Policy Alert



Foreign Policy Side-by-Side Division D of the America COMPETES Act versus Division C of the U.S. Innovation and Competition Act

February 14, 2022

OVERVIEW

The House America Creating Opportunities for Manufacturing, Pre-Eminence in Technology and Economic Strength (COMPETES) Act and the Senate U.S. Innovation and Competitiveness Act (USICA) overall provide similar foreign policy titles with some key differences. Overall, the House bill is more focused on diplomatic initiatives (e.g., boosting engagement with the Indo-Pacific) while the Senate bill is slightly more hardedged and focused on military issues (e.g., ballistic missile provisions). Moreover, the America COMPETES Act contains provisions on combating climate change, which is different from the Senate and House committee-passed foreign policy titles.

The America COMPETES Act's foreign affairs provisions (Division D) are almost exclusively based on the House Foreign Affairs Committee-passed Ensuring American Global Leadership and Engagement (EAGLE) Act. Very few substantive changes were made between the committee-passed version and the America COMPETES Act Division D. The most notable changes were the omission of the Prevention of Uyghur Forced Labor because the Uyghur Forced Labor Prevention Act was signed into law. Additionally, the House version contains a few additional provisions focused on protecting Taiwan.

	HOUSE: America COMPETES Act	SENATE: USICA
Supply Chains	✓	√
Infrastructure and Energy Development	√	✓
Economic Diplomacy	1/4 of provisions match	1/4 of provisions match

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	HOUSE: America COMPETES Act	SENATE: USICA
Financial Diplomacy	2/3 of provisions match	2/3 of provisions match
Strategic & Diplomatic Matters	Half of provisions match	Half of provisions match
International Security	3/4 of provisions match	3/4 of provisions match
Multilateral Strategies to Bolster American Power	Provisions do not match	Provisions do not match
Regional Strategies to Counter the People's Republic of China(PRC)	✓	√
"Investing in our Values"	Half of provisions match	Half of provisions match
Economic Statecraft	Provisions generally do not match	Provisions generally do not match
Strategic Security	√	√
Sustainable Future	✓	×

	HOUSE: America COMPETES Act	USICA
Supply Chains	Global Supply Chain Diversification and Management: Authorizes the State Department to establish a program to contract qualified experts to assist U.S. businesses with supply chain management issues related to China. Authorizes to be appropriated \$15 million for each of FY2022-FY2026 (Sec. 30101).	Identical (Sec. 3101).
Infrastructure and Energy Development	Supporting Economic Independence from China: Requires the President to develop a strategy to counteract offers of assistance and financing from China to foreign governments of strategic importance to the U.S. Department of State authorized to establish or continue an initiative to be known as the "Infrastructure Transaction and Assistance Network," which may carry out programs to advance the development of sustainable, transparent and high-quality infrastructure worldwide in the Indo-Pacific region. Authorizes to be appropriated \$75 million for each of FY2022-FY2026, of which \$20 million must be provided for the Transaction Advisory Fund (Sec. 30113).	Slightly different reporting requirement (Sec. 3113); same appropriations for fund or network (Sec. 3114).
	Strategy for Advanced and Reliable Energy Infrastructure: Requires the President to direct a comprehensive, multi-year, whole of government effort to counter predatory lending and financing by China in the energy sectors of developing countries. Within 180 days of enactment and then annually for 5 years, Department of State must submit a strategy to increase U.S. exports of advanced energy technologies (Sec. 30114).	Identical (Sec. 3115).

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	Report on China's Investment in Foreign Energy Development: Requires the Department of State, within 180 days of enactment and annually for 5 years, to submit and publish a report on China's investment in foreign energy development (Sec. 30115).	Identical (Sec. 3116).
Economic Diplomacy	Report on Entrenching American Economic Diplomacy in the Indo-Pacific: Confirms American leadership and participation in global regional economic organizations including the Asia-Pacific Economic Cooperation and the World Trade Organization (Sec. 30122).	No corresponding provision.
	Strategy on Deterrence of Economic Coercion: Confirms that no later than 1 year after the date of the enactment of this Act, the Present shall submit to the appropriate congressional committees a whole-of-government strategy to deter Chinese economic coercion against third countries (Sec. 30124).	No corresponding provision.
	Digital Connectivity and Cybersecurity Partnership: Authorizes President to establish the "Digital Connectivity and Cybersecurity Partnership" to help foreign countries expand internet access, adopt policies on the free flow of data, promote exports of U.S. information and communication technology (ICT) goods and services, promote the diversification of ICT goods and supply chain services to be less reliant on Chinese imports, and build cybersecurity capacity. Department of State must submit implementation plan within 180 days of enactment	Nearly identical (Sec. 3122).

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	(Sec. 30127).	
	No corresponding provision.	Private Sector Digital Investment in Partner Countries: Requires development of a strategy for supporting increased private sector digital investment by partner countries in information-connectivity projects aligned with U.S. priorities, including relating to telecommunications equipment, mobile payments, smart cities and undersea cables (Sec. 3123).
Financial Diplomacy	Report on American Financial Strength: Requires the Department of State, within 180 days of enactment, to submit a report regarding the benefits of U.S. financial leadership and the dollar's status as the world's global reserve currency, threats from China, and steps the United States can take (Sec. 30132).	No corresponding provision.
	Review of Chinese Companies on U.S. Capital Markets: Obligates the Department of State, within 180 days of enactment, to report on the costs and benefits to the United States posed by the presence of companies incorporated in China listed on American stock exchanges or traded over the counter in the form of American depository receipts (Sec. 30133).	Very similar provision (Sec. 3407).
	Report on Cross-Border Payment and Financial Messaging Systems: Requires the Department of State, within 180 days of enactment, to report on the diplomatic and economic implications of cross-border payment systems and financial messaging systems (Sec. 30134).	Very similar provision, although places responsibility with Treasury Secretary (Sec. 5306).

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Strategic & Diplomatic Matters	Support for Allies and Partners in the Indo-Pacific: Includes statement of policy to deepen diplomatic, economic and security cooperation with Japan, the Republic of Korea, Australia, the Philippines and Thailand, and to strengthen relationships with India, Taiwan, ASEAN, New Zealand, Vietnam, Malaysia, Singapore and Indonesia (Sec. 30202).	Very similar provisions (Sec. 3202).
	Boosting Quad Cooperation : Requires the Department of State, within 180 days of enactment, to submit a comprehensive strategy for bolstering engagement and cooperation with the Quad (Sec. 30203).	Sense of Congress matches, but no reporting requirement (Sec. 3203).
	Establishment of Quad Intra-Parliamentary Working Group: Within 30 days of enactment, Department of State must seek to enter into negotiations with the governments of Japan, Australia and India with the goal of reaching a written agreement to establish a Quad Intra-Parliamentary Working Group to facilitate close cooperation on shared interests and values. Once that is established, there shall be established a group to represent the United States, comprising up to 24 Members of Congress (Sec. 30204).	Identical (Sec. 3204).
	Statement of Policy on Cooperation with ASEAN: Sets out a number of policy priorities with respect to ASEA. (Sec. 30205).	Nearly identical (Sec. 3205).
	Young Southeast Asian Leaders Initiative: Establishes in the Department of State a program to seek to build the	No corresponding provision.

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capacity of young leaders in South Asia, and support them by offering professional development and a global network to share expertise (Sec. 30206).	
No corresponding provision.	Chinese Influence in International Orgs.: Within 180 days, Department of State must submit report on the expanded influence of China in international organizations (Sec. 3207).
No corresponding provision.	Regulatory Exchanges: Department of State must establish a program to facilitate and encourage regular dialogues between US regulatory and technical agencies and counterparts in allied and partner countries (Sec. 3208).
No corresponding provision.	Technology Partnership Office: Department of State must establish an interagency-staffed Technology Partnership Office (Sec. 3209).
Enhancing the U.STaiwan Partnership: Sets out statements of policy to enhance U.STaiwan economic, political and security relationship. Department of State must "consider" establishing an independent nonprofit dedicated to deepening ties between the future leaders of Taiwan and the United States, and partner with educational institutions to send students to Taiwan (Sec. 30208).	Nearly identical provision (Sec. 3213).
Taiwan Diplomatic Review: Emphasizes U.S. commitments to Taiwan pursuant to the Taiwan Relations Act (Sec. 30209).	No corresponding provision.

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Taiwan Peace and Stability Act: Highlights the term "One China Principle" means only the PRC's policy toward Taiwan and further defines terms such as "potential PLA campaigns" (Sec. 30210).	No corresponding provision.
Taiwan International Solidarity Act: Solidifies U.S. advocacy for international organization to resist the PRC's efforts to distort the "One China" position (Sec. 30211).	Similar provision, but includes briefing requirement (Sec. 3291G). Also requires development of a strategy to respond to "sharp power operations and the united front campaign" supported by the Chinese government.
Taiwan Fellowship Program: Requires Department of State to establish the "Taiwan Fellowship Program" to provide a fellowship opportunity in Taiwan of up to two years for eligible U.S. citizens. Within 30 days of enactment, the American Institute in Taiwan must begin negotiations with the Taipei Economic and Cultural Representative Office to enter into an agreement to facilitate the placement of fellows in an agency of the governing authorities on Taiwan (Sec. 30212).	Very similar provision (Sec. 3214).
No corresponding provision.	Additional Taiwan Provisions: Largely symbolic measures providing incrementally greater acknowledgment of the Taiwanese government without recognizing it as a state (Secs. 3215, 3216).
No corresponding provisions.	Report on Origins of the COVID-19 Pandemic: Within 180 days of enactment, Director of National Intelligence must submit a report regarding the origins of the COVID-19 pandemic (Sec. 3217).

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Increasing Department of State Personnel and Resources Devoted to the Indo-Pacific: Requires the Department of State, within 180 days of enactment, to submit an action plan on increasing personnel and resources devoted to the Indo-Pacific. Authorized to appropriate for FY 2022 \$2 billion under the Foreign Assistance Act for the Indo-Pacific region and \$1.25 billion in diplomatic engagement resources to the Indo-Pacific region (Sec. 30213).	Very similar provisions (Sec. 3219).
Report on Efforts to Address Chinese Fentanyl Trafficking: Requires the Department of State, within 180 days of enactment, to submit a report regarding U.S. efforts to gain a commitment from China to submit unregulated fentanyl precursors to controls and a plan for future steps the U.S. can take to urge China to combat illicit fentanyl production and trafficking (Sec. 30214).	Similar provision, but includes report on establishing DEA offices in China. (Sec. 3219I).
Better Utilization of Investments Leading to Development Act of 2018: Increases maximum contingent liability from \$60 billion to \$100 billion (Sec. 30215).	Identical provision (Sec. 3219K).
Vaccine Manufacturing: Authorizes the Development Finance Corporation to provide financing to entities in India and other less developed countries to increase vaccine manufacturing capacity (Sec. 30216).	No corresponding provision.
Fulbright-Hays Program: Authorizes appropriations of \$105.5 million over five years to promote education,	Identical provision (Sec. 3134).

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training, research and foreign language skills through the Fulbright-Hays Program (Sec. 30218).	
Independent Media and Disinformation: Authorizes appropriation for each of FY2022-FY2026 for the United States Agency for Global Media of \$100 million to support local media, build independent media, combat PRC disinformation inside and outside of China, and invest in technology to subvert censorship. Authorizes appropriation for each of FY2022-FY2026 to the Department of State \$170 million to support press freedom, training and protection of journalism (Sec. 30219).	Similar provision (Sec. 3136).
Global Engagement Center: Extends the Global Engagement Center through 2027 (Sec. 30219A).	Similar provision (Sec. 3137).
China Watcher Program: Advises the Secretary of State to implement a program that monitors and combats Chinese malign influence across economic and political sectors in foreign countries (Sec. 30219D).	No corresponding provision.
No corresponding provision.	Post-Employment Restriction on State Officials: Imposes extended restrictions on post-employment activities by Senate-confirmed Department of State officials (Sec. 3139).

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International Security	Military Education and Training: Appropriates for each of FY2022-FY2026 to the Department of State \$45 million for international military education and training in the Indo-Pacific (Sec. 30222).	Identical provision (Sec. 3227).
	Statement of Policy on Maritime Freedom and South China Sea: States policy related to defense of allies and partners in the Indo-Pacific and opposing China's actions in the South China Sea (Sec. 30223).	Very similar provision (Sec. 3230).
	Report on Capability Development of Indo-Pacific Allies and Partners: Requires the Department of State, within 90 days of enactment, to submit report on priorities for building more capable security partners in the Indo-Pacific region (Sec. 30224).	Very similar provision (Sec. 3231).
	Statement of Policy Regarding the Threat Posed by Chinese Communist Party to NATO: Directs the U.S. policy to urge NATO allies to work closely with likeminded partners to protect critical infrastructure, strengthen resilience, maintain a technological edge and address the challenges to the rules-based international order posed by the Chinese Communist Party (Sec. 30225).	No corresponding provision.
	Identification of PLA-supported institutions: Directs the Secretary of State to publish and disseminate to U.S. institutions a list identifying research, engineering and scientific institutions that the Secretary determines are funded, affiliated with the PLA (Sec. 30226).	No corresponding provision.

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	No corresponding provisions.	Provisions on foreign military financing in the indopacific (sec. 3225); a foreign military financing compact pilot program (sec. 3226); prioritizing excess defense article transfers for the Indo-Pacific (sec. 3228); report on national technology and industrial base (sec. 3232); report on diplomatic outreach with respect to Chinese military installations overseas (sec. 3233); limitation on assistance to countries hosting Chinese military installations (Sec. 3235).
Multilateral Strategies to Bolster American Power	Support for Americans at the United Nations: Authorizes the Department of State to establish an Office for American Citizens, responsible for advocating for the employment of American citizens by all international organizations of which the United States is a member, including the United Nations (Sec. 30233).	U.S. Leadership in the U.N. System: Similar provision, but would create a Special Representative for Advancing United States Leadership in the United Nations and appropriates \$5 million (Sec. 3219A).
	Report on American Employment in International Organizations: Obligates the Department of State, within 180 days of enactment and then annually, to report on how many Federal employees are currently, and within the past year were, detailed or transferred to an international organization (Sec. 30235).	No corresponding provision.
	Junior Professional Officers: Directs the Secretary of State to increase the number of Junior Professional Officer positions sponsored by the United States within the United Nations system (Sec. 30234).	No corresponding provision.
Regional	Subtitle includes a number of statements of policy and	Same, except no section on Pacific Islands.

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Strategies to Counter the People's Republic of China(PRC)	requires the President to provide strategies related to enhancing relationships around the world. Sections on Western Hemisphere, Transatlantic Relationships, South and Central Asia, Africa, Middle East and North Africa, Arctic Region, Oceania and Pacific Islands (Sec. 30241).	
"Investing in our Values"	Promotion of Democracy in Hong Kong: Authorizes appropriations of \$10 million for FY2022 to promote democracy in Hong Kong (Sec. 30302).	Identical provision (Sec. 3301).
	Hong Kong Immigration Preferences: Provides preferential immigration status for Hong Kong residents. Hong Kong to be considered a foreign state separate and apart from China for immigration purposes for five fiscal years (Sec. 30303).	No corresponding provision.
	Export Prohibition of Munitions Items to Hong Kong Police Force: Extends prohibition (due to expire at end of year) until the President makes certain certifications (Sec. 30304).	No corresponding provision.
	Uyghur Human Rights Protection (Sec. 30306): Finds that the PRC has a long history of repressing Turkic Muslims and other Muslim minorities in the Xinjiang Uyghur Autonomous Region (XUAR) (Sec. 30306 (b)).	No corresponding provision. USICA passed the Senate before the Uyghur Forced Labor Protection Act became law.
	Advises the Secretary of State to designate aliens who were nationals, fled from the XUAR, or spouses and children to be given Priority 2 refugee status (Sec. 30306 (c)).	

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Encourages U.S. allies and partners to matcommodations similar to those in this suresidents of the XUAR feeling oppression (Sec. 30306(d)).	ection for
Removal of Members of the U.N. Human Representative of the United States to the Uto use the voice, vote and influence of the Uto reform the process for removing members Human Rights Council that commit gross an violations of human rights (Sec. 30307).	nanent nited Nations nited States s of the U.N.
Policy re Tibet: Reforms to increase the ran Special Coordinator for Tibetan Issues and e Tibet Unit at the U.S. Embassy in Beijing (Se	establish a
Dalai Lama and Religious Freedom: Reaff that any interference from the PRC in the pro- recognizing a successor reincarnation of the is a clear abuse of the rights of religious free Tibetan Buddhists and people (Sec. 30309).	ocess of Dalai Lama
Internet Freedom and Great Firewall Circular for Hong Kong: Authorizes a working group strategy to bolster internet resiliency and onl Hong Kong. Authorizes the awarding of grant contracts to support and develop programs in that expand open internet and fundamental for (Sec. 30310).	to develop a ine access in its and in Hong Kong

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Human Rights in China: Authorizes funds made available through section 409 of the Asia Reassurance Initiative to be used for human rights programs in China (Sec. 30311).	Very similar provision (Sec. 3309).
Magnitsky Human Rights Accountability Act: Repeals sunset clause of the act (Sec. 30312).	Identical provision (Sec. 3313).
Reporting on Censorship of Free Speech: Amends the Foreign Assistance Act of 1961 to investigate, wherever applicable, instances in which the government of each country has attempted to extraterritorially intimidate companies or staff with regard to the abuse of human rights in such country (Sec. 30314).	No corresponding provision.
Policy Toward the Olympic Winter Games: Boycotts the games and decries the mass detention of Uyghurs in the Xinjiang Uyghur Autonomous Region (Sec. 30315).	Boycott of Olympic Games: Policy to implement a diplomatic boycott of Olympic Winter Games in China by not allowing any government funds to support the games (Sec. 3312).
Review and Controls on Export of Items with Critical Capabilities to Enable Human Rights Abuses: States that the U.S. policy is to use export controls to the extent necessary to further the protection of internationally recognized human rights (Sec. 30316).	No corresponding provision.
Report on China Exploitation of Hong Kong: Amends the U.SHong Kong Policy Act of 1992 to add that the Secretary of State shall submit a report on how China exploits Hong Kong to circumvent U.S. laws and	No corresponding provision.

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	protections (Sec. 30320).	
	Special Envoy for Xinjiang Province: Directs the Secretary of State to establish within the department the appointed position of a U.S. Special Envoy for Xinjiang Province (Sec. 30323).	No corresponding provision.
	Public Disclosure of Bureau of Information and Security Licensing Information: Directs the Committee on Foreign Affairs of the House of Representatives to make aggregate statistics on licensing information, ensuring all confidential information is protected from PRC companies and the Entity List contained in the Export Administration Regulations available to the public (Sec. 30325).	No corresponding provision.
Economic Statecraft	No corresponding provision.	Intellectual Property Violators: Directs the Secretary of State to publish an annual list of "Intellectual Property Violators" that identifies any Chinese state-owned enterprise that has benefitted from intellectual property theft or involuntary/coerced technology transfer from U.S. companies and those entities corporate officers and principal shareholders (Sec. 3402).
	No corresponding provision.	Subsidies List: Requires the Secretary of State to publish an annual "Government of the People's Republic of China Subsidies List" that identifies the subsidies provided by the government of China to Chinese entities and discriminatory treatment favoring Chinese entities over foreign competitors

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		(Sec. 3403).
	No corresponding provision.	Antibribery Technical Assistance: Mandates the provision of technical assistance to partner countries to establish legislative and regulatory frameworks to combat the bribery of foreign public officials consistent with OECD principles (Sec. 3404).
	No corresponding provision.	Hong Kong Report: Directs State to report on the manner and extent to which the government of China (i) uses the status of Hong Kong to circumvent laws and procedures related to export controls, import duties, economic sanctions and extradition, and (ii) relies on Hong Kong security agencies to conduct espionage or violate civil liberties (Sec. 3406).
	No corresponding provision.	Capital Markets Report: Requires State provide a report describing the risks posed to the United States by Chinese companies' access to and participation in U.S. capital markets and requires the identification of Chinese companies with securities listed and/or traded in the United States that have knowingly and materially contributed to: activities that undermine U.S. national security, serious human rights abuses or increased financial risk exposure for U.S. investors (Sec. 3407).
	Economic Defense Response Teams: Requires the President, within 180 days of enactment, to develop and implement a pilot program for the creation of deployable economic defense response teams to help provide	Similar provision (Sec. 3408).

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	emergency technical assistance and support to a country subjected to the threat or use of economic measures (Sec. 30402).	
	Countering Overseas Kleptocracy: Establishes an "Anti-Corruption Action Fund" to strengthen the capacity of foreign states to prevent and fight corruption, develop rule of law-based governance structures, and strengthen domestic legal and regulatory frameworks. Within 180 days of enactment, Department of State must establish an "Interagency Anti-Corruption Task Force" to evaluate the effective of foreign assistance programs and advise on whole-of-government efforts (Sec. 30403).	No corresponding provision.
	Annual Report on Chinese Surveillance Companies: Directs the Secretary of State, in coordination with the Director of National Intelligence, to submit to Congress a report with respect to persons in China that the Secretary determines have provided items or services related to targeted digital surveillance to a foreign government or entities where the items or services could be used in a manner contrary to human rights. (Sec. 30404).	No corresponding provision.
Strategic Security	Report on Efforts to Engage China on Nuclear and Ballistic Missile Issues: Directs the Department of State, within 180 days of enactment, to submit a report outlining the approaches and strategies it will pursue to engage China on arms control and risk reduction (Sec. 30502).	Identical provision (Sec. 3503).
	Countering China's Proliferation of Ballistic Missiles	Similar provision (Sec. 3504).

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	and Nuclear Technology to the Middle East: Directs the President, within 30 days of enactment, to submit a written determination and any supporting documentation detailing whether any foreign person in China exported items under Category I of the MTCR Annex to any foreign person in the previous three fiscal years and what sanctions the President has imposed or intends to impose. Within 30 days of enactment, the President must submit a report detailing whether any foreign person in China engaged in cooperation with any other foreign person in the previous three fiscal years in the construction of any nuclear-related fuel cycle facility or activity that has not been notified to the IAEA and would be subject to complementary access if an Additional Protocol as in force, and policy options to respond (Sec. 30503).	
Sustainable Future	Enhancing Security Considerations for Global Climate Disruptions: Directs the Department of State to conduct biennial comprehensive evaluation of present and ongoing disruptions to the global climate system and develop a climate security strategy using the evaluation. Must submit reports every two years on progress (Sec. 30602).	No corresponding section.
	Promoting Responsible Development Alternatives to the Belt and Road Initiative: Authorizes the Department of State and USAID to co-finance infrastructure, resilience and environmental adaptation projects that advance the development objectives of the United States overseas and provide viable alternatives to projects that	No corresponding section.

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would otherwise be included within China's Belt and Road Initiative (Sec. 30604).	
Climate Diplomacy: Requires President and Department of State to prioritize climate action and clean energy throughout operations. Requires the Department of State to establish and staff Climate Change Officer positions and climate policy training and reporting (Sec. 30605).	No corresponding section.
Global Climate Change Resilience Strategy: Establishes the position of Coordinator of Climate Change Resilience and requires the establishment of a 10-year, comprehensive, integrated Global Climate Change Resilience Strategy (Sec. 30606).	No corresponding section.
International Climate Change Mitigation, Adaptation and Security: Requires the Department of State to establish an "International Climate Change Adaptation, Mitigation, and Security Program" to provide bilateral and regional assistance to developing countries for programs, projects and activities. Appropriates \$2 billion for FY2022 and each fiscal year thereafter (Sec. 30607).	No corresponding section.
Reducing Negative Impacts from Black Carbon, Methane and High-GWP Hydrofluorocarbons: Requires Department of State to take a number of diplomatic measures to advocate for the reduction of black carbon, methane and high-GWP hydrofluorocarbons (Sec. 30608).	No corresponding section.
Green Climate Fund: Authorizes appropriations for	No corresponding section.

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contributions to the Green Climate Fund of \$1.4 billion for FY2022, \$2.6 billion for FY2023 and \$4 billion for FY 2024 (Sec. 30609).	
Ensuring a Whole-of-Government Response to Climate Action: Establishes that the Secretary of State shall establish a Climate Impact Task Force tasked to monitor climate and related impacted social conditions and assess climate action undertaken by other countries in response to national strategies and international commitments (Sec. 30610).	No corresponding section.

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