 priate congressional committees regarding the  
6 activities of the Task Force to execute the  
7 strategy developed pursuant to paragraph  
8 (3)(A).

9           (c) REPORT ON CENSORSHIP AND INTIMIDATION OF  
10 UNITED STATES PERSONS BY THE GOVERNMENT OF THE  
11 PEOPLE’S REPUBLIC OF CHINA.—

12           (1) REPORT.—

13           (A) IN GENERAL.—Not later than 90 days  
14 after the date of the enactment of this Act, the  
15 Secretary of State shall select and seek to enter  
16 into an agreement with a qualified research en-  
17 tity that is independent of the Department of  
18 State to write a report on censorship and in-  
19 timidation in the United States and its posses-  
20 sions and territories of United States persons,  
21 including United States companies that conduct  
22 business in the People’s Republic of China,  
23 which is directed or directly supported by the  
24 Government of the People’s Republic of China.

1 (B) MATTERS TO BE INCLUDED.—The re-  
2 port required under subparagraph (A) shall—

3 (i) assess major trends, patterns, and  
4 methods of the Government of the People’s  
5 Republic of China’s efforts to direct or di-  
6 rectly support censorship and intimidation  
7 of United States persons, including United  
8 States companies that conduct business in  
9 the People’s Republic of China, which are  
10 exercising their right to freedom of speech;

11 (ii) assess, including through the use  
12 of illustrative examples, as appropriate, the  
13 impact on and consequences for United  
14 States persons, including United States  
15 companies that conduct business in the  
16 People’s Republic of China, that criticize—

17 (I) the Chinese Communist  
18 Party;

19 (II) the Government of the Peo-  
20 ple’s Republic of China;

21 (III) the authoritarian model of  
22 government of the People’s Republic  
23 of China; or

24 (IV) a particular policy advanced  
25 by the Chinese Communist Party or



1 the Government of the People's Re-  
2 public of China;

3 (iii) identify the implications for the  
4 United States of the matters described in  
5 clauses (i) and (ii);

6 (iv) assess the methods and evaluate  
7 the efficacy of the efforts by the Govern-  
8 ment of the People's Republic of China to  
9 limit freedom of expression in the private  
10 sector, including media, social media, film,  
11 education, travel, financial services, sports  
12 and entertainment, technology, tele-  
13 communication, and internet infrastructure  
14 interests;

15 (v) include policy recommendations  
16 for the United States Government, includ-  
17 ing recommendations regarding collabora-  
18 tion with United States allies and partners,  
19 to address censorship and intimidation by  
20 the Government of the People's Republic of  
21 China; and

22 (vi) include policy recommendations  
23 for United States persons, including  
24 United States companies that conduct  
25 business in China, to address censorship

1                   and intimidation by the Government of the  
2                   People’s Republic of China.

3                   (C) APPLICABILITY TO UNITED STATES  
4 ALLIES AND PARTNERS.—To the extent prac-  
5 ticable, the report required under subparagraph  
6 (A) should identify implications and policy rec-  
7 ommendations that are relevant to United  
8 States allies and partners facing censorship and  
9 intimidation directed or directly supported by  
10 the Government of the People’s Republic of  
11 China.

12                   (2) SUBMISSION OF REPORT.—

13                   (A) IN GENERAL.—Not later than 1 year  
14 after the date of the enactment of this Act, the  
15 Secretary of State shall submit the report writ-  
16 ten by the qualified research entity selected  
17 pursuant to paragraph (1)(A) to the appro-  
18 priate congressional committees.

19                   (B) PUBLICATION.—The report referred to  
20 in subparagraph (A) shall be made accessible to  
21 the public online through relevant United  
22 States Government websites.

23                   (3) FEDERAL GOVERNMENT SUPPORT.—The  
24 Secretary of State and other Federal agencies se-  
25 lected by the President shall provide the qualified re-

1 search entity selected pursuant to paragraph (1)(A)  
2 with timely access to appropriate information, data,  
3 resources, and analyses necessary for such entity to  
4 write the report described in subsection (a) in a  
5 thorough and independent manner.

6 (d) SUNSET.—This section shall terminate on the  
7 date that is 5 years after the date of the enactment of  
8 this Act.