

118TH CONGRESS  
2D SESSION

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

To establish a regional trade, investment, and people-to-people partnership of countries in the Western Hemisphere to stimulate growth and integration through viable long-term private sector development, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. CASSIDY (for himself and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To establish a regional trade, investment, and people-to-people partnership of countries in the Western Hemisphere to stimulate growth and integration through viable long-term private sector development, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Americas Act”.

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

## 2

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

## TITLE I—E-GOVERNANCE IN THE AMERICAS

- Sec. 101. Americas Institute for Digital Governance.
- Sec. 102. E-governance framework.
- Sec. 103. Additional duties of Institute.
- Sec. 104. Funding.

## TITLE II—TRADE AND INVESTMENT FOR THE AMERICAS

## Subtitle A—Administration

- Sec. 201. Partnership agreements.
- Sec. 202. Americas Partnership business advisory board.
- Sec. 203. Administration.
- Sec. 204. Americas Partnership Secretariat.
- Sec. 205. Report.

## Subtitle B—Trade

## CHAPTER 1—RE-SHORING AND NEAR-SHORING

- Sec. 211. Sense of Congress.
- Sec. 212. Incentives for re-shoring and near-shoring of businesses from People's Republic of China.
- Sec. 213. Tax credit for qualifying re-shoring and near-shoring expenses.

## CHAPTER 2—FREE TRADE EXPANSION

- Sec. 221. Tariff reciprocity under GATT 1994.
- Sec. 222. Expansion of USMCA or establishment of other regional trade agreement.
- Sec. 223. Americas Partnership Threshold Program.
- Sec. 224. Expansion of beneficiaries under United States-Caribbean Basin Trade Partnership Act.
- Sec. 225. Exclusion of certain countries from certain preferential trade treatment.
- Sec. 226. Extension of trade promotion authority to Americas partner countries for purposes of expansion of USMCA.

## CHAPTER 3—TEXTILE AND APPAREL

- Sec. 231. Textile and apparel grant program.
- Sec. 232. Textile reuse and recycling programs.
- Sec. 233. Textile production verification teams.
- Sec. 234. Tax benefits for apparel and home textile products.
- Sec. 235. Treatment of fibers, fabrics, and yarns not available in commercial quantities in Americas partner countries.

## CHAPTER 4—TRADE ENFORCEMENT

- Sec. 241. Establishment of special enforcement unit of U.S. Customs and Border Protection to monitor the implementation of Uyghur Forced Labor Prevention Act.
- Sec. 242. Authorization of payments to whistleblowers relating to money laundering or illicit financial transactions.

## 3

- Sec. 243. Establishment of borders and ports protection program.  
 Sec. 244. Establishment of mutual recognition agreements and trade transparency units.

## Subtitle C—Investment

- Sec. 251. Sense of Congress.  
 Sec. 252. BUILD Americas Unit.  
 Sec. 253. Americas Partnership Enterprise Fund.  
 Sec. 254. Near-shoring of strategic supply chains and transformational energy investments.

## Subtitle D—People-to-People Activities

- Sec. 261. Humanitarian and business development assistance.  
 Sec. 262. Department of State.  
 Sec. 263. Peace Corps.  
 Sec. 264. American University of the Americas.  
 Sec. 265. United States Agency for International Development Caribbean and Latin American Scholarship Program III.  
 Sec. 266. Concern for Advanced Retired and Elderly nonimmigrant visa program for aliens who provide direct care for elderly populations.  
 Sec. 267. Sense of Congress on TN visa program.  
 Sec. 268. Assessment of visa waiver program eligibility for Uruguay and Costa Rica.  
 Sec. 269. Radio Free Americas.  
 Sec. 270. Biennial presidential summit.

## TITLE III—REVENUE AND FINANCIAL MANAGEMENT

- Sec. 301. Re-shoring and Near-shoring Account.  
 Sec. 302. Modification of treatment of de minimis entries of articles.

## TITLE IV—REPORTING AND BRANDING

- Sec. 401. Annual report on Americas program.  
 Sec. 402. Branding and marketing for Americas program.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) AMERICAS PARTNER COUNTRY.—The term  
 4 “Americas partner country” means a county that  
 5 has entered into a partnership agreement under sec-  
 6 tion 201.

7 (2) AMERICAS PROGRAM.—The term “Americas  
 8 program” means the provision of assistance to and

1 other activities relating to Americas partner coun-  
2 tries under title II or amendments made by title II.

3 (3) BUILD AMERICAS UNIT.—The term  
4 “BUILD Americas Unit” means the unit of the  
5 United States International Development Finance  
6 Corporation established under section 1416 of the  
7 BUILD Act of 2018, as added by section 252.

8 (4) NEAR-SHORE.—The term “near-shore”—

9 (A) with respect to an entity, means to  
10 move not less than the equivalent of  $\frac{2}{3}$  of the  
11 operations of the entity from the People’s Re-  
12 public of China to one or more Americas part-  
13 ner countries or other countries as provided for  
14 under title II; and

15 (B) with respect to a good or service,  
16 means to move not less than the equivalent of  
17  $\frac{2}{3}$  of the production of the good or service from  
18 the People’s Republic of China to such coun-  
19 tries.

20 (5) RE-SHORE.—The term “re-shore”—

21 (A) with respect to an entity, means to  
22 move not less than the equivalent of  $\frac{2}{3}$  of the  
23 operations of the entity from the People’s Re-  
24 public of China to the United States; and

1 (B) with respect to a good or service,  
2 means to move not less than the equivalent of  
3  $\frac{2}{3}$  of the production of the good or service from  
4 the People's Republic of China to the United  
5 States.

6 (6) UNITED STATES BUSINESS.—The term  
7 “United States business” means an entity—

8 (A) organized under the laws of the United  
9 States or any jurisdiction within the United  
10 States;

11 (B) with its headquarters based in the  
12 United States (as determined on the date that  
13 is 180 days after the date of the enactment of  
14 this Act); and

15 (C) with more than 25 percent of its busi-  
16 ness inside the United States.

17 (7) UNITED STATES PERSON.—

18 (A) IN GENERAL.—The term “United  
19 States person” means—

20 (i) an individual who is a citizen or  
21 resident of the United States; or

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

1 (B) RESIDENT.—For purposes of subpara-  
2 graph (A)(i), an individual is a resident of the  
3 United States if the individual is authorized to  
4 be employed in the United States.

5 (8) USMCA.—The term “USMCA” has the  
6 meaning given that term in section 3 of the United  
7 States-Mexico-Canada Agreement Implementation  
8 Act (19 U.S.C. 4502).

9 (9) USMCA COUNTRY.—The term “USMCA  
10 country” has the meaning given that term in section  
11 202(a) of the United States-Mexico-Canada Agree-  
12 ment Implementation Act (19 U.S.C. 4531(a)).

13 **TITLE I—E-GOVERNANCE IN THE**  
14 **AMERICAS**

15 **SEC. 101. AMERICAS INSTITUTE FOR DIGITAL GOVERN-**  
16 **ANCE.**

17 (a) ESTABLISHMENT.—There is established a non-  
18 profit organization within the United States to be known  
19 as the “Americas Institute for Digital Governance” (in  
20 this title referred as the “Institute”), which shall be re-  
21 sponsible for the development and maintenance of the e-  
22 governance framework established under section 102.

23 (b) BOARD OF DIRECTORS.—

1           (1) IN GENERAL.—There shall be in the Insti-  
2           tute a Board of Directors (in this section referred to  
3           as the “Board”).

4           (2) MEMBERSHIP.—

5           (A) IN GENERAL.—The President shall re-  
6           quest the head of government of each Americas  
7           partner country to appoint one member of the  
8           Board.

9           (B) APPOINTMENT PROCESS.—

10           (i) UNITED STATES.—The President  
11           shall appoint the member of the Board  
12           representing the United States.

13           (ii) OTHER COUNTRIES.—The Presi-  
14           dent shall request the head of government  
15           of each Americas partner country to deter-  
16           mine a process for appointing the member  
17           of the Board to represent that country.

18           (C) TERMS.—A member of the Board shall  
19           serve on the Board for not more than 4 years.

20           (D) REMOVAL.—

21           (i) REMOVAL BY COUNTRY REP-  
22           RESENTED.—A member of the Board shall  
23           serve at the discretion of the Americas  
24           partner country the member represents  
25           and may be removed pursuant to a process

1           determined by the government of that  
2           country.

3           (ii) REMOVAL BY BOARD.—A member  
4           of the Board may be removed by a vote of  
5            $\frac{2}{3}$  of the members of the Board.

6           (E) VACANCIES.—In the event that a  
7           member of the Board is removed under sub-  
8           paragraph (D) or dies or is otherwise deemed  
9           unable to serve the remainder of the term of  
10          the member, the government of the Americas  
11          partner country the member represented shall  
12          appoint an individual to serve out the remain-  
13          der of that term pursuant to a process deter-  
14          mined by that government.

15          (F) ETHICS REQUIREMENTS.—

16          (i) FINANCIAL DISCLOSURE.—A mem-  
17          ber of the Board shall fully disclose the fi-  
18          nancial assets of the member and divest  
19          from any holdings, such as stocks or other  
20          equities, that relate to any private entity  
21          that conducts business with the Institute.

22          (ii) BLIND TRUST REQUIREMENT.—A  
23          member of the Board shall place the assets  
24          of the member in a blind trust for the du-



1                   ration of the term of the member on the  
2                   Board.

3                   (iii) PROHIBITION ON NEPOTISM.—An  
4                   individual may not be appointed as a mem-  
5                   ber of the Board if a relative of the indi-  
6                   vidual is an elected official in an Americas  
7                   partner country.

8                   (iv) ADDITIONAL REQUIREMENTS.—  
9                   The Board may impose such other ethics  
10                  and disclosure requirements as the Board  
11                  considers appropriate.

12                 (3) REPRESENTATION.—Each member of the  
13                 Board shall have an equal vote in all matters.

14                 (4) MEETINGS; QUORUM.—

15                   (A) FREQUENCY OF MEETINGS.—The  
16                   Board shall meet not less frequently than once  
17                   every 90 days.

18                   (B) QUORUM.—Members of the Board rep-  
19                   resenting a majority of the total votes on the  
20                   Board are required to be present to constitute  
21                   a quorum.

22                 (5) CHAIRPERSON.—There shall be a chair-  
23                 person of the Board, who shall—

24                   (A) be elected by a majority vote of the  
25                   Board from among members of the Board; and

1 (B) preside over meetings of the Board.

2 (6) CALCULATION OF VOTES.—For purposes of  
3 determining a majority vote of the Board, vacancies  
4 that have not been filled shall not be counted toward  
5 any total.

6 (7) ACCESS TO INFORMATION.—A member of  
7 the Board may request information from the Insti-  
8 tute and provide that information to the government  
9 of the Americas partner country the member rep-  
10 resents unless the chairperson of the Board deter-  
11 mines that sharing that information may violate the  
12 privacy of a user of the e-governance system, endan-  
13 ger cyber security, or violate any applicable law.

14 (c) STAFF.—

15 (1) CHIEF EXECUTIVE.—There shall be a Chief  
16 Executive of the Institute, who—

17 (A) shall—

18 (i) be elected and appointed by the  
19 majority vote of the Board; and

20 (ii) be vested with the full executive  
21 authority of the Institute; and

22 (B) may be removed by a majority vote of  
23 the Board.

24 (2) ADDITIONAL EMPLOYEES.—

1 (A) IN GENERAL.—The Chief Executive  
2 may—

3 (i) appoint such employees, including  
4 managers, assistant managers, officers, at-  
5 torneys, and agents, as the Chief Executive  
6 considers necessary;

7 (ii) define the compensation (subject  
8 to subparagraph (B)) and duties of those  
9 employees; and

10 (iii) establish a system of organization  
11 to fix responsibility and promote efficiency.

12 (B) SALARIES.—The salaries of officers  
13 and employees of the Institute shall be equiva-  
14 lent to the salaries provided for under the Gen-  
15 eral Schedule under section 5332 of title 5,  
16 United States Code.

17 (C) SALARY CAP.—No regular officer or  
18 employee of the Institute may receive a salary  
19 that exceeds the salary of the Chief Executive.

20 (d) CORPORATE POWERS.—Except as otherwise spe-  
21 cifically provided in this Act, the Institute—

22 (1) shall have succession in its corporate name;

23 (2) may sue and be sued in its corporate name;

24 (3) may adopt and use a corporate seal, which  
25 shall be judicially noticed;

1 (4) may make contracts;

2 (5) may adopt, amend, and repeal bylaws; and

3 (6) may purchase or lease, hold, and dispose of  
4 such real and personal property as the Institute  
5 deems necessary or convenient in the transaction of  
6 its business.

7 (e) NONPROFIT ORGANIZATION DEFINED.—In this  
8 section, the term “nonprofit organization” means an orga-  
9 nization—

10 (1) described in section 501(c)(3) of the Inter-  
11 nal Revenue Code of 1986; and

12 (2) exempt from tax under section 501(a) of  
13 such Code.

14 **SEC. 102. E-GOVERNANCE FRAMEWORK.**

15 (a) DEVELOPMENT.—The Institute shall develop and  
16 maintain a comprehensive e-governance framework for  
17 Americas partner countries.

18 (b) PURPOSE.—The purpose of the e-governance  
19 framework developed under subsection (a) shall be to allow  
20 for the development of interoperable services to harmonize  
21 and facilitate the delivery of effective and transparent gov-  
22 ernment services within and between Americas partner  
23 countries.

1 (c) PRINCIPLES.—In developing the e-governance  
2 framework under subsection (a), the Institute shall ensure  
3 that the framework adheres to the following principles:

4 (1) INTEROPERABILITY.—The framework shall  
5 be designed to allow different government systems  
6 to, when appropriate, seamlessly share data with  
7 each other, consistent with applicable laws and pri-  
8 vacy restrictions under subsection (d).

9 (2) DECENTRALIZATION.—The framework  
10 should seek to avoid centralized control over data,  
11 and should allow the government of each Americas  
12 partner country to maintain control over its own  
13 data while still facilitating cross-border data sharing.  
14 Data control and hosting under the framework  
15 should be consistent with local law and international  
16 agreements. Nothing in this paragraph may be con-  
17 strued to contravene or supercede laws or agree-  
18 ments in effect before the date of the enactment of  
19 this Act.

20 (3) OPEN STANDARDS.—The framework should,  
21 to the greatest extent practicable, be built on open  
22 standards that are freely available to the public.

23 (4) DATA SOVEREIGNTY.—The framework  
24 should ensure that each Americas partner country

1 maintains control over the data of citizens of that  
2 country.

3 (5) PUBLIC-PRIVATE PARTNERSHIPS.—The  
4 framework should allow for the collaboration of pub-  
5 lic and private entities in the development, design,  
6 and maintenance of e-governance systems.

7 (6) OPEN SOURCE.—Systems developed by the  
8 Institute should, to the extent practicable, be open  
9 source. Systems developed by Americas partner  
10 countries are encouraged to be open source as well.

11 (7) ADAPTATION.—The framework shall ac-  
12 count, consistent with other provisions of this Act,  
13 for existing e-governance systems developed by  
14 Americas partner countries, including by adopting,  
15 in part or in whole, existing e-governance systems as  
16 part of the framework or as reference implementa-  
17 tions within the framework.

18 (d) PRIVACY.—The e-governance framework devel-  
19 oped under subsection (a) shall incorporate privacy best-  
20 practices, including as follows:

21 (1) DATA MINIMIZATION.—Systems developed  
22 under the framework should collect only the minimal  
23 set of data necessary for a given purpose and with-  
24 out any additional processing unnecessary for ful-  
25 filling that purpose.

1           (2) DATA PROTECTION.—The Institute shall de-  
2           fine necessary access controls for data and require  
3           encryption of data where appropriate.

4           (3) DATA RETENTION.—The Institute shall de-  
5           velop and publish a data retention policy, which  
6           shall—

7                   (A) be honored by any system operating  
8           under the framework;

9                   (B) include a disclosure of—

10                           (i) what user information is stored by  
11                           a particular system;

12                           (ii) whether that information is  
13                           encrypted; and

14                           (iii) for how long the information is  
15                           stored; and

16                   (C) provide for the Institute to provide, in  
17           a timely fashion, all data held related to an in-  
18           dividual or entity upon the request of the indi-  
19           vidual or entity.

20           (4) DATA DELETION.—Systems developed  
21           under the framework shall, to the greatest extent  
22           practicable, include a mechanism by which—

23                   (A) a user may request that any system  
24           operating under the framework delete any data  
25           on the user; and

1 (B) such a request is honored within 72  
2 hours, except as required by other applicable  
3 law.

4 (5) DATA CORRECTION.—Systems developed  
5 under the framework shall, to the greatest extent  
6 practicable, incorporate mechanisms under which—

7 (A) a user may request to correct inac-  
8 curate data in the framework related to the  
9 user; and

10 (B) such a request is honored within 72  
11 hours after the correct data has been verified.

12 (6) OTHER PRIVACY PRACTICES.—The Institute  
13 may develop and enforce such other privacy prac-  
14 tices as the Institute considers appropriate.

15 (e) CYBER SECURITY.—The e-governance framework  
16 developed under subsection (a) shall incorporate cyber se-  
17 curity best practices, including the following:

18 (1) Appropriate access controls and user au-  
19 thentication, which may—

20 (A) vary by service according to the sensi-  
21 tivity of the data involved; and

22 (B) include the integration of any national  
23 electronic identification systems of Americas  
24 partner countries.



1           (2) Regular penetration testing by an outside  
2 organization certified by the Institute, to be con-  
3 ducted not less frequently than once a year.

4           (3) Provision of a common vulnerability disclo-  
5 sure policy for systems operating under the frame-  
6 work.

7           (4) Such other cyber security best practices as  
8 the Institute considers appropriate.

9 (f) ENFORCEMENT.—

10           (1) AUDITS.—Each system of an Americas  
11 partner country operating under the e-governance  
12 framework developed under subsection (a) shall un-  
13 dergo annual audits by an outside organization cer-  
14 tified by the Institute. That audit shall assess the  
15 compliance of the system with the privacy and secu-  
16 rity requirements of this section and such other re-  
17 quirements as the Institute considers necessary.

18           (2) EFFECT OF NONCOMPLIANCE.—If an audit  
19 conducted under paragraph (1) indicates that a sys-  
20 tem or systems of an Americas partner country are  
21 substantially noncompliant with the privacy and se-  
22 curity requirements of this section, the Institute  
23 may—

24           (A) designate the system or systems as  
25 noncompliant;

1 (B) recommend that other Americas part-  
2 ner countries take such actions as may be nec-  
3 essary to protect the privacy and security of the  
4 systems and data of those countries; and

5 (C) withhold, in part or in whole, further  
6 assistance to the country the system or systems  
7 of which are designated as noncompliant, in-  
8 cluding revoking privileges or access to any  
9 services or shared infrastructure of the Insti-  
10 tute, until such a time as the Institute deter-  
11 mines that the system or systems are compli-  
12 ant.

13 (3) ALLOWANCES FOR NONCOMPLIANCE.—

14 (A) IN GENERAL.—The Institute may cer-  
15 tify as partially or wholly compliant any system  
16 of an Americas partner country if the Institute  
17 determines that the country is making a good  
18 faith effort at compliance, but has not fully  
19 achieved compliance with all the requirements  
20 of this section.

21 (B) ELEMENTS.—A certification under  
22 subparagraph (A) may include a certification  
23 that a system is temporarily compliant—

24 (i) during—

1 (I) the development of the sys-  
2 tem;

3 (II) partial deployments of the  
4 system; or

5 (III) deployments of minimum  
6 viable products; or

7 (ii) if the Institute determines that  
8 compliance with the requirements of this  
9 section would substantially hinder the abil-  
10 ity of a country to effectively provide crit-  
11 ical services to citizens of the country and  
12 there is no practical path to achieve com-  
13 pliance and effectively provide such serv-  
14 ices.

15 (4) SUSPENSION OF PARTNERSHIP.—If the par-  
16 ticipation of a country in a partnership agreement is  
17 suspended under section 201(d), the Institute—

18 (A) may terminate the provision of any  
19 services or assistance to the country; and

20 (B) may take such steps as are necessary  
21 to ensure any systems affected by the termi-  
22 nation are transitioned appropriately to mini-  
23 mize disruptions to the citizens of that country.

24 (g) MULTILINGUAL FUNCTIONALITY.—The Institute  
25 shall ensure that all resources necessary to develop sys-

1 tems compliant with the e-governance framework devel-  
2 oped under subsection (a) are available in all necessary  
3 languages.

4 **SEC. 103. ADDITIONAL DUTIES OF INSTITUTE.**

5 (a) INTERNATIONAL COOPERATION.—The Institute  
6 shall seek to promote collaboration between Americas  
7 partner countries on the development, standardization,  
8 and deployment of e-governance systems, including such  
9 systems developed outside the e-governance framework de-  
10 veloped under section 102 and systems developed before  
11 the implementation of this Act.

12 (b) DEVELOPMENT PROCESS.—The Institute shall be  
13 responsible for assisting Americas partner countries in the  
14 development and deployment of e-governance systems in  
15 compliance with the e-governance framework developed  
16 under section 102. Such assistance may include the fol-  
17 lowing:

18 (1) The development or adoption, in collabora-  
19 tion with appropriate national and international  
20 standards organizations, of technical standards nec-  
21 essary to promote the efficient development of sys-  
22 tems under the framework.

23 (2) The development of reference implementa-  
24 tions for e-government services, as the Institute con-  
25 siders appropriate.

1           (3) The development and maintenance of infra-  
2           structure that may be shared by multiple services,  
3           including across multiple Americas partner coun-  
4           tries, as the Institute and such countries consider  
5           appropriate.

6           (4) Providing technical assistance to Americas  
7           partner countries in the development of services,  
8           which may include entering into contracts for devel-  
9           oping and hosting services on behalf of such coun-  
10          tries. Such contracts may include terms for an  
11          Americas partner country to provide the Institute  
12          with funding for development and hosting services.

13          (5) The procurement or licensing, as the Insti-  
14          tute considers appropriate, of commercial technology  
15          that may be shared with Americas partner countries  
16          and used for the delivery of services.

17          (6) Providing for the certification of organiza-  
18          tions to carry out the auditing and penetration test-  
19          ing required by section 102(e).

20          (7) Partnering with private sector entities for  
21          the provision, development, maintenance, or hosting  
22          of services, or other such assistance as the Institute  
23          considers necessary.

24          (8) Providing financing to facilitate the develop-  
25          ment or modernization of a system, subject to such

1        accountability mechanisms as the Institute considers  
2        necessary to ensure funds are spent efficiently and  
3        appropriately.

4            (9) Accounting for the development of emerging  
5        technologies, including artificial intelligence, and, to  
6        the extent necessary, incorporating such technologies  
7        into systems developed by or with Americas partner  
8        countries or making recommendations for how those  
9        countries may incorporate or regulate such tech-  
10       nologies.

11           (10) Other matters as the Institute considers  
12        appropriate.

13        (c) PROCUREMENT RESTRICTION.—

14            (1) IN GENERAL.—The Institute shall ensure  
15        that no system or product operating under the e-  
16        governance framework developed under section 102  
17        is involved in any contract for the development of a  
18        service as part of the e-governance framework, or  
19        shares any data, with an individual or entity resid-  
20        ing in or acting on behalf of the Russian Federation,  
21        the People’s Republic of China, Iran, North Korea,  
22        Venezuela, Cuba, or such other countries as the In-  
23        stitute considers necessary to protect the privacy  
24        and security of the citizens of Americas partner  
25        countries.

1           (2) AUTHORITY TO EXCLUDE OTHER INDIVID-  
2           UALS, ENTITIES, AND PRODUCTS.—The Institute  
3           may, as the Institute considers necessary to protect  
4           the privacy and security of the citizens of Americas  
5           partner countries, prohibit any system described in  
6           paragraph (1) from entering into any contract for  
7           the development of a service as part of the e-govern-  
8           ance framework, or sharing any data—

9                   (A) with an individual or entity that does  
10                  not reside in a country described in paragraph  
11                  (1); or

12                   (B) using a product not from such a coun-  
13                  try.

14 **SEC. 104. FUNDING.**

15           (a) AUTHORIZATION OF APPROPRIATIONS FOR INSTI-  
16           TUTE.—There are authorized to be appropriated  
17           \$10,000,000 to establish the Institute.

18           (b) ADDITIONAL FUNDING.—Such sums as may be  
19           necessary to carry out this title shall be made available  
20           from the Re-shoring and Near-shoring Account estab-  
21           lished under section 301.

1 **TITLE II—TRADE AND INVEST-**  
2 **MENT FOR THE AMERICAS**  
3 **Subtitle A—Administration**

4 **SEC. 201. PARTNERSHIP AGREEMENTS.**

5 (a) AUTHORITY TO ENTER INTO PARTNERSHIP  
6 AGREEMENTS.—

7 (1) IN GENERAL.—The Secretary of State may  
8 enter into partnership agreements with countries in  
9 the Western Hemisphere, which shall serve as the  
10 gateway into accession of additional countries to the  
11 USMCA under section 222.

12 (2) INCLUSIONS.—A partnership agreement en-  
13 tered into under paragraph (1) shall include protec-  
14 tions for democracy and human rights and anti-cor-  
15 ruption measures consistent with the Inter-American  
16 Democratic Charter and the International Covenant  
17 on Civil and Political Rights.

18 (3) CONSULTATIONS.—The Secretary shall—

19 (A) consult with Congress during negotia-  
20 tions for a partnership agreement under para-  
21 graph (1); and

22 (B) notify Congress not less than 15 days  
23 before signing the partnership agreement.



1           (4) INELIGIBLE COUNTRIES.—The Secretary  
2           may not enter into a partnership agreement under  
3           paragraph (1) with a country—

4                   (A) that is a member of the Bolivarian Al-  
5           liance for the Peoples of Our America;

6                   (B) the government of which is listed  
7           under subparagraph (C) of section 110(b)(1) of  
8           the Trafficking Victims Protection Act of 2000  
9           (22 U.S.C. 7107(b)(1)) (commonly referred to  
10          as “tier 3”) in the most recent report on traf-  
11          ficking in persons required under such section  
12          (commonly referred to as the “Trafficking in  
13          Persons Report”); or

14                   (C) the government of which is not—

15                           (i) committed to the fight against ter-  
16                           rorism; or

17                           (ii) in compliance with the terms of  
18                           the Inter-American Democratic Charter of  
19                           the Organization of American States.

20          (b) COMMITMENTS.—A partner country shall commit  
21          to abide by the terms of the partnership agreement en-  
22          tered into under subsection (a).

23          (c) SUSPENSION.—

24                   (1) IN GENERAL.—The Secretary of State shall  
25          move to suspend the participation of a country in a

1 partnership agreement entered into under subsection  
2 (a) at the end of the one-year period beginning on  
3 the date on which the Secretary of State, in coordi-  
4 nation with the heads of other relevant agencies and  
5 upon consultation with Congress, determines that  
6 the country is in violation of the commitments of the  
7 country under subsection (b) or is ineligible under  
8 subsection (a)(4), unless the country comes into  
9 compliance with those commitments and becomes eli-  
10 gible before the end of that period.

11 (2) NOTIFICATION TO THE SECRETARIAT.—

12 Upon making a determination described in para-  
13 graph (1) with respect to a country, the Secretary  
14 of State shall provide a notice of the determination,  
15 to be considered at the next scheduled meeting of  
16 the Americas Partnership Secretariat established  
17 under section 204, along with a list of deficiencies  
18 the government of the country could remedy to come  
19 back into compliance with the commitments of the  
20 country under subsection (b) and to become eligible  
21 under subsection (a)(4). The text of the notice and  
22 the list shall be provided to—

23 (A) the permanent representative of the  
24 government of the country at the Secretariat;

1 (B) the government of each Americas part-  
2 ner country; and

3 (C) the Committee on Finance of the Sen-  
4 ate and the Committee on Ways and Means of  
5 the House of Representatives.

6 (3) VISIT REQUIRED.—Before the Secretary of  
7 State makes a motion under paragraph (1) with re-  
8 spect to a country, the Deputy Assistant Secretary  
9 of State for the Americas Partnership established  
10 under section 203(c)(1) shall seek a formal visit  
11 from the Americas Partnership Secretariat to the  
12 country to explain the reasons for the motion under  
13 paragraph (1).

14 (4) EFFECT OF SUSPENSION.—

15 (A) IN GENERAL.—If the participation of a  
16 country in a partnership agreement entered into  
17 under subsection (a) is suspended under para-  
18 graph (1)—

19 (i) the provisions of this title and the  
20 amendments made by this title shall not  
21 apply with respect to the country during  
22 the period of suspension; and

23 (ii) the Secretary of State shall use  
24 the voice and vote of the United States in  
25 any appropriate multilateral forum to pres-

1           sure the government of that country to  
2           take the actions necessary to come into  
3           compliance with the eligibility requirements  
4           under subsection (c).

5           (B) RULE OF CONSTRUCTION.—The sus-  
6           pension of the participation of a country in a  
7           partnership agreement under paragraph (1)  
8           may not be construed to affect the relationship  
9           of that country to any country, other than the  
10          United States, that is a party or a potential  
11          party to the USMCA.

12          (d) INITIAL PARTNER COUNTRIES.—The first coun-  
13          tries with which the Secretary of State shall seek to enter  
14          into partnership agreements under subsection (a) shall be  
15          countries identified under the Americas Partnership for  
16          Economic Prosperity (APEP) executive program that are  
17          not ineligible under subsection (a)(4).

18          (e) COUNTRIES SEEKING PARTNERSHIP AGREE-  
19          MENTS.—

20               (1) NOTIFICATION.—A country seeking to enter  
21               into a partnership agreement under subsection (a)  
22               shall submit a notification to the Secretary of State  
23               indicating the desire of the country to enter into  
24               such an agreement.

25               (2) RESPONSE.—

1 (A) IN GENERAL.—Not later than 180  
2 days after receiving a notification under para-  
3 graph (1) from a country, the Secretary shall—

4 (i) make a determination with respect  
5 to whether or not to enter into a partner-  
6 ship agreement with the country; and

7 (ii) notify the country of the deter-  
8 mination.

9 (B) INCLUSION IN NEGATIVE RESPONSE.—  
10 If the Secretary determines under subpara-  
11 graph (A) not to enter into a partnership agree-  
12 ment with a country, the Secretary shall notify  
13 the country in writing of the reasons for the de-  
14 termination and the steps the country can take  
15 to become eligible for a partnership agreement.

16 (f) GRANT PROGRAM.—The Secretary of State may  
17 provide grants, using amounts available for other grant  
18 programs of the Department of State, to countries to as-  
19 sist those countries to become eligible for partnership  
20 agreements under this section.

21 **SEC. 202. AMERICAS PARTNERSHIP BUSINESS ADVISORY**  
22 **BOARD.**

23 (a) ESTABLISHMENT.—The Americas Partnership  
24 Secretariat established under section 204 shall establish  
25 a business advisory board, which will meet periodically, on

1 an ad hoc basis, at the Secretariat to inform discussions  
2 on the business environments of Americas partner coun-  
3 tries.

4 (b) COMPOSITION.—The business advisory board es-  
5 tablished under subsection (a) shall be composed of rep-  
6 resentatives of private sector entities, civil society organi-  
7 zations, and labor organizations from Americas partner  
8 countries.

9 (c) ADVISORY TOPICS.—The business advisory board  
10 established under subsection (a) may provide advice to  
11 Americas partner countries through the Secretariat on the  
12 following topics relating to the business environment in  
13 Americas partner countries:

14 (1) Regulatory hurdles.

15 (2) Labor issues.

16 (3) Dispute resolution challenges.

17 (4) Legal hurdles to investment.

18 (5) Alignment on regulation related to key  
19 emerging technologies such as artificial intelligence.

20 (6) Harmonization of reference price systems.

21 (7) Other issues affecting the business commu-  
22 nity in Americas partner countries.

23 (d) COORDINATION.—The business advisory board  
24 established under subsection (a) shall coordinate with the

1 central regulatory coordinating bodies referred to in Arti-  
2 cle 28.3 of the USMCA.

3 (e) ANNUAL REPORT.—Not less frequently than an-  
4 nually, the business advisory board established under sub-  
5 section (a) shall submit to the Secretariat a report on the  
6 business environment in Americas partner countries, in-  
7 cluding opportunities and challenges to investment.

8 **SEC. 203. ADMINISTRATION.**

9 (a) DEPARTMENT OF COMMERCE.—

10 (1) DEPUTY UNDER SECRETARY OF COM-  
11 MERCE.—

12 (A) IN GENERAL.—There shall be in the  
13 International Trade Administration of the De-  
14 partment of Commerce a Deputy Under Sec-  
15 retary responsible for administration of the re-  
16 sponsibilities of the Department of Commerce  
17 under this title.

18 (B) WORKING GROUP.—The Deputy Under  
19 Secretary established under subparagraph (A)  
20 shall establish a permanent working group,  
21 composed of representatives of the relevant  
22 agencies, to collaborate on matters relating to  
23 the administration of this title and the amend-  
24 ments made by this title.

1           (2) INTERNATIONAL TRADE ADMINISTRA-  
2           TION.—The Under Secretary may increase the num-  
3           ber of employees of the International Trade Admin-  
4           istration by the number necessary to administer this  
5           title and the amendments made by this title.

6           (3) UNITED STATES AND FOREIGN COMMER-  
7           CIAL SERVICE.—

8                   (A) IN GENERAL.—The Director General  
9                   of the United States and Foreign Commercial  
10                  Service (established by section 2301 of the Ex-  
11                  port Enhancement Act of 1988 (15 U.S.C.  
12                  4721)) may assign additional commercial  
13                  attachés to serve at the United States embas-  
14                  sies in each Americas partner countries to over-  
15                  see coordination and reporting under partner-  
16                  ship agreements entered into under section 201.

17                  (B) ROLE OF COMMERCIAL ATTACHÉS.—A  
18                  commercial attaché assigned to an Americas  
19                  partner country under subparagraph (A)  
20                  shall—

21                          (i) coordinate with the Department of  
22                          the Treasury with respect to loans pro-  
23                          vided under section 212(a) to incentivize  
24                          re-shoring and near-shoring;



1 (ii) be the lead officer on the country  
2 team, under the Chief of Mission, respon-  
3 sible for implementation of the partnership  
4 agreement entered into under section 201  
5 with that country; and

6 (iii) carry out such other duties as the  
7 Director General or the Chief of Mission  
8 may assign for successful implementation  
9 of the Americas program.

10 (4) AUTHORIZATION OF APPROPRIATIONS.—

11 (A) IN GENERAL.—There shall be available  
12 to the Secretary of Commerce, from the Re-  
13 shoring and Near-shoring Account established  
14 under section 301, \$10,000,000 for each of fis-  
15 cal years of 2024, 2025, and 2026 to admin-  
16 ister this title and the amendments made by  
17 this title.

18 (B) AVAILABILITY OF FUNDS.—Amounts  
19 made available pursuant to subparagraph (A)  
20 shall be available until expended.

21 (b) OFFICE OF UNITED STATES TRADE REPRESENT-  
22 ATIVE.—

23 (1) IN GENERAL.—There shall be in the Office  
24 of the United States Trade Representative an As-

1       sistant United States Trade Representative for the  
2       Americas Partnership, who shall—

3               (A) be responsible for negotiations with re-  
4       spect to—

5                       (i) the accession of countries to the  
6       USMCA pursuant to the mechanism devel-  
7       oped pursuant to section 222(b); and

8                       (ii) designation of Americas partner  
9       countries as CBTPA beneficiary countries  
10      (as defined in section 213(b)(5) of the Car-  
11      ibbean Basin Economic Recovery Act, as  
12      amended by section 224);

13               (B) hire the staff necessary to support ne-  
14      gotiations described in subparagraph (A); and

15               (C) coordinate closely with the Under Sec-  
16      retary with respect to administration of this  
17      title.

18      (2) AUTHORIZATION OF APPROPRIATIONS.—

19               (A) IN GENERAL.—There shall be available  
20      to the United States Trade Representative,  
21      from the Re-shoring and Near-shoring Account  
22      established under section 301, \$5,000,000 for  
23      each of fiscal years of 2024, 2025, and 2026 to  
24      administer this title and the amendments made  
25      by this title.

1 (B) AVAILABILITY OF FUNDS.—Amounts  
2 made available pursuant to subparagraph (A)  
3 shall be available until expended.

4 (c) DEPARTMENT OF STATE.—

5 (1) DEPUTY ASSISTANT SECRETARY FOR THE  
6 AMERICAS PARTNERSHIP.—There shall be in the Bu-  
7 reau for Western Hemisphere Affairs of the Depart-  
8 ment of State a Deputy Assistant Secretary for the  
9 Americas Partnership, who—

10 (A) may be the United States representa-  
11 tive to the Americas Partnership Secretariat;  
12 and

13 (B) shall, in coordination with the Under  
14 Secretary, coordinate people-to-people efforts  
15 under this title on behalf of the Department of  
16 State.

17 (2) ADDITIONAL CIVIL SERVICE OFFICERS.—  
18 The Secretary of State may hire sufficient civil serv-  
19 ice officers to fulfill the successful management of  
20 the efforts described in paragraph (1).

21 (3) ADDITIONAL FOREIGN AFFAIRS OFFI-  
22 CERS.—The Secretary of State may hire additional  
23 foreign affairs officers, relative to the number of  
24 such officers on the day before the date of the enact-

1       ment of this Act, to support the implementation of  
2       this title.

3               (4) AUTHORIZATION OF APPROPRIATIONS.—

4                       (A) IN GENERAL.—There shall be available  
5                       to the Secretary of State, from the Re-shoring  
6                       and Near-shoring Account established under  
7                       section 301, \$10,000,000 for each of fiscal  
8                       years of 2024, 2025, and 2026 to administer  
9                       this title and the amendments made by this  
10                      title.

11                     (B) AVAILABILITY OF FUNDS.—Amounts  
12                     made available pursuant to subparagraph (A)  
13                     shall be available until expended.

14       (d) UNITED STATES AGENCY FOR INTERNATIONAL  
15       DEVELOPMENT.—

16                     (1) DEPUTY ASSISTANT ADMINISTRATOR FOR  
17                     THE AMERICAS PARTNERSHIP.—There shall be in  
18                     the Bureau for Latin America and the Caribbean of  
19                     the United States Agency for International Develop-  
20                     ment a Deputy Assistant Administrator for the  
21                     Americas Partnership, who shall, in coordination  
22                     with the Under Secretary, coordinate development,  
23                     humanitarian, and people-to-people efforts under  
24                     this title on behalf of the United States Agency for  
25                     International Development.

1           (2) ADDITIONAL FOREIGN SERVICE OFFICERS  
2           AND OTHER EMPLOYEES.—The Administrator of the  
3           United States Agency for International Development  
4           may hire additional foreign service officers, relative  
5           to the number of such officers on the day before the  
6           date of the enactment of this Act, to support the im-  
7           plementation of this title.

8           (3) AUTHORIZATION OF APPROPRIATIONS.—

9           (A) IN GENERAL.—There shall be available  
10          to the Administrator, from the Re-shoring and  
11          Near-shoring Account established under section  
12          301, \$10,000,000 for each of fiscal years of  
13          2024, 2025, and 2026 to administer this title  
14          and the amendments made by this title.

15          (B) AVAILABILITY OF FUNDS.—Amounts  
16          made available pursuant to subparagraph (A)  
17          shall be available until expended.

18          (e) OTHER BUREAUS AND OFFICES.—The Presi-  
19          dent—

20               (1) may establish such additional bureaus and  
21               offices as the President considers appropriate to im-  
22               plement this title; and

23               (2) shall ensure that a description of any such  
24               bureaus and offices is included in the annual report  
25               required by section 205.

1 (f) AVAILABILITY OF FUNDS.—Amounts shall be  
2 made available to carry out this section from the Re-shor-  
3 ing and Near-shoring Account established under section  
4 301.

5 **SEC. 204. AMERICAS PARTNERSHIP SECRETARIAT.**

6 (a) ESTABLISHMENT.—Not later than 180 day after  
7 the date of the enactment of this Act, there shall be estab-  
8 lished in the United States the “Americas Partnership  
9 Secretariat” (in this section referred to as the “Secre-  
10 tariat”).

11 (b) DUTIES.—The Secretariat shall be responsible for  
12 duties including—

13 (1) coordinating diplomatic, economic, and peo-  
14 ple-to-people efforts of the Americas partner coun-  
15 tries under this title and the amendments made by  
16 this title;

17 (2) carrying out efforts to build and advance  
18 partnerships between city mayors and other sub-  
19 national government leaders from Americas partner  
20 countries, civil society organizations, and private sec-  
21 tor entities to expand subnational diplomacy; and

22 (3) providing policy and technical support  
23 through dialogue, research, and other structured en-  
24 gagements.

1 (c) MEMBERSHIP.—The membership of the Secre-  
2 tariat shall be comprised of representatives from the gov-  
3 ernments of Americas partner countries. Selection of such  
4 representatives shall be determined by the governments of  
5 the Americas partner countries.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There shall be available to  
8 the Secretariat, from the Re-shoring and Near-shor-  
9 ing Account established under section 301,  
10 \$10,000,000 for each of fiscal years of 2024, 2025,  
11 and 2026 to carry out the duties of the Secretariat  
12 under this title and the amendments made by this  
13 title.

14 (2) AVAILABILITY OF FUNDS.—Amounts made  
15 available pursuant to subparagraph (A) shall be  
16 available until expended.

17 **SEC. 205. REPORT.**

18 (a) IN GENERAL.—Not later than 180 days after the  
19 date of the enactment of this Act, and annually thereafter,  
20 the Under Secretary shall submit to the appropriate con-  
21 gressional committees a report on efforts carried out  
22 under this title.

23 (b) APPROPRIATE CONGRESSIONAL COMMITTEES  
24 DEFINED.—In this section, the term “appropriate con-  
25 gressional committees” means—

1 (1) the Committee on Finance and the Com-  
2 mittee on Foreign Relations of the Senate; and

3 (2) the Committee on Ways and Means and the  
4 Committee on Foreign Affairs of the House of Rep-  
5 resentatives.

## 6 **Subtitle B—Trade**

### 7 **CHAPTER 1—RE-SHORING AND NEAR-** 8 **SHORING**

#### 9 **SEC. 211. SENSE OF CONGRESS.**

10 (a) IN GENERAL.—It is the sense of Congress that  
11 the re-shoring and near-shoring of industry from China  
12 into the United States is in the national security interest  
13 of the United States and therefore falls under the national  
14 security exceptions under article XXI of the GATT 1994.

15 (b) GATT 1994 DEFINED.—In this section, the term  
16 “GATT 1994” has the meaning given that term in section  
17 2 of the Uruguay Round Agreements Act (19 U.S.C.  
18 3501).

#### 19 **SEC. 212. INCENTIVES FOR RE-SHORING AND NEAR-SHOR-** 20 **ING OF BUSINESSES FROM PEOPLE’S REPUB-** 21 **LIC OF CHINA.**

22 (a) LOANS AND GRANTS.—

23 (1) LENDING AUTHORITY.—

24 (A) IN GENERAL.—The Secretary may  
25 provide loans to covered entities.



1 (B) AMOUNT.—The total amount of loans  
2 that may be provided under subparagraph (A)  
3 may not exceed \$70,000,000,000.

4 (C) COVERAGE OF LOANS.—Loans pro-  
5 vided to covered entities under subparagraph  
6 (A) may be used for—

7 (i) the costs of moving inventory,  
8 equipment, and supplies from the People’s  
9 Republic of China to the United States, an  
10 Americas partner country, or another  
11 country benefitting from a strategic supply  
12 chain identified under section 254;

13 (ii) the costs of training workers in  
14 the United States, an Americas partner  
15 country, or a country benefitting from a  
16 strategic supply chain identified under sec-  
17 tion 254;

18 (iii) the costs of constructing facilities  
19 in the United States, an Americas partner  
20 country, or a country benefitting from a  
21 strategic supply chain identified under sec-  
22 tion 254;

23 (iv) other costs directly related to re-  
24 shoring or near-shoring; or

1 (v) loans, guarantees, and other in-  
2 struments (excluding grants) approved by  
3 the BUILD Americas Unit or the Amer-  
4 icas Enterprise Fund designated under  
5 section 253.

6 (2) GRANT AUTHORITY.—

7 (A) IN GENERAL.—The Secretary of Com-  
8 merce shall administer a grant program to  
9 award grants to covered entities.

10 (B) FUNDING.—Funding for grants under  
11 the grant program required under subpara-  
12 graph (A) shall be derived solely from the Re-  
13 Shoring and Near-Shoring Account established  
14 under section 301.

15 (3) ADMINISTRATION.—

16 (A) IN THE UNITED STATES.—The Sec-  
17 retary or the Secretary of Commerce, as the  
18 case may be, may enter into arrangements with  
19 commercial banks, credit unions, or other enti-  
20 ties in the United States as identified by the  
21 Secretary to administer loans authorized under  
22 paragraph (1) or grants authorized under para-  
23 graph (2) for covered entities to re-shore.

24 (B) OUTSIDE THE UNITED STATES.—The  
25 Secretary or the Secretary of Commerce, as the

1 case may be, may enter into arrangements with  
2 the BUILD Americas Unit or regional banks to  
3 administer loans authorized under paragraph  
4 (1) or grants authorized under paragraph (2)  
5 for covered entities to near-shore.

6 (C) DEPOSIT OF INTEREST.—The Sec-  
7 retary shall deposit any profits earned on inter-  
8 est bearing loans authorized under paragraph  
9 (1) in the Re-Shoring and Near-Shoring Ac-  
10 count established under section 301.

11 (D) REPORT.—Not later than one year  
12 after the date of the enactment of this Act, the  
13 Secretary shall submit to Congress a report on  
14 the progress of the arrangements entered into  
15 under this paragraph.

16 (4) ANNUAL REPORTS.—

17 (A) IN GENERAL.—Not later than one year  
18 after the date of the enactment of this Act, and  
19 annually thereafter, the Board of Governors of  
20 each commercial bank with respect to which the  
21 Secretary or the Secretary of Commerce has en-  
22 tered into an arrangement under paragraph (4)  
23 and the BUILD Americas Unit shall submit to  
24 the Under Secretary a report on the adminis-

1           tration by each such entity of loans or grants  
2           under this subsection, including—

3                   (i) a description of the loans issued or  
4                   grants awarded;

5                   (ii) the repayment rates for any such  
6                   loans;

7                   (iii) an assessment of successful re-  
8                   shoring and near-shoring projects;

9                   (iv) a description of any lessons  
10                  learned; and

11                  (v) the balance sheets for any such  
12                  loans.

13           (B) TRANSMITTAL TO CONGRESS.—The  
14           Under Secretary of Commerce for International  
15           Trade shall include the information provided in  
16           reports under subparagraph (A) in the annual  
17           report required under section 401.

18           (b) DUTY-FREE STATUS.—Notwithstanding any  
19           other provision of law, covered entities approved under  
20           subsection (c) are eligible for a one-time duty-free import  
21           of articles into the United States that are imported for  
22           the sole and express purposes of re-shoring or near-shor-  
23           ing.

24           (c) PROCESS FOR APPROVAL.—

1           (1) NOTICE.—An entity that seeks to re-shore  
2 or near-shore may submit notice of the intent of the  
3 entity to re-shore or near-shore, as the case may be,  
4 along with such paperwork as the Secretary may  
5 consider appropriate demonstrating that intent.

6           (2) APPROVAL.—The Secretary, in consultation  
7 with the Trade Representative, shall approve entities  
8 that have submitted notice under paragraph (1) to  
9 re-shore or near-shore pursuant to such procedures  
10 as the Secretary considers appropriate.

11           (3) USE OF CONTRACTOR.—If an entity uses a  
12 contract company for the production of goods or  
13 services in the People’s Republic of China, the ap-  
14 proval of the entity under paragraph (2) shall not  
15 take effect until the entity notifies the Secretary and  
16 the Secretary confirms that a replacement contract  
17 has been awarded in the United States or an Amer-  
18 icas partner country.

19           (d) TERMINATION AND PENALTY.—

20           (1) IN GENERAL.—Except as provided in para-  
21 graph (4), a covered entity approved under sub-  
22 section (c) to re-shore or near-shore shall have 5  
23 years following that approval to complete re-shoring  
24 or near-shoring, as the case may be, of the business

1 of that entity, which may include the moving of ma-  
2 terials, personnel, and production.

3 (2) TERMINATION OF BENEFITS.—Except as  
4 provided in paragraph (4), a covered entity is not el-  
5 igible for benefits under this section on or after the  
6 date that is 5 years after the date on which the enti-  
7 ty is approved under subsection (d).

8 (3) PENALTY.—Except as provided in para-  
9 graph (4), at the end of the 5-year period under  
10 paragraph (1), a covered entity that has not com-  
11 pleted the re-shoring or near-shoring, as the case  
12 may be, of the business of the entity shall owe to the  
13 United States—

14 (A) the total amount of duties the entity  
15 would have owed for imports into the United  
16 States but for the application of subsection (b);

17 (B) the total amount of any other benefits  
18 accrued to the entity under this section, as de-  
19 termined by the Secretary in consultation with  
20 the Trade Representative; and

21 (C) a penalty equal to 10 percent of the  
22 amounts determined under subparagraphs (A)  
23 and (B).

1           (4) EXTENSION AND WAIVER.—If the Secretary  
2 determines that extraordinary circumstances exist,  
3 on a case-by-case basis, the Secretary may—

4           (A) extend by a period of two years the  
5 deadlines under paragraphs (1) and (2); or

6           (B) waive the amounts owed under para-  
7 graph (3).

8 (e) TREATMENT OF DEFAULTS.—

9           (1) JUDICIAL PROCEEDINGS.—The United  
10 States shall disregard any ruling against a covered  
11 entity or a government of an Americas partner coun-  
12 try that pertains to a default on obligations in the  
13 People’s Republic of China relating to re-shoring or  
14 near-shoring activities approved under this section.

15           (2) INTERNATIONAL VENUES.—The President  
16 shall use the voice and vote of the United States at  
17 multilateral institutions to—

18           (A) oppose the consideration of defaults on  
19 obligations in the People’s Republic of China  
20 relating to re-shoring or near-shoring activities  
21 approved under this section when measuring  
22 credit ratings of covered entities; and

23           (B) disregard sovereign debt defaults and  
24 other similar actions when measuring credit  
25 valuations of Americas partner countries relat-

1           ing to debts and amounts received from the  
2           People’s Republic of China.

3           (f) FINDINGS AND SENSE OF CONGRESS.—

4           (1) FINDINGS.—Congress makes the following  
5           findings:

6                   (A) The United States Trade Representa-  
7                   tive stated in a hearing that, “The United  
8                   States has repeatedly sought and obtained com-  
9                   mitments from China, only to find that follow-  
10                   through or real change remains elusive.”.

11                   (B) The Government of the People’s Re-  
12                   public of China continues to apply the rules  
13                   only when they are beneficial to them.

14           (2) SENSE OF CONGRESS.—It is the sense of  
15           Congress that—

16                   (A) companies approved for re-shoring or  
17                   near-shoring by the Secretary should be pro-  
18                   tected from legal asset forfeiture by the Peo-  
19                   ple’s Republic of China; and

20                   (B) covered entities and transactions by  
21                   covered entities are subject to the national secu-  
22                   rity exceptions under article XXI of the GATT  
23                   1994 (as defined in section 2 of the Uruguay  
24                   Round Agreements Act (19 U.S.C. 3501)).

25           (g) DEFINITIONS.—In this section:



1           (1) COVERED ENTITY.—The term “covered en-  
2           tity” means an entity that has submitted notice of  
3           the intent of the entity to re-shore or near-shore  
4           under subsection (c)(1) and has been approved for  
5           re-shoring or near-shoring under subsection (c)(2).

6           (2) SECRETARY.—The term “Secretary” means  
7           the Secretary of the Treasury.

8           (3) TRADE REPRESENTATIVE.—The term  
9           “Trade Representative” means the United States  
10          Trade Representative.

11 **SEC. 213. TAX CREDIT FOR QUALIFYING RE-SHORING AND**  
12 **NEAR-SHORING EXPENSES.**

13          (a) IN GENERAL.—Subpart D of part IV of sub-  
14 chapter A of chapter 1 of the Internal Revenue Code of  
15 1986 is amended by adding at the end the following new  
16 section:

17 **“SEC. 45BB. QUALIFYING RE-SHORING AND NEAR-SHORING**  
18 **EXPENSES.**

19          “(a) IN GENERAL.—For purposes of section 38, the  
20 qualifying re-shoring and near-shoring expense credit for  
21 any taxable year is an amount equal to the sum of—

22                 “(1) 50 percent of the qualified re-shoring  
23 project expenses of the taxpayer, and

24                 “(2) 35 percent of the qualified near-shoring  
25 project expenses of the taxpayer.

1 “(b) DEFINITIONS.—For purposes of this section—

2 “(1) QUALIFYING RE-SHORING PROJECT EX-  
3 PENSES.—

4 “(A) IN GENERAL.—The term ‘qualifying  
5 re-shoring project expenses’ means any eligible  
6 expenses which are—

7 “(i) made pursuant to a qualified re-  
8 shoring project, and

9 “(ii) certified by the Secretary under  
10 subsection (c) as eligible for the credit  
11 under this section.

12 “(B) QUALIFYING RE-SHORING  
13 PROJECT.—The term ‘qualifying re-shoring  
14 project’ means a project under which  $\frac{2}{3}$  or  
15 more of the operations of a trade or business of  
16 the taxpayer is moved from the People’s Repub-  
17 lic of China to the United States.

18 “(2) QUALIFYING NEAR-SHORING PROJECT EX-  
19 PENSES.—

20 “(A) IN GENERAL.—The term ‘qualifying  
21 near-shoring project expenses’ means any eligi-  
22 ble expenses which are—

23 “(i) made pursuant to a qualified  
24 near-shoring project, and

1                   “(ii) certified by the Secretary under  
2                   subsection (c) as eligible for the credit  
3                   under this section.

4                   “(B)       QUALIFYING       NEAR-SHORING  
5                   PROJECT.—For purposes of this subpart, the  
6                   term ‘qualifying near-shoring project’ means a  
7                   project under which  $\frac{2}{3}$  or more of the oper-  
8                   ations of a trade or business of the taxpayer is  
9                   moved from the People’s Republic of China to  
10                  an Americas partner country.

11                  “(3) ELIGIBLE EXPENSES.—The term ‘eligible  
12                  expenses’ means any expenses paid or incurred in  
13                  connection with moving the operations of the trade  
14                  or businesses.

15                  “(4) AMERICAS PARTNER COUNTRY.—For pur-  
16                  poses of this section, the term ‘Americas partner  
17                  country’ has the meaning given such term under sec-  
18                  tion 2 of the Americas Act.

19                  “(c) QUALIFYING RE-SHORING AND NEAR-SHORING  
20                  PROJECT PROGRAM.—

21                  “(1) ESTABLISHMENT.—

22                  “(A) IN GENERAL.—Not later than 180  
23                  days after the date of enactment of this section,  
24                  the Secretary, in consultation with the United  
25                  States Trade Representative, shall establish a

1           qualifying re-shoring and near-shoring project  
2           program to consider and award certifications  
3           for eligible expenses among taxpayers with  
4           qualifying re-shoring projects and qualifying  
5           near-shoring projects.

6           “(B) LIMITATION.—

7                 “(i) IN GENERAL.—The total amount  
8                 of credits that may be allocated under the  
9                 program shall not exceed \$5,000,000,000.

10                “(ii) SENSE OF CONGRESS.—It is the  
11                sense of Congress that the limitation under  
12                clause (i) should be increased after the  
13                date on which the Secretary notifies the  
14                Committee on Finance of the Senate and  
15                the Committee on Ways and Means of the  
16                House of Representatives that 80 percent  
17                of such limitation has been allocated.

18           “(2) CERTIFICATION.—

19                 “(A) APPLICATION PERIOD.—Each appli-  
20                 cant for certification under this paragraph shall  
21                 submit an application containing such informa-  
22                 tion as the Secretary may require.

23                 “(B) TIME FOR MAKING EXPENSES.—Each  
24                 applicant for certification shall have 5 years  
25                 from the date of acceptance by the Secretary of



1           “(4) DISCLOSURE OF ALLOCATIONS.—The Sec-  
2           retary shall, upon making a certification under this  
3           subsection, publicly disclose the identity of the appli-  
4           cant and the amount of the credit with respect to  
5           such applicant.

6           “(d) RECAPTURE.—

7           “(1) IN GENERAL.—If there is an applicable  
8           transaction before the close of the 10-year period be-  
9           ginning with the first day of the taxable year for  
10          which a credit is allowed under this section, then the  
11          tax under this chapter for the taxable year in which  
12          such transaction occurs shall be increased by the ag-  
13          gregate decrease in the credits allowed under section  
14          38 for all prior taxable years which would have re-  
15          sulted solely from reducing to zero any credit deter-  
16          mined under subsection (a).

17          “(2) EXCEPTION.—Paragraph (1) shall not  
18          apply if the applicable taxpayer demonstrates to the  
19          satisfaction of the Secretary that the applicable  
20          transaction has been ceased or abandoned within 45  
21          days of a determination and notice by the Secretary.

22          “(3) APPLICABLE TRANSACTION.—The term  
23          ‘applicable transaction’ means, any significant trans-  
24          action (as determined by the Secretary, in coordina-  
25          tion with the Secretary of Commerce and the Sec-

1       retary of Defense) involving the material expansion  
2       in the People’s Republic of China of the operations  
3       of the same or similar a trade or business with re-  
4       spect to which the qualifying re-shoring project or  
5       qualifying near-shoring project relates.

6               “(4) REGULATIONS AND GUIDANCE.—The Sec-  
7       retary shall issue such regulations or other guidance  
8       as the Secretary determines necessary or appropriate  
9       to carry out the purposes of this paragraph, includ-  
10      ing regulations or other guidance which provide for  
11      requirements for recordkeeping or information re-  
12      porting for purposes of administering the require-  
13      ments of this paragraph.

14             “(e) DENIAL OF DOUBLE BENEFIT.—

15               “(1) IN GENERAL.—In the case of the amount  
16      of the credit determined under this section, no de-  
17      duction or credit shall be allowed for such amount  
18      under any other provision of this chapter,

19               “(2) BASIS ADJUSTMENT.—For purposes of  
20      this subtitle, if a credit is allowed under this section  
21      with respect to any property, the basis of such prop-  
22      erty shall be reduced by the amount of the credit so  
23      allowed.

1       “(f) REGULATIONS.—The Secretary shall prescribe  
2 regulations necessary to carry out the purposes of this sec-  
3 tion.”.

4       (b) CREDIT TO BE PART OF GENERAL BUSINESS  
5 CREDIT.—Subsection (b) of section 38 of the Internal  
6 Revenue Code of 1986 is amended by striking “plus” at  
7 the end of paragraph (40), by striking the period at the  
8 end of paragraph (41) and inserting “, plus”, and by add-  
9 ing at the end the following new paragraph:

10               “(42) the qualifying re-shoring and near-shor-  
11 ing expense credit determined under section  
12 45BB(a).”.

13       (c) CLERICAL AMENDMENT.—The table of sections  
14 for subpart D of part IV of subchapter A of chapter 1  
15 of such Code is amended by adding at the end the fol-  
16 lowing new item:

“Sec. 45BB. Qualifying re-shoring and near-shoring expenses.”.

17       (d) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply to amounts paid or incurred in tax-  
19 able years beginning after the date of the enactment of  
20 this Act.

## 21       **CHAPTER 2—FREE TRADE EXPANSION**

### 22       **SEC. 221. TARIFF RECIPROCITY UNDER GATT 1994.**

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



1           (1) the United States has one of the lowest ap-  
2           plied duty rates in the world, with bound duty rates  
3           set in parity to applied rates;

4           (2) in using article XXVIII of GATT 1994 to  
5           renegotiate bound duty rates, the United States can  
6           gain flexibility in its tariff schedules, which will pro-  
7           vide certainty to treaty-based tariff countries under  
8           free trade agreements and provide maneuverability  
9           in the case of egregious behavior by other WTO  
10          members, including the People's Republic of China;  
11          and

12          (3) having the lowest bound duty rates has re-  
13          sulted in unsustainable trade deficits that have be-  
14          come an issue for the national security of the United  
15          States.

16          (b) INCREASE OF RATES AND RECIPROCITY.—

17           (1) INCREASE OF RATES.—The Trade Rep-  
18           resentative shall increase average bound duty rates  
19           to reflect reciprocal duty rates on goods listed under  
20           the Harmonized Tariff Schedule of the United  
21           States among WTO members.

22           (2) APPLICATION.—In increasing bound duty  
23           rates under paragraph (1), the Trade Representative  
24           is not required to raise applied duty rates.

25          (c) NEGOTIATIONS TO INCREASE DUTIES.—

1           (1) IN GENERAL.—The Trade Representative  
2 shall commence negotiations under article XXVIII of  
3 GATT 1994 to increase bound duty rates on all  
4 goods.

5           (2) PRIORITIZING.—In carrying out negotia-  
6 tions under paragraph (1), the Trade Representative  
7 shall—

8           (A) prioritize the increase of bound duty  
9 rates on—

10           (i) goods entering the United States  
11 from countries identified as bad faith ac-  
12 tors by the Secretary of the Treasury for  
13 exclusion of de minimis access; and

14           (ii) goods entering the United States  
15 causing significant harm to industry in the  
16 United States, as determined by the Trade  
17 Representative; and

18           (B) commit to increase rates of duties on  
19 imports into the United States if other coun-  
20 tries do not decrease their rates in line with  
21 those rates in Schedule XX, including through  
22 consideration of national averages of duty reci-  
23 procity.

24           (d) DEFINITIONS.—In this section:

1           (1) APPLIED DUTY RATE.—The term “applied  
2           duty rate” means the actual duty rate applied to a  
3           good.

4           (2) BOUND DUTY RATE.—The term “bound  
5           duty rate” means the maximum duty rate that may  
6           be applied to a good.

7           (3) GATT 1994; SCHEDULE XX; WTO MEM-  
8           BER.—The terms “GATT 1994”, “Schedule XX”,  
9           and “WTO member” have the meanings given those  
10          terms in section 2 of the Uruguay Round Agree-  
11          ments Act (19 U.S.C. 3501)).

12          (4) TRADE REPRESENTATIVE.—The term  
13          “Trade Representative” means the United States  
14          Trade Representative.

15 **SEC. 222. EXPANSION OF USMCA OR ESTABLISHMENT OF**  
16 **OTHER REGIONAL TRADE AGREEMENT.**

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

19               (1) the USMCA represents the gold standard  
20               for trade agreements, to which other trade agree-  
21               ments should aspire;

22               (2) the USMCA includes high standards on pri-  
23               vacy, intellectual property, labor, the environment,  
24               and dispute resolution;

1           (3) dispute resolution mechanisms of the  
2 USMCA, the rapid response mechanism in par-  
3 ticular, are effective tools to solve investment and  
4 labor disputes and should be strengthened and in-  
5 cluded in any expansion of the USMCA or alter-  
6 native trade harmonization mechanism;

7           (4) the accession of additional high-standard  
8 economies to the USMCA would represent a benefit  
9 both to the Western Hemisphere and to the United  
10 States;

11           (5) the periodic review of the USMCA required  
12 in 2026 represents an opportunity to negotiate with  
13 USMCA countries to create an adhesion mechanism  
14 for advanced economies in the Western Hemisphere  
15 to join the USMCA;

16           (6) Costa Rica and Uruguay, both high-income  
17 countries as defined by the World Bank, represent  
18 ideal candidates to pilot an accession process for the  
19 USMCA, due to—

20                   (A) the stated desire of those countries to  
21 join the USMCA;

22                   (B) the advanced state of the economies of  
23 those countries as determined by the  
24 Organisation for Economic Co-operation and  
25 Development; and

1 (C) the comparatively small nature of the  
2 populations and economies of those countries;  
3 and

4 (7) the United States, working closely with  
5 USMCA countries and other free trade agreement  
6 partners in the Western Hemisphere, should study  
7 the potential benefits of aligning rules of origin and  
8 allowing for cumulation in strategically selected sec-  
9 tors.

10 (b) DEVELOPMENT OF ACCESSION MECHANISM.—

11 (1) IN GENERAL.—The United States Trade  
12 Representative, in conducting the periodic review of  
13 the USMCA required to be conducted in 2026, may  
14 seek agreement with USMCA countries to develop a  
15 mechanism for accession of additional countries to  
16 the USMCA.

17 (2) TREATMENT OF CAFTA–DR COUNTRIES.—

18 (A) RULES OF ORIGIN FOR TEXTILE AND  
19 APPAREL GOODS.—For purposes of the acces-  
20 sion to the USMCA pursuant to the mechanism  
21 developed under paragraph (1) of any CAFTA–  
22 DR country, the rules of origin under CAFTA–  
23 DR for textile and apparel goods shall remain  
24 in place for that country during—

1 (i) the 5-year period following formal  
2 accession of that country to the USMCA;  
3 and

4 (ii) an additional 5-year period if de-  
5 termined appropriate pursuant to the  
6 study conducted under subsection (c).

7 (B) STUDY ON TEXTILE AND APPAREL IM-  
8 PACT.—Not later than 5 years after the acces-  
9 sion of a CAFTA–DR country to the USMCA  
10 pursuant to the mechanism developed under  
11 paragraph (1), the United States International  
12 Trade Commission shall commission a study to  
13 analyze the impact of that accession on the tex-  
14 tile and apparel sector of that country and  
15 CAFTA–DR as a whole, highlighting both neg-  
16 ative and positive repercussions to the trade  
17 and apparel manufacturing environment.

18 (C) DEFINITIONS.—In this paragraph:

19 (i) CAFTA–DR.—The term  
20 “CAFTA–DR” means the Dominican Re-  
21 public-Central America-United States Free  
22 Trade Agreement—

23 (I) entered into on August 5,  
24 2004, between the Government of the  
25 United States and the Governments of

1 Costa Rica, the Dominican Republic,  
2 El Salvador, Guatemala, Honduras,  
3 and Nicaragua, and submitted to Con-  
4 gress on June 23, 2005; and

5 (II) approved by Congress under  
6 section 101(a)(1) of the Dominican  
7 Republic-Central American-United  
8 States Free Trade Agreement Imple-  
9 mentation Act (19 U.S.C.  
10 4011(a)(1)).

11 (ii) CAFTA–DR COUNTRY.—The  
12 term “CAFTA–DR country” means Costa  
13 Rica, the Dominican Republic, El Sal-  
14 vador, Guatemala, Honduras, or Nica-  
15 ragua.

16 (c) STUDY.—

17 (1) IN GENERAL.—The Secretary of the Treas-  
18 ury shall conduct a study on the feasibility and ad-  
19 visability of expanding the USMCA or carrying out  
20 other trade-related approaches for—

21 (A) harmonization;

22 (B) cumulation;

23 (C) co-creation; and

24 (D) intra-regional trade, investment, and  
25 standards harmonization.

1           (2) REPORT.—Not later than one year after the  
2           date of the enactment of this Act, the Secretary of  
3           the Treasury shall submit to Congress a report on  
4           the study conducted under paragraph (1).

5           (d) SENSE OF CONGRESS ON RETENTION OF BENE-  
6           FITS AND RESPONSIBILITIES.—It is the sense of Congress  
7           that Americas partner countries that benefit from free  
8           trade agreements with the United States or trade pref-  
9           erences programs of the United States will retain the ben-  
10          efits and responsibilities of those agreements until and un-  
11          less they accede to the USMCA through the process devel-  
12          oped pursuant to this section.

13   **SEC. 223. AMERICAS PARTNERSHIP THRESHOLD PROGRAM.**

14          (a) IN GENERAL.—There is established within the  
15          Department of Commerce a program to be known as the  
16          Americas Partnership Threshold Program under which  
17          the Secretary of Commerce shall work with Americas part-  
18          ner countries—

19                (1) to prepare those countries for a possible  
20                process for accession to the USMCA; and

21                (2) to bring those countries up to the standards  
22                of the USMCA.

23          (b) ASSESSMENT.—

24                (1) IN GENERAL.—In carrying out the program  
25                required under subsection (a), the United States



1 Trade Representative shall conduct an assessment of  
2 each Americas partner country related to the trade-  
3 related standards of each such country, which shall  
4 include—

5 (A) an identification of shortcomings that  
6 would impede accession to the USMCA; and

7 (B) a programmatic strategy to bring each  
8 such country into compliance with the stand-  
9 ards of the USMCA.

10 (2) SUBMISSION OF ASSESSMENT.—The United  
11 States Trade Representative shall submit any as-  
12 sessment conducted under paragraph (1) to—

13 (A) the Deputy Under Secretary of Com-  
14 merce for International Trade and the Execu-  
15 tive Secretariat of the Department of Com-  
16 merce; and

17 (B) the Committee on Finance of the Sen-  
18 ate and the Committee on Ways and Means of  
19 the House of Representatives.

20 (c) ADMINISTRATION.—The Secretary of Commerce,  
21 in coordination with the Secretary of State and the Ad-  
22 ministrator of the United States Agency for International  
23 Development, shall implement this section through acqui-  
24 sition or assistance mechanisms.

1 (d) FUNDING.—Amounts required to carry out this  
2 section shall be derived from the Re-Shoring and Near-  
3 Shoring Account established under section 301.

4 **SEC. 224. EXPANSION OF BENEFICIARIES UNDER UNITED**  
5 **STATES-CARIBBEAN BASIN TRADE PARTNER-**  
6 **SHIP ACT.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-  
8 gress that trade preferences under the Caribbean Basin  
9 Economic Recovery Act (19 U.S.C. 2701 et seq.) should  
10 be extended to Americas partner countries that do not  
11 benefit from any trade preference agreement with the  
12 United States as a stop-gap measure before accession to  
13 the USMCA or another regional trade agreement under  
14 section 222.

15 (b) EXPANSION.—

16 (1) IN GENERAL.—Section 213(b)(5)(B) of the  
17 Caribbean Basin Economic Recovery Act (19 U.S.C.  
18 2703(b)(5)(B)) is amended—

19 (A) in the matter preceding clause (i)—

20 (i) by striking “means any” and in-  
21 sserting “means Uruguay, Ecuador, and  
22 any”; and

23 (ii) by inserting “or Americas partner  
24 country, as defined in section 2 of the

1 Americas Act,” before “which the Presi-  
2 dent”; and

3 (B) in clause (i), in the matter preceding  
4 subclause (I), by striking “beneficiary”.

5 (2) NEGOTIATION.—In negotiating any expan-  
6 sion to trade preferences under the Caribbean Basin  
7 Economic Recovery Act (19 U.S.C. 2701 et seq.),  
8 the United States Trade Representative shall ex-  
9 clude preferences for goods that harm producers in  
10 the United States.

11 **SEC. 225. EXCLUSION OF CERTAIN COUNTRIES FROM CER-**  
12 **TAIN PREFERENTIAL TRADE TREATMENT.**

13 Notwithstanding any other provision of law, countries  
14 that are members of the Bolivarian Alliance for the Peo-  
15 ples of Our America, as determined by the President, are  
16 ineligible for preferential trade treatment pursuant to—

17 (1) section 213(b) of the Caribbean Basin Eco-  
18 nomic Recovery Act (19 U.S.C. 2703(b));

19 (2) any provision of, or amendment made by,  
20 this Act; and

21 (3) any free trade agreement with respect to  
22 which the United States is a party.

1 **SEC. 226. EXTENSION OF TRADE PROMOTION AUTHORITY**  
2 **TO AMERICAS PARTNER COUNTRIES FOR**  
3 **PURPOSES OF EXPANSION OF USMCA.**

4 (a) AGREEMENTS REGARDING TARIFF BARRIERS.—

5 (1) IN GENERAL.—For purposes of advancing  
6 trade with Americas partner countries, whenever the  
7 President determines that one or more existing du-  
8 ties or other import restrictions of an Americas part-  
9 ner country or the United States are unduly bur-  
10 dening and restricting the foreign trade of the  
11 United States and that the purposes, policies, prior-  
12 ities, and objectives of expanding the USMCA to in-  
13 clude that country will be promoted thereby, the  
14 President—

15 (A) may enter into trade agreements with  
16 an Americas partner country for the purposes  
17 of the accession of that country into the  
18 USMCA; and

19 (B) may proclaim such modification or  
20 continuance of any existing duty, such continu-  
21 ance of existing duty free or excise treatment,  
22 or such additional duties as the President deter-  
23 mines to be required or appropriate to carry out  
24 that trade agreement.

1           (2) CONGRESSIONAL APPROVAL.—The Presi-  
2           dent shall seek approval from Congress to enter into  
3           a trade agreement under this subsection.

4           (b) AGREEMENTS REGARDING TARIFF AND NON-  
5           TARIFF BARRIERS.—

6           (1) AGREEMENTS.—

7           (A) IN GENERAL.—Whenever the Presi-  
8           dent determines that one or more existing du-  
9           ties or any other import restriction of an Amer-  
10          icas partner country or the United States or  
11          any other barrier to, or other distortion of,  
12          international trade unduly burdens or restricts  
13          the foreign trade of the United States or ad-  
14          versely affects the United States economy or  
15          the imposition of any such barrier or distortion  
16          is likely to result in such a burden, restriction,  
17          or effect, and that the purposes, policies, prior-  
18          ities, and objectives of expanding the USMCA  
19          to include that country will be promoted there-  
20          by, the President may enter into a trade agree-  
21          ment described in subparagraph (B).

22          (B) TRADE AGREEMENT DESCRIBED.—A  
23          trade agreement described in this subparagraph  
24          is a trade agreement with an Americas partner

1 country or Americas partner countries pro-  
2 viding for—

3 (i) the reduction or elimination of a  
4 duty, restriction, barrier, or other distor-  
5 tion; or

6 (ii) the prohibition of, or limitation on  
7 the imposition of, such barrier or other dis-  
8 tortion.

9 (2) CONDITIONS.—A trade agreement may be  
10 entered into under this subsection only if such  
11 agreement makes progress in meeting the objectives  
12 of the USMCA and the Caribbean Basin Economic  
13 Recovery Act (19 U.S.C. 2701 et seq.).

14 (3) BILLS QUALIFYING FOR TRADE AUTHORI-  
15 TIES PROCEDURES.—

16 (A) IN GENERAL.—The provisions of sec-  
17 tion 151 of the Trade Act of 1974 (19 U.S.C.  
18 2191) apply to a bill of either House of Con-  
19 gress that contains provisions described in sub-  
20 paragraph (B) to the same extent as such sec-  
21 tion 151 applies to implementing bills under  
22 that section.

23 (B) PROVISIONS DESCRIBED.—The provi-  
24 sions described in this subparagraph are—

1 (i) a provision approving a trade  
2 agreement entered into under this sub-  
3 section and approving the statement of ad-  
4 ministrative action, if any, proposed to im-  
5 plement such trade agreement; and

6 (ii) if changes in existing laws or new  
7 statutory authority are required to imple-  
8 ment that trade agreement, only those pro-  
9 visions as are strictly necessary or appro-  
10 priate to implement that trade agreement,  
11 either repealing or amending existing laws  
12 or providing new statutory authority.

13 (c) NEGOTIATIONS.—

14 (1) IN GENERAL.—The President may carry  
15 out negotiations with Americas partner countries for  
16 purposes of entering into a trade agreement under  
17 this section.

18 (2) SECTORS.—Sectors included in negotiations  
19 under paragraph (1) shall include agriculture, crit-  
20 ical minerals, commercial services, intellectual prop-  
21 erty rights, industrial and capital goods, government  
22 procurement, information technology products, envi-  
23 ronmental technology and services, medical equip-  
24 ment and services, civil aircraft, digital products and

1 services, emerging technologies, and infrastructure  
2 products.

3 (3) CONSIDERATION OF NEGOTIATING OBJEC-  
4 TIVES.—In conducting negotiations under paragraph  
5 (1), the President shall take into account all of the  
6 negotiating objectives set forth in section 102 of the  
7 Bipartisan Congressional Trade Priorities and Ac-  
8 countability Act of 2015 (19 U.S.C. 4201).

9 (d) ANNUAL REPORT.—Not later than 180 days after  
10 the date of the enactment of this Act, and annually there-  
11 after, the President shall submit to the Committee on Fi-  
12 nance of the Senate and the Committee on Ways and  
13 Means of the House of Representatives a report on the  
14 implementation of this section, including—

15 (1) a description of any negotiations entered  
16 into with countries that seek to accede to the  
17 USMCA;

18 (2) a description of any negotiations entered  
19 into with countries that seek to be a CBTPA bene-  
20 ficiary country, as defined in section 213(b)(5) of  
21 the Caribbean Basin Economic Recovery Act (19  
22 U.S.C. 2703(b)(5)), as amended by section 224;

23 (3) a description of any trade agreements en-  
24 tered into pursuant to the authority under this sec-  
25 tion; and



1           (4) a full list of duties and duty-free items  
2           under trade agreements entered into pursuant to the  
3           authority under this section.

4           **CHAPTER 3—TEXTILE AND APPAREL**

5           **SEC. 231. TEXTILE AND APPAREL GRANT PROGRAM.**

6           (a) IN GENERAL.—The Secretary of Commerce shall  
7           establish a program under which the Secretary shall award  
8           grants to textile or apparel manufacturers that are  
9           headquartered in the United States or an Americas part-  
10          ner country to help offset the considerable financial re-  
11          sources needed to expand or modernize domestic textile  
12          and apparel supply chain capacity.

13          (b) USE OF GRANT AMOUNTS.—A textile or apparel  
14          manufacturer in receipt of a grant awarded under this sec-  
15          tion shall use the amounts of that grant for new facilities  
16          or equipment, to retool old equipment, or to create or ex-  
17          pand operations for textile and apparel production in the  
18          United States or an Americas partner country.

19          (c) ADMINISTRATION.—In carrying out this section,  
20          the Secretary—

21                 (1) shall permit advances of grant amounts to  
22                 manufacturers as qualifying expenditures are made  
23                 or prior to expenditures being placed in service;

24                 (2) shall require a manufacturer to comply with  
25                 safety, labor, and environmental standards specified

1 by the Secretary, in consultation with the Secretary  
2 of Labor, the Administrator of the Environmental  
3 Protection Agency, and the Director of the National  
4 Institute of Standards and Technology; and

5 (3) may scale the amount of a grant depending  
6 on incremental employment achieved by the manu-  
7 facturer.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated to the Secretary of Com-  
10 merce \$150,000,000 each year for 5 years to carry out  
11 the program under this section, of which—

12 (1) \$75,000,000 shall be used to carry out the  
13 program in the United States; and

14 (2) \$75,000,000 shall be used to carry out the  
15 program in Americas partner countries.

16 **SEC. 232. TEXTILE REUSE AND RECYCLING PROGRAMS.**

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

19 (1) textiles make up more than 10 percent of  
20 global greenhouse gas emissions; and

21 (2) textiles are the single most common product  
22 made with slave labor in the People’s Republic of  
23 China.

24 (b) PRIORITY ACCESS TO GRANTS AND LOANS FOR  
25 TEXTILE REUSE AND RECYCLING.—The Secretary of the

1 Treasury shall give priority access to grants or loans of  
2 amounts under the Re-Shoring and Near-Shoring Account  
3 established under section 301 for persons seeking to carry  
4 out programs to reuse or recycle covered products.

5 (c) PROGRAM FOR MANUFACTURING SUPPORT AND  
6 PROVISION OF COMPONENTS AND MACHINERY.—

7 (1) IN GENERAL.—The Secretary of Commerce  
8 shall establish a program under which the Secretary  
9 provides grants and loans for the purpose of—

10 (A) establishing new or expanding or retro-  
11 fitting existing facilities and providing low-car-  
12 bon emissions transportation for collection, drop  
13 off or mail back, sorting, pre-processing, reuse,  
14 or recycling of covered products; and

15 (B) providing components, chemicals, sol-  
16 vents, or machinery necessary for the transpor-  
17 tation, collection, mail back, sorting, pre-proc-  
18 essing, reuse, or recycling of covered products.

19 (2) FUNDING.—

20 (A) AUTHORIZATION OF APPROPRIA-  
21 TIONS.—There is authorized to be appropriated,  
22 from the Re-shoring and Near-shoring Account  
23 established under section 301, \$3,000,000,000  
24 to carry out the program under paragraph (1).

1 (B) LOANS.—Of the amounts available  
2 under the lending authority under section  
3 212(a)(1), \$10,000,000,000 shall be available  
4 for loans under the program under paragraph  
5 (1).

6 (d) INNOVATION PROGRAM.—

7 (1) IN GENERAL.—The President shall carry  
8 out an innovation program for research and develop-  
9 ment related to textile reuse and recycling.

10 (2) AUTHORIZATION OF APPROPRIATIONS.—

11 There is authorized to be appropriated  
12 \$1,000,000,000 to carry out the innovation program  
13 required under paragraph (1).

14 (e) PUBLIC EDUCATION PROGRAM.—

15 (1) IN GENERAL.—The President shall carry  
16 out a public education program on the dangers of  
17 fast fashion.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—

19 There is authorized to be appropriated  
20 \$100,000,000 to carry out the public education pro-  
21 gram required under paragraph (1).

22 (f) RECYCLED CERTIFICATION PROCESS.—For pur-  
23 poses of carrying out this section, the President shall en-  
24 sure that all recycled finished textiles are certified under

1 a globally recognized independent third-party assurance  
2 process.

3 (g) FUNDING.—The Secretary of State may expend  
4 such sums as may be necessary from the Re-shoring and  
5 Near-shoring Account established under section 301 to  
6 carry out this section.

7 (h) DEFINITIONS.—In this section:

8 (1) COVERED PRODUCT.—The term “covered  
9 product” means—

10 (A) textiles that are no longer wanted by  
11 an individual after purchase or cannot be sold  
12 by a business through retail;

13 (B) recycled secondary textile raw mate-  
14 rials and fibers; or

15 (C) recycled finished textile products.

16 (2) PRE-PROCESSING.—The term “pre-proc-  
17 essing”, with respect to a covered product, means  
18 preparing that product to be fit for recycling, which  
19 may include detrimming or other manual, mechan-  
20 ical, or chemical means.

21 (3) RECYCLE.—

22 (A) IN GENERAL.—The term “recycle”,  
23 with respect to covered products, means signifi-  
24 cantly transforming those products into new

1 finished or unfinished goods for use of those  
2 products in that form.

3 (B) TRANSFORMATION.—A transformation  
4 under subparagraph (A) can take place through  
5 the deconstruction of a covered product for use  
6 in manufacturing new materials out of that  
7 product, whether through mechanical or ad-  
8 vanced recycling methods.

9 (C) CERTIFICATION.—A covered product  
10 qualifies as a recycled good for purposes of this  
11 paragraph as certified by a globally recognized  
12 independent third-party assurance process man-  
13 aged according to the waste hierarchy for waste  
14 management developed by the United Nations  
15 and the Environmental Protection Agency.

16 (4) REUSE.—The term “reuse”, with respect to  
17 covered products that are finished textile goods,  
18 means resale, repair, rental, or upcycling (also  
19 known as remanufacturing) of those goods.

20 (5) SORTING.—The term “sorting”, with re-  
21 spect to covered products, means manually or me-  
22 chanically sorting those products for reuse or recy-  
23 cling.

24 (6) TEXTILE.—The term “textile” means ap-  
25 parel, footwear, accessories, and household linens.

1 **SEC. 233. TEXTILE PRODUCTION VERIFICATION TEAMS.**

2 (a) IN GENERAL.—The Commissioner of U.S. Cus-  
3 toms and Border Protection shall deploy to Americas part-  
4 ner countries permanent textile production verification  
5 teams to ensure the integrity of the textile supply chains  
6 of those countries.

7 (b) VISITS.—

8 (1) COUNTRIES.—Textile production  
9 verification teams under subsection (a) shall by de-  
10 ployed to an Americas partner country not less fre-  
11 quently than twice each year.

12 (2) COMPANIES.—Textile production  
13 verification teams under subsection (a) may not visit  
14 the same company in consecutive visits to a country  
15 unless following up on a previous positive determina-  
16 tion of malfeasance.

17 (3) MINIMUM NUMBER OF INSPECTIONS.—Tex-  
18 tile production verification teams under subsection  
19 (a) shall conduct inspections of not fewer than 15  
20 individual production facilities during each deploy-  
21 ment required under paragraph (1).

22 **SEC. 234. TAX BENEFITS FOR APPAREL AND HOME TEXTILE**  
23 **PRODUCTS.**

24 (a) EXCLUSION OF INCOME FROM SALES OF CER-  
25 TAIN PRODUCTS.—

1           (1) IN GENERAL.—Part III of subchapter B of  
2           chapter 1 of the Internal Revenue Code of 1986 is  
3           amended by inserting after section 139I the fol-  
4           lowing new sections:

5   **“SEC. 139J. SALES OF FINISHED TEXTILE PRODUCTS IM-**  
6                   **PORTED FROM QUALIFYING WESTERN HEMI-**  
7                   **SPHERE COUNTRIES.**

8           “(a) IN GENERAL.—In the case of a corporation,  
9           gross income shall not include any income from the quali-  
10          fying domestic sale of qualified finished textile products.

11          “(b) QUALIFYING DOMESTIC SALE.—For purposes of  
12          this section—

13               “(1) IN GENERAL.—The term ‘qualifying do-  
14               mestic sale’ means any sale or exchange within the  
15               United States.

16               “(2) RELATED PERSONS.—

17                   “(A) IN GENERAL.—Such term shall not  
18                   include any sale to a related person.

19                   “(B) RELATED PERSON.—For purposes of  
20                   subparagraph (A), a person shall be treated as  
21                   related to another person if such persons are  
22                   treated as a single employer under subsection  
23                   (a) or (b) of section 52 or subsection (m) or (o)  
24                   of section 414, except that determinations  
25                   under subsections (a) and (b) of section 52



1           shall be made without regard to section  
2           1563(b).

3           “(c) QUALIFIED FINISHED TEXTILE PRODUCTS.—

4 For purposes of this section—

5           “(1) IN GENERAL.—The term ‘qualified fin-  
6           ished textile products’ means any inventory property  
7           (as defined in section 865(i)(1)) which—

8                   “(A) is a finished textile product, and

9                   “(B) is—

10                           “(i) an originating good under section  
11                           202(e) of the United States-Mexico-Can-  
12                           ada Agreement Implementation Act (19  
13                           U.S.C. 4531), section 203(b) of the Do-  
14                           minican Republic-Central America-United  
15                           States Free Trade Agreement Implementa-  
16                           tion Act (19 U.S.C. 4033(b)), or a com-  
17                           parable provision of an Act to implement a  
18                           free trade agreement between the United  
19                           States and a qualifying Western Hemi-  
20                           sphere country, or

21                           “(ii) an eligible article under section  
22                           213 of the Caribbean Basin Economic Re-  
23                           covery Act (19 U.S.C. 2703).

24           “(2) FINISHED TEXTILE PRODUCT.—The term  
25           ‘finished textile product’ means a product put up for

1 retail sale that is classifiable under chapters 50  
2 through 63 of the Harmonized Tariff Schedule of  
3 the United States.

4 “(3) QUALIFYING WESTERN HEMISPHERE  
5 COUNTRY.— The term ‘qualifying Western Hemi-  
6 sphere country’ means any country—

7 “(A) which is located in the Western  
8 Hemisphere, and

9 “(B) with which the United States has a  
10 free trade agreement in effect.

11 **“SEC. 139K. TEXTILE FIBER PRODUCTS EXPORTED TO**  
12 **QUALIFYING WESTERN HEMISPHERE COUN-**  
13 **TRIES.**

14 “(a) IN GENERAL.—In the case of a corporation,  
15 gross income shall not include any income from the quali-  
16 fying foreign sale of any qualified textile fiber product.

17 “(b) QUALIFYING FOREIGN SALE.—For purposes of  
18 this section—

19 “(1) IN GENERAL.—The term ‘qualifying for-  
20 eign sale’ means any sale or exchange which the tax-  
21 payer establishes to the satisfaction of the Secretary  
22 is for any use, disposition, or consumption within a  
23 qualifying Western Hemisphere country (as defined  
24 in section 139J).

1           “(2) SPECIAL RULES.—For purposes of this  
2 subsection, rules similar to the rules of subpara-  
3 graphs (B)(i) and (C)(i) of section 250(b)(5) shall  
4 apply.

5           “(c) QUALIFIED TEXTILE FIBER PRODUCT.—For  
6 purposes of this section—

7           “(1) IN GENERAL.—The term ‘qualifying textile  
8 fiber product’ means any textile fiber product  
9 which—

10           “(A) was manufactured, produced, or  
11 grown by the taxpayer in whole within the  
12 United States, or

13           “(B) is an originating good under section  
14 202(c) of the United States-Mexico-Canada  
15 Agreement Implementation Act (19 U.S.C.  
16 4531), section 203(b) of the Dominican Repub-  
17 lic-Central America-United States Free Trade  
18 Agreement Implementation Act (19 U.S.C.  
19 4033(b)), or a comparable provision of an Act  
20 to implement a free trade agreement between  
21 the United States and a qualifying Western  
22 Hemisphere country (as defined in section  
23 139J).

24           “(2) TEXTILE FIBER PRODUCT.—The term  
25 ‘textile fiber product’ means—

1           “(A) any manufactured fiber, whether in  
2           the finished or unfinished state, used or in-  
3           tended for use in household or industrial textile  
4           articles,

5           “(B) any yarn or fabric, whether in the  
6           finished or unfinished state, used or intended  
7           for use in apparel, household, or industrial tex-  
8           tile articles, and

9           “(C) any household or industrial textile ar-  
10          ticle made in whole or in part of fiber, yarn, or  
11          fabric.”.

12          (2) NET OPERATING LOSSES.—Section 172(d)  
13          of the Internal Revenue Code of 1986 is amended by  
14          adding at the end the following new paragraph:

15                 “(10) EXCLUSIONS FOR CERTAIN TEXTILE  
16          PRODUCTS.—Gross income shall be determined with-  
17          out regard to section 139J and 139K.”.

18          (3) CLERICAL AMENDMENT.—The table of sec-  
19          tions for part III of subchapter B of chapter 1 of  
20          such Code is amended by inserting after the item re-  
21          lating to section 139I the following new items:

“Sec. 139J. Sales of finished textile products imported from qualifying Western Hemisphere countries.

“Sec. 139K. Textile fiber products exported to qualifying Western Hemisphere countries.”.

1           (4) EFFECTIVE DATE.—The amendments made  
2           by this subsection shall apply to taxable years begin-  
3           ning after the date of the enactment of this Act.

4           (b) DEDUCTION FOR DOMESTIC PRODUCTION OF  
5           TEXTILE FIBER PRODUCTS.—

6           (1) IN GENERAL.—Part VIII of subchapter B  
7           of chapter 1 of the Internal Revenue Code of 1986  
8           is amended by adding at the end the following new  
9           section:

10       **“SEC. 251. INCOME ATTRIBUTABLE TO DOMESTIC TEXTILE**  
11                               **PRODUCTION ACTIVITIES.**

12       “(a) IN GENERAL.—In the case of a corporation,  
13       there shall be allowed as a deduction an amount equal to  
14       9 percent of the lesser of—

15               “(1) the qualified textile production activities  
16               income of the taxpayer for the taxable year, or

17               “(2) taxable income (determined without regard  
18               to this section) for the taxable year.

19       “(b) DEDUCTION LIMITED TO WAGES PAID.—

20               “(1) IN GENERAL.—The amount of the deduc-  
21               tion allowable under subsection (a) for any taxable  
22               year shall not exceed 50 percent of the W-2 wages  
23               of the taxpayer for the taxable year.

24               “(2) W-2 WAGES.—For purposes of this sec-  
25               tion—

1           “(A) IN GENERAL.—The term ‘W-2 wages’  
2 means, with respect to any person for any tax-  
3 able year of such person, the sum of the  
4 amounts described in paragraphs (3) and (8) of  
5 section 6051(a) paid by such person with re-  
6 spect to employment of employees by such per-  
7 son during the calendar year ending during  
8 such taxable year.

9           “(B) LIMITATION TO WAGES ATTRIB-  
10 UTABLE TO DOMESTIC TEXTILE PRODUC-  
11 TION.—Such term shall not include any amount  
12 which is not properly allocable to domestic tex-  
13 tile production gross receipts for purposes of  
14 subsection (c)(1).

15           “(C) RETURN REQUIREMENT.—Such term  
16 shall not include any amount which is not prop-  
17 erly included in a return filed with the Social  
18 Security Administration on or before the 60th  
19 day after the due date (including extensions)  
20 for such return.

21           “(3) ACQUISITIONS, DISPOSITIONS, AND SHORT  
22 TAXABLE YEARS.—The Secretary shall provide for  
23 the application of this subsection in cases of a short  
24 taxable year or where the taxpayer acquires, or dis-  
25 poses of, the major portion of a trade or business or

1 the major portion of a separate unit of a trade or  
2 business during the taxable year.

3 “(c) QUALIFIED TEXTILE PRODUCTION ACTIVITIES  
4 INCOME.—For purposes of this section—

5 “(1) IN GENERAL.—The term ‘qualified textile  
6 production activities income’ for any taxable year  
7 means an amount equal to the excess (if any) of—

8 “(A) the taxpayer’s domestic textile pro-  
9 duction gross receipts for such taxable year,  
10 over

11 “(B) the sum of—

12 “(i) the cost of goods sold that are al-  
13 locable to such receipts, and

14 “(ii) other expenses, losses, or deduc-  
15 tions (other than the deduction allowed  
16 under this section), which are properly al-  
17 locable to such receipts.

18 “(2) ALLOCATION METHOD.—The Secretary  
19 shall prescribe rules for the proper allocation of  
20 items described in paragraph (1) for purposes of de-  
21 termining qualified textile production activities in-  
22 come. Such rules shall provide for the proper alloca-  
23 tion of items whether or not such items are directly  
24 allocable to domestic textile production gross re-  
25 ceipts.

1           “(3) SPECIAL RULES FOR DETERMINING  
2 COSTS.—

3           “(A) IN GENERAL.—For purposes of deter-  
4 mining costs under clause (i) of paragraph  
5 (1)(B), any item or service brought into the  
6 United States shall be treated as acquired by  
7 purchase, and its cost shall be treated as not  
8 less than its value immediately after it entered  
9 the United States. A similar rule shall apply in  
10 determining the adjusted basis of leased or  
11 rented property where the lease or rental gives  
12 rise to domestic textile production gross re-  
13 ceipts.

14           “(B) EXPORTS FOR FURTHER MANUFAC-  
15 TURE.—In the case of any property described  
16 in subparagraph (A) that had been exported by  
17 the taxpayer for further manufacture, the in-  
18 crease in cost or adjusted basis under subpara-  
19 graph (A) shall not exceed the difference be-  
20 tween the value of the property when exported  
21 and the value of the property when brought  
22 back into the United States after the further  
23 manufacture.

24           “(4) DOMESTIC TEXTILE PRODUCTION GROSS  
25 RECEIPTS.—



1           “(A) IN GENERAL.—The term ‘domestic  
2 textile production gross receipts’ means the  
3 gross receipts of the taxpayer which are derived  
4 from any lease, rental, license, sale, exchange,  
5 or other disposition of textile fiber product (as  
6 defined in section 139K) which was manufac-  
7 tured, produced, or grown by the taxpayer in  
8 whole or in significant part within the United  
9 States.

10           “(B) EXCEPTION.—Such term shall not in-  
11 clude any gross receipts—

12           “(i) from the qualifying foreign sale  
13 (as defined in section 139K) of qualifying  
14 textile fiber products (as defined in such  
15 section), or

16           “(ii) from activities described in sec-  
17 tion 199B(b)(1)(A).

18           “(C) SPECIAL RULE FOR CERTAIN GOV-  
19 ERNMENT CONTRACTS.—Gross receipts derived  
20 from the manufacture or production of any  
21 property described in subparagraph (A) shall be  
22 treated as meeting the requirements of subpara-  
23 graph (A) if—

1           “(i) such property is manufactured or  
2           produced by the taxpayer pursuant to a  
3           contract with the Federal Government, and

4           “(ii) the Federal Acquisition Regula-  
5           tion requires that title or risk of loss with  
6           respect to such property be transferred to  
7           the Federal Government before the manu-  
8           facture or production of such property is  
9           complete.

10           “(D) PARTNERSHIPS OWNED BY EX-  
11           PANDED AFFILIATED GROUPS.—For purposes  
12           of this paragraph, if all of the interests in the  
13           capital and profits of a partnership are owned  
14           by members of a single expanded affiliated  
15           group at all times during the taxable year of  
16           such partnership, the partnership and all mem-  
17           bers of such group shall be treated as a single  
18           taxpayer during such period.

19           “(5) RELATED PERSONS.—

20           “(A) IN GENERAL.—The term ‘domestic  
21           textile production gross receipts’ shall not in-  
22           clude any gross receipts of the taxpayer derived  
23           from property leased, licensed, or rented by the  
24           taxpayer for use by any related person.

1           “(B) RELATED PERSON.—For purposes of  
2           subparagraph (A), a person shall be treated as  
3           related to another person if such persons are  
4           treated as a single employer under subsection  
5           (a) or (b) of section 52 or subsection (m) or (o)  
6           of section 414, except that determinations  
7           under subsections (a) and (b) of section 52  
8           shall be made without regard to section  
9           1563(b).

10          “(d) DEFINITIONS AND SPECIAL RULES.—

11           “(1) SPECIAL RULE FOR AFFILIATED  
12          GROUPS.—

13           “(A) IN GENERAL.—All members of an ex-  
14           panded affiliated group shall be treated as a  
15           single corporation for purposes of this section.

16           “(B) EXPANDED AFFILIATED GROUP.—  
17           For purposes of this section, the term ‘ex-  
18           panded affiliated group’ means an affiliated  
19           group as defined in section 1504(a), deter-  
20           mined—

21           “(i) by substituting ‘more than 50  
22           percent’ for ‘at least 80 percent’ each place  
23           it appears, and

24           “(ii) without regard to paragraphs (2)  
25           and (4) of section 1504(b).

1           “(C) ALLOCATION OF DEDUCTION.—Ex-  
2           cept as provided in regulations, the deduction  
3           under subsection (a) shall be allocated among  
4           the members of the expanded affiliated group in  
5           proportion to each member’s respective amount  
6           (if any) of qualified textile production activities  
7           income.

8           “(2) TRADE OR BUSINESS REQUIREMENT.—  
9           This section shall be applied by only taking into ac-  
10          count items which are attributable to the actual con-  
11          duct of a trade or business.

12          “(3) UNRELATED BUSINESS TAXABLE IN-  
13          COME.—For purposes of determining the tax im-  
14          posed by section 511, subsection (a)(1)(B) shall be  
15          applied by substituting ‘unrelated business taxable  
16          income’ for ‘taxable income’.

17          “(4) REGULATIONS.—The Secretary shall pre-  
18          scribe such regulations as are necessary to carry out  
19          the purposes of this section, including regulations  
20          which prevent more than 1 taxpayer from being al-  
21          lowed a deduction under this section with respect to  
22          any activity described in subsection (e)(4)(A).”.

23          (2) CONFORMING AMENDMENTS.—

## 93

1 (A)(i) Section 74(d)(2)(B) of the Internal  
2 Revenue Code of 1986 is amended by inserting  
3 “251,” after “221,”.

4 (ii) Section 246(b)(1) of such Code is  
5 amended by inserting “251,” after  
6 “243(a)(1),”.

7 (iii) Section 469(i)(3)(E)(iii) of such Code  
8 is amended by inserting “251,” after “250,”.

9 (B) Section 170(b)(2)(D) of such Code is  
10 amended by striking the period at the end of  
11 clause (v) and inserting “, and” and by adding  
12 at the end the following new clause:

13 “(vi) section 251.”.

14 (C) Section 172(d) of such Code, as  
15 amended by this Act, is amended by adding at  
16 the end the following new paragraph:

17 “(11) The deduction under section 251 shall  
18 not be allowed.”.

19 (3) CLERICAL AMENDMENT.—The table of sec-  
20 tions for part VIII of subchapter B of chapter 1 of  
21 such Code is amended by adding at the end the fol-  
22 lowing new item:

“Sec. 251. Income attributable to domestic textile production activities.”.

23 (4) EFFECTIVE DATE.—The amendments made  
24 by this subsection shall apply to taxable years begin-  
25 ning after the date of the enactment of this Act.

1 (c) DEDUCTION FOR REUSED AND RECYCLED TEX-  
2 TILES.—

3 (1) IN GENERAL.—Part VI of subchapter B of  
4 the Internal Revenue Code of 1986 is amended by  
5 adding at the end the following new section:

6 **“SEC. 199B. TEXTILE REUSE AND RECYCLING ACTIVITY IN-**  
7 **COME.**

8 “(a) IN GENERAL.—There shall be allowed a deduc-  
9 tion equal to 15 percent of the qualified textile reuse and  
10 recycling activity income of the taxpayer for the taxable  
11 year.

12 “(b) QUALIFIED TEXTILE REUSE AND RECYCLING  
13 ACTIVITY INCOME.—For purposes of this section—

14 “(1) IN GENERAL.—The term ‘qualified textile  
15 reuse and recycling activity income’ means the ex-  
16 cess (if any) of—

17 “(A) the gross income of the taxpayer de-  
18 rived in the course of a trade or business  
19 from—

20 “(i) the resale, repair, rental, or re-  
21 manufacturing of finished textile products,

22 “(ii) the transformation of otherwise  
23 unsalable textile fiber products into new  
24 finished or unfinished goods,

1                   “(iii) the collection of textile fiber  
2                   products,

3                   “(iv) the sorting of finished textile  
4                   products and textile fiber products for ac-  
5                   tivities described in clause (i) or (ii), and

6                   “(v) the preparation of textile fiber  
7                   products for activities described in clause  
8                   (ii), over

9                   “(B) the deductions (including taxes) prop-  
10                  erly allocable to such gross income.

11                  “(2) FINISHED TEXTILE PRODUCTS.—The term  
12                  ‘finished textile products’ has the meaning given  
13                  such term under section 139J(c).

14                  “(3) TEXTILE FIBER PRODUCTS.—The term  
15                  ‘textile fiber products’ has the meaning given such  
16                  term under section 139K(c).

17                  “(c) SPECIAL RULES.—

18                  “(1) APPLICATION TO PARTNERSHIPS AND S  
19                  CORPORATIONS.—In the case of a partnership or S  
20                  corporation—

21                  “(A) this section shall be applied at the  
22                  partner or shareholder level, and

23                  “(B) each partner or shareholder shall  
24                  take into account such person’s allocable share

1 of each qualified item of income, gain, deduc-  
2 tion, and loss.

3 “(2) COORDINATION WITH MINIMUM TAX.—For  
4 purposes of determining alternative minimum tax-  
5 able income under section 55, qualified textile reuse  
6 and recycling activity income shall be determined  
7 without regard to any adjustments under sections 56  
8 through 59.”.

9 (2) COORDINATION WITH DEDUCTION FOR  
10 QUALIFIED BUSINESS INCOME.—Section  
11 199A(c)(3)(B) of the Internal Revenue Code of  
12 1986 is amended by redesignating clause (vii) as  
13 clause (viii) and by inserting after clause (vi) the fol-  
14 lowing new clause:

15 “(vii) Any item of income, gain, de-  
16 duction, or loss taken into account under  
17 section 199B(b)(1).”.

18 (3) CONFORMING AMENDMENTS.—

19 (A)(i) Section 74(d)(2)(B) of the Internal  
20 Revenue Code of 1986 is amended by inserting  
21 “199B,” after “137,”.

22 (ii) Section 86(b)(2)(A) of such Code  
23 is amended by inserting “199B,” after  
24 “137,”.



1 (iii) Section 135(c)(4)(A) of such  
2 Code is amended by inserting “199B,”  
3 after “137,”.

4 (iv) Section 137(b)(3)(A) of such  
5 Code is amended by inserting “199B,” be-  
6 fore “221,”.

7 (v) Section 219(g)(3)(A)(ii) of such  
8 Code is amended by inserting “199B,”  
9 after “137,”.

10 (vi) Section 221(b)(2)(C)(i) of such  
11 Code is amended by inserting “199B,” be-  
12 fore “911,”.

13 (vii) Section 246(b)(1) of such Code is  
14 amended by inserting “199B,” after  
15 “199A,”.

16 (viii) Section 469(i)(3)(E)(iii) of such  
17 Code is amended by inserting “199B,” be-  
18 fore “219,”.

19 (B) Section 170(b)(2)(D) of such Code, as  
20 amended by subsection (b), is amended by  
21 striking the period at the end of clause (vi) and  
22 inserting “, and” and by adding at the end the  
23 following new clause:

24 “(vii) section 199B.”.

1 (C) Section 172(d) of such Code, as  
2 amended by subsection (b), is amended by add-  
3 ing at the end the following new paragraph:

4 “(12) The deduction under section 199B shall  
5 not be allowed.”.

6 (4) CLERICAL AMENDMENT.—The table of sec-  
7 tions for part VI of subchapter B of chapter 1 of  
8 such Code is amended by adding at the end the fol-  
9 lowing new item:

“Sec. 199B. Textile reuse and recycling activity income.”.

10 (5) EFFECTIVE DATE.—The amendments made  
11 by this subsection shall apply to taxable years begin-  
12 ning after the date of the enactment of this Act.

13 **SEC. 235. TREATMENT OF FIBERS, FABRICS, AND YARNS**  
14 **NOT AVAILABLE IN COMMERCIAL QUAN-**  
15 **TITIES IN AMERICAS PARTNER COUNTRIES.**

16 (a) MODIFICATIONS TO COMMERCIAL AVAILABILITY  
17 REQUEST PROCEDURES.—

18 (1) REGULATIONS ON APPROVAL OF COMMER-  
19 CIAL AVAILABILITY REQUESTS.—Not later than 180  
20 days after the date of the enactment of this Act, the  
21 Committee for the Implementation of Textile Agree-  
22 ments established by Executive Order 11651 (7  
23 U.S.C. 1854 note) (in this section referred to as the  
24 “Committee”) shall prescribe regulations—

1 (A) specifying the necessary conditions for  
2 the approval, in limited quantities, of commer-  
3 cial availability requests under existing and fu-  
4 ture free trade agreements with countries in the  
5 Western Hemisphere; and

6 (B) providing for procedures for the ap-  
7 proval of those requests.

8 (2) REQUIREMENT TO PRODUCE SAMPLES RE-  
9 LATING TO COMMERCIAL AVAILABILITY RE-  
10 QUESTS.—The Committee shall seek to modify pro-  
11 cedures relating to commercial availability requests  
12 under free trade agreements in effect as of the date  
13 of the enactment of this Act with countries in the  
14 Western Hemisphere to require a producer of a  
15 fiber, yarn, or fabric that is the subject of such a  
16 request to produce a physical sample of the fiber,  
17 yarn, or fabric to its exact specification not later  
18 than 90 days after receiving a request to prove pro-  
19 duction capability.

20 (3) APPLICABILITY OF MODIFICATIONS.—A  
21 modification to conditions or procedures relating to  
22 commercial availability requests under paragraph (1)  
23 or (2) may only be applied to a commercial avail-  
24 ability request relating to fiber, yarn, or fabric that

1 will be used for further production in an Americas  
2 partner country.

3 (b) STUDY ON CONSIDERATION OF PRICE IN COM-  
4 MERCIAL AVAILABILITY REQUESTS.—

5 (1) IN GENERAL.—The United States Inter-  
6 national Trade Commission (in this section referred  
7 to as the “Commission”) shall—

8 (A) conduct a study on if and how price  
9 should be among the criteria considered by the  
10 Committee when determining commercial avail-  
11 ability of a fiber, yarn, or fabric in response to  
12 a commercial availability request; and

13 (B) not later than 180 days after the date  
14 of the enactment of this Act—

15 (i) submit a report on the results of  
16 the study to the Committee on Finance of  
17 the Senate and the Committee on Ways  
18 and Means of the House of Representa-  
19 tives; and

20 (ii) publish the report on a publicly  
21 accessible internet website of the Commis-  
22 sion.

23 (2) REQUIREMENTS.—In conducting the study  
24 required by paragraph (1), the Commission shall—

1 (A) assess fibers, yarns, and fabrics indi-  
2 vidually; and

3 (B) consider not fewer than 10 fibers, 10  
4 yarns, and 10 fabrics, for sufficient sampling  
5 comparison.

6 (c) AMERICAS PARTNER COUNTRY COMMERCIAL  
7 AVAILABILITY LIST.—

8 (1) IN GENERAL.—The Deputy Under Sec-  
9 retary of Commerce established under section 203(a)  
10 shall, as soon as practicable after the date of the en-  
11 actment of this Act, establish an Americas partner  
12 country commercial availability list for textile arti-  
13 cles described in paragraph (2) and known, as of  
14 such date of enactment, to not be commercially  
15 available within Americas partner countries for pur-  
16 poses of commercial availability requests.

17 (2) TEXTILE ARTICLES DESCRIBED.—Textile  
18 articles described in this paragraph are the fol-  
19 lowing:

20 (A) Articles listed in Annex 3.25 of the  
21 Dominican Republic-Central America-United  
22 States Free Trade Agreement.

23 (B) Articles listed in Annex 3-B of the  
24 United States-Colombia Trade Promotion  
25 Agreement.

1 (C) Articles listed in Annex 3.25 of the  
2 United States-Panama Trade Promotion Agree-  
3 ment.

4 (D) Articles listed in Annex 3-B of the  
5 United States-Peru Trade Promotion Agree-  
6 ment.

7 (E) Articles listed in Appendix 1 to Annex  
8 4-A of the Trans-Pacific Partnership Agree-  
9 ment.

10 (F) Certain knit fabrics of 100 percent  
11 man-made fiber fleece classified under sub-  
12 heading 6001.22.00 of the Harmonized Tariff  
13 Schedule of the United States.

14 (G) Certain woven fabrics of 100 percent  
15 polyester classified under subheading 5407.52  
16 of that Schedule.

17 (3) AUTOMATIC ADDITIONS.—An article de-  
18 scribed in any of subparagraphs (A) through (D) of  
19 paragraph (2) after the date of the enactment of  
20 this Act shall automatically be added to the list es-  
21 tablished under paragraph (1).

22 (4) TIME ON LIST.—

23 (A) IN GENERAL.—An article described in  
24 any of subparagraphs (E) through (G) of para-  
25 graph (2) shall be removed from the list estab-

1           lished under paragraph (1) on the date that is  
2           5 years after the date of the enactment of this  
3           Act unless—

4                   (i) by that date, the article is covered  
5                   by an annex specified in any of subpara-  
6                   graphs (A) through (D) of paragraph (2)  
7                   or a comparable annex of a free trade  
8                   agreement with a country in the Western  
9                   Hemisphere entered into after such date of  
10                  enactment; or

11                   (ii) the Commissioner determines  
12                   under subparagraph (B) that the article  
13                   remains commercially unavailable in Amer-  
14                   icas partner countries.

15                  (B) INVESTIGATION.—After an article de-  
16                  scribed in any of subparagraphs (E) through  
17                  (G) of paragraph (2) has been on the list estab-  
18                  lished under paragraph (1) for 4 years, the  
19                  Commission may investigate whether the article  
20                  remains commercially unavailable in Americas  
21                  partner countries.

22                  (5) INTERNATIONAL TRADE COMMISSION DE-  
23                  TERMINATION.—Upon the request of a producer, in  
24                  an Americas partner country, of an article on the  
25                  list established under paragraph (1), the Deputy

1 Under Secretary shall remove the article from the  
2 list if—

3 (A) the Commission determines the article  
4 is commercially available in the United States;  
5 or

6 (B) not later than 90 days after submit-  
7 ting the request, the producer can provide to  
8 the Commission a physical sample to prove pro-  
9 duction capability.

10 (6) PEOPLE’S REPUBLIC OF CHINA PRODUCT  
11 EXCEPTION.—Fibers, yarns, and fabrics originating  
12 from the People’s Republic of China, as determined  
13 pursuant to section 102.21 of title 19, Code of Fed-  
14 eral Regulations (or a successor regulation), are not  
15 eligible, in whole or in part, for inclusion on the list  
16 established under paragraph (1).

17 (d) COMMERCIAL AVAILABILITY REQUEST DE-  
18 FINED.—In this section, the term “commercial availability  
19 request” means a request to modify the rules of origin  
20 with respect to a textile article under a free trade agree-  
21 ment to address the lack of commercial availability of a  
22 fiber, yarn, or fabric in the countries that are parties to  
23 the agreement.



1           **CHAPTER 4—TRADE ENFORCEMENT**

2   **SEC. 241. ESTABLISHMENT OF SPECIAL ENFORCEMENT**

3                   **UNIT OF U.S. CUSTOMS AND BORDER PRO-**

4                   **TECTION TO MONITOR THE IMPLEMENTA-**

5                   **TION OF UYGHUR FORCED LABOR PREVEN-**

6                   **TION ACT.**

7           (a) **ESTABLISHMENT.**—There is established in the  
8 Office of International Affairs of U.S. Customs and Bor-  
9 der Protection a special enforcement unit tasked with  
10 monitoring the implementation by the United States of the  
11 Act entitled “An Act to ensure that goods made with  
12 forced labor in the Xinjiang Autonomous Region of the  
13 People’s Republic of China do not enter the United States  
14 market, and for other purposes”, approved December 23,  
15 2021 (Public Law 117–78; 135 Stat. 1525) (commonly  
16 referred to as the “Uyghur Forced Labor Prevention  
17 Act”).

18           (b) **COORDINATION.**—The special enforcement unit  
19 established under subsection (a) shall coordinate with the  
20 trade remedy law enforcement unit of U.S. Customs and  
21 Border Protection.

22           (c) **STAFF.**—

23                   (1) **AGENTS.**—The special enforcement unit es-  
24 tablished under subsection (a) shall deploy agents as  
25 necessary for the effective functioning of the unit.

1           (2) POSITIONS AT EMBASSIES.—The special en-  
2           forcement unit established under subsection (a) may  
3           deploy permanent NSDD–38 positions stationed at  
4           each embassy of the United States in an Americas  
5           partner country for the coordination of the efforts of  
6           the unit.

7 **SEC. 242. AUTHORIZATION OF PAYMENTS TO WHISTLE-**  
8                   **BLOWERS RELATING TO MONEY LAUN-**  
9                   **DERING OR ILLICIT FINANCIAL TRANS-**  
10                   **ACTIONS.**

11           The Executive Associate Director of Homeland Secu-  
12           rity Investigations may pay to whistleblowers who disclose  
13           to the Secretary of Homeland Security any violations of  
14           laws prohibiting money laundering or illicit financial  
15           transactions an amount not to exceed 30 percent of the  
16           value of any assets seized in connection with such viola-  
17           tions.

18 **SEC. 243. ESTABLISHMENT OF BORDERS AND PORTS PRO-**  
19                   **TECTION PROGRAM.**

20           (a) IN GENERAL.—The Commissioner, in consulta-  
21           tion with the Secretary of State, the Secretary of Home-  
22           land Security, and the heads of such other Federal agen-  
23           cies as the President considers appropriate, shall establish  
24           a program to be known as the Borders and Ports Protec-

1 tion Program (referred to in this section as the “Pro-  
2 gram”).

3 (b) BORDERS AND PORTS PROTECTION UNIT.—

4 (1) IN GENERAL.—Under the Program, the  
5 Commissioner shall assist Americas partner coun-  
6 tries selected by the Commissioner in the establish-  
7 ment of a borders and ports protection unit.

8 (2) CONSULTATION WITH CONGRESS.—In se-  
9 lecting Americas partner countries under paragraph  
10 (1), the Commissioner shall consult with Congress.

11 (c) ELEMENTS OF PROGRAM.—In carrying out the  
12 Program, the Commissioner may support the efforts of  
13 customs administrations and border security agencies of  
14 Americas partner countries selected under subsection (b)  
15 to create a borders and ports protection unit composed  
16 of a sufficient number of officers, including officers of the  
17 United States and officers of the Americas partner coun-  
18 try, as identified by the Commissioner, who will—

19 (1) report to the local customs administrations  
20 and border security agencies in that country;

21 (2) be responsible for surge support and phys-  
22 ical protection of borders, ports, strategic depots,  
23 hubs, and key commodities, such as basic foodstuffs,  
24 gasoline, diesel, and other strategic goods, in that  
25 country;

1           (3) under the authority of officials in that coun-  
2           try, carry out non-investigative customs functions,  
3           such as—

4                   (A) ensuring the effective continuity of  
5           port operations;

6                   (B) facilitating legitimate trade and com-  
7           merce; and

8                   (C) detecting and interdicting customs vio-  
9           lations, such as illicit smuggling of contraband;

10           (4) when cross-border violations of law are iden-  
11           tified, notify and coordinate directly with customs  
12           and other law enforcement and security agencies in  
13           that country that are responsible for conducting in-  
14           vestigations of illicit cross-border smuggling of-  
15           fenses;

16           (5) refer cross-border violations of law to the  
17           Transnational Criminal Investigative Units of  
18           Homeland Security Investigations; and

19           (6) carry out any other duties identified by the  
20           Commissioner.

21           (d) **TRANSNATIONAL CRIMINAL INVESTIGATIVE**  
22 **UNITS.**—The Secretary of Homeland Security, acting  
23 through the Executive Associate Director of Homeland Se-  
24 curity Investigations, shall establish Transnational Crimi-  
25 nal Investigative Units in each Americas partner country.

1 (e) TRAINING AND EQUIPMENT.—To the extent au-  
2 thorized under existing provisions of law, the Commis-  
3 sioner may provide to an Americas partner country se-  
4 lected under subsection (b) training, oversight, equipment,  
5 and remuneration from U.S. Customs and Border Protec-  
6 tion for the purposes specified in subsection (c) to provide  
7 lethal and non-lethal assistance, such as training and  
8 equipment, including personal protective equipment, ar-  
9 mored vehicles, and weapons, to entities that are—

10 (1) identified by the local customs offices in  
11 that country;

12 (2) coordinated and deconflicted through the  
13 law enforcement working group of the United States  
14 Embassy in that country; and

15 (3) approved by the Commissioner.

16 (f) MANAGEMENT.—

17 (1) IN GENERAL.—Under the Program, the  
18 Commissioner, in coordination with the Secretary of  
19 State and the Secretary of Homeland Security,  
20 shall—

21 (A) deploy officers of U.S. Customs and  
22 Border Protection to each Americas partner  
23 country selected under subsection (b), who  
24 shall—

25 (i) report to the chief of mission;

1 (ii) monitor the activities, on behalf of  
2 the Department of Homeland Security, of  
3 the borders and ports protection unit of  
4 that country;

5 (iii) coordinate activities with—

6 (I) the law enforcement working  
7 group of the United States Embassy  
8 in that country;

9 (II) the attache of Homeland Se-  
10 curity Investigations covering that  
11 country; and

12 (III) the Transnational Criminal  
13 Investigative Unit for that country.

14 (iv) coordinate and deconflict all  
15 training and equipment requests with the  
16 law enforcement working group of the  
17 United States Embassy in that country  
18 and the attache of Homeland Security In-  
19 vestigations covering that country; and

20 (v) ensure that all cross-border viola-  
21 tions of law are referred for investigation  
22 to the Transnational Criminal Investigative  
23 Unit for that country; and

24 (B) hire a defense contractor that has  
25 completed all registrations and clearances re-

1           required by the United States Government to de-  
2           ploy a team of armed experts to assist in the  
3           recruitment, vetting, and training of agents of  
4           the borders and ports protection unit of that  
5           country.

6           (2) HIRING OF AGENTS.—When possible, the  
7           Secretary shall hire agents for the borders and ports  
8           protection unit of an Americas partner country se-  
9           lected under subsection (b) from among agents of  
10          the security services of that country.

11          (g) SECURITY ISSUES.—The Secretary of State shall  
12          enhance the security of borders and ports protection units  
13          established under this section by following the model of  
14          the Special Program for Embassy Augmentation Response  
15          (SPEAR) used by the Diplomatic Security Service to pro-  
16          tect embassies of the United States and other facilities in  
17          high-threat environments.

18          (h) REMUNERATION.—Under the Program, the Sec-  
19          retary of State, working through the contractor hired pur-  
20          suant to subsection (f)(1)(B), shall provide appropriate re-  
21          muneration for agents of borders and ports protection  
22          units, including—

23                  (1) wages based on appropriate pay scales of  
24                  the United Nations; and

25                  (2) a life insurance policy.

1 (i) DESIGNATION OF UNITS IN NON-AMERICAS  
2 PARTNER COUNTRIES.—

3 (1) IN GENERAL.—Notwithstanding any other  
4 provision of law, except as provided in paragraph  
5 (2), the President may designate a borders and  
6 ports protection unit under the Program in a coun-  
7 try that is not an Americas partner country selected  
8 under subsection (b) if the President determines  
9 that it is in the national security interest of the  
10 United States to do so.

11 (2) EXCEPTION.—The President may not des-  
12 ignate a borders a ports protection unit under the  
13 Program in a country that is a member of the  
14 Bolivarian Alliance for the Peoples of Our America.

15 (j) REPORT.—Not later than 90 days after the date  
16 of the enactment of this Act, and annually thereafter, the  
17 Secretary of State shall submit to the Committee on Fi-  
18 nance and the Committee on Homeland Security and Gov-  
19 ernmental Affairs of the Senate and the Committee on  
20 Ways and Means of the House of Representatives a report  
21 on the Program.

22 (k) COMMISSIONER DEFINED.—In this section, the  
23 term “Commissioner” means the Commissioner of U.S.  
24 Customs and Border Protection.



1 **SEC. 244. ESTABLISHMENT OF MUTUAL RECOGNITION**  
2 **AGREEMENTS AND TRADE TRANSPARENCY**  
3 **UNITS.**

4 (a) **IN GENERAL.**—If not already in place with re-  
5 spect to an Americas partner country, not later than one  
6 year after entering into a partnership agreement pursuant  
7 to section 201 with that country, the Commissioner shall  
8 establish a mutual recognition agreement and a trade  
9 transparency unit with the customs administration of that  
10 country as part of the ongoing Customs and Trade Part-  
11 nership Against Terrorism program of U.S. Customs and  
12 Border Protection.

13 (b) **PROCESS.**—Immediately upon the date of the en-  
14 actment of this Act, the Commissioner shall begin an expe-  
15 dited process of establishing mutual recognition agree-  
16 ments and trade transparency units between the United  
17 States and customs offices of Americas partner countries.

18 (c) **INTEROPERABILITY OF AGREEMENTS.**—The  
19 Commissioner, in consultation with the Secretary of Com-  
20 merce, shall ensure that data sharing conducted under a  
21 mutual recognition agreement established under this sec-  
22 tion is interoperable with the e-governance system estab-  
23 lished under title I.

24 (d) **HARMONIZATION OF DATA COLLECTED UNDER**  
25 **AGREEMENTS.**—In coordination with the Americas Part-  
26 nership Business Advisory Board established under sec-

1 tion 202, trade and customs bodies shall harmonize col-  
2 lected data under mutual recognition agreements entered  
3 into under this section, including data related to the fol-  
4 lowing:

5 (1) Weight.

6 (2) Quantity.

7 (3) Value.

8 (4) Elements necessary for imports and exports.

9 (5) Common identifiers matching imports and  
10 exports.

11 (e) DEFINITIONS.—In this section:

12 (1) COMMISSIONER.—The term “Commis-  
13 sioner” means the Commissioner of U.S. Customs  
14 and Border Protection.

15 (2) MUTUAL RECOGNITION AGREEMENT.—The  
16 term “mutual recognition agreement” means a docu-  
17 ment of arrangement between U.S. Customs and  
18 Border Protection and a customs administration of  
19 a foreign country that provides the platform for the  
20 exchange of membership information and recognizes  
21 the compatibility of the respective supply chain secu-  
22 rity programs of that country and the United States.

## 23 **Subtitle C—Investment**

24 **SEC. 251. SENSE OF CONGRESS.**

25 It is the sense of Congress that—

1           (1) Americas partner countries need significant  
2 investment in infrastructure and trade ecosystems to  
3 compete in the 21st century;

4           (2) slave-based subsidized trade in the People's  
5 Republic of China takes advantage of such need,  
6 abusing the principles of free trade to advance the  
7 national security interests of the People's Republic  
8 of China and predate upon other countries;

9           (3) environmental degradation by the People's  
10 Republic of China, especially through dirty, coal-pro-  
11 duced electricity, gives products manufactured in the  
12 People's Republic of China an unfair advantage over  
13 products manufactured in countries with inter-  
14 nationally accepted environmental standards;

15           (4) theft of intellectual property rights, World  
16 Trade Organization violations, and other abuses by  
17 the People's Republic of China make competition  
18 with the Government of the People's Republic of  
19 China and state-owned entities unbalanced;

20           (5) a trade-based response to the trade behavior  
21 of the People's Republic of China, which uses cor-  
22 ruption and perverse incentives, must include invest-  
23 ment incentives, retaliatory tariffs, fixing the de  
24 minimis trade loophole found in section 321 of the  
25 Tariff Act of 1930 (19 U.S.C. 1321), which is effec-

1           tively a free trade agreement with the Chinese Com-  
2           munist Party, and other offsets to catalyze move-  
3           ment of supply chains and productivity back to the  
4           Western Hemisphere; and

5           (6) promoting development and challenging the  
6           People’s Republic of China will require flexibility, re-  
7           sponsiveness, creativity, and risk-taking, which are  
8           the ethos of the investment corporation.

9   **SEC. 252. BUILD AMERICAS UNIT.**

10          Title I of the BUILD Act of 2018 (22 U.S.C. 9611  
11 et seq.) is amended by adding at the end the following  
12 new section:

13   **“SEC. 1416. BUILD AMERICAS UNIT.**

14          “(a) ESTABLISHMENT.—There is established in the  
15 Corporation a BUILD Americas Unit (in this division re-  
16 ferred to as the ‘Unit’).

17          “(b) PURPOSE.—The purposes of the Unit are as fol-  
18 lows:

19                 “(1) To advance the interests of the United  
20 States Government.

21                 “(2) To near-shore industries from the People’s  
22 Republic of China.

23                 “(3) To support the development of large scale  
24 infrastructure ecosystems for the purposes of rapid  
25 industrialization of the Western Hemisphere.

1           “(4) To support the relocation of strategic sup-  
2           ply chains (as that term is defined in section 254 of  
3           the Americas Act).

4           “(c) COUNTRIES OF OPERATION.—The Unit shall op-  
5           erate in all Americas partner countries (as that term is  
6           defined in section 2 of the Americas Act), without regard  
7           to the income limitations described in section 1412(c)(2).

8           “(d) FUNDING.—Such sums as may be necessary to  
9           carry out this section shall be made available from the Re-  
10          shoring and Near-shoring Account established under sec-  
11          tion 301 and the amounts authorized under section  
12          212(a)(2) of the Americas Act.

13          “(e) DEPUTY CHIEF EXECUTIVE OFFICER.—

14                 “(1) APPOINTMENT.—There shall be in the  
15          Unit, a Deputy Chief Executive Officer for the  
16          Americas (in this section referred to as the ‘Deputy  
17          Chief’) , who shall be appointed by the President, by  
18          and with the advice and consent of the Senate, and  
19          who shall report to the Deputy Under Secretary of  
20          Commerce for the Americas Partnership.

21                 “(2) COMPENSATION.—The Deputy Chief shall  
22          be compensated at a rate equivalent to level I of the  
23          Executive Schedule under section 5312 of title 5,  
24          United States Code.

25          “(f) PERSONNEL MANAGEMENT AUTHORITY.—

1 “(1) STAFFING.—

2 “(A) IN GENERAL.—Without regard to any  
3 provision of title 5, United States Code, gov-  
4 erning the appointment of employees in the civil  
5 service, the Deputy Chief may appoint—

6 “(i) such individuals as necessary to  
7 provide not fewer than 2 staff members  
8 from the Unit to each Americas partner  
9 country;

10 “(ii) such individuals as necessary to  
11 serve as program managers under this sec-  
12 tion; and

13 “(iii) such other individuals as may be  
14 necessary to enable the Unit to perform its  
15 duties.

16 “(B) PROGRAM MANAGER QUALIFICA-  
17 TIONS.—Individuals appointed as program  
18 managers under subparagraph (A)(ii) shall  
19 have—

20 “(i) demonstrated experience and ex-  
21 pertise in securities in the private sector;

22 “(ii) an appropriate securities license,  
23 as determined by the Deputy Chief; and

1                   “(iii) held the position of investment  
2                   banker as commonly understood for hiring  
3                   at private entities.

4                   “(2) COMPENSATION.—Notwithstanding any  
5                   provision of title 5, United States Code, governing  
6                   the rates of pay or classification of employees in the  
7                   executive branch, the Deputy Chief may prescribe  
8                   the rates of basic pay for program managers ap-  
9                   pointed under paragraph (1)(A)(ii) at a rate not in  
10                  excess of a rate equal to 150 percent of the max-  
11                  imum rate of basic pay authorized for positions at  
12                  level I of the Executive Schedule under section 5312  
13                  of title 5, United States Code.

14                  “(3) EVALUATIONS OF PROGRAM MANAGERS.—

15                  “(A) IN GENERAL.—The Deputy Adminis-  
16                  trator for Programs shall establish criteria to  
17                  evaluate the effectiveness of program managers,  
18                  which shall include measuring the economic  
19                  success of portfolio instruments approved by  
20                  program managers.

21                  “(B) DISMISSAL.—Upon the determination  
22                  that a program manager fails to meet the cri-  
23                  teria described in subparagraph (A), the Dep-  
24                  uty Administrator for Programs may rec-  
25                  ommend the dismissal of such program man-

1           ager, who may be dismissed at the discretion of  
2           the Chief Administrator.

3           “(4) LIMITATION ON TERM OF APPOINT-  
4           MENT.—

5                   “(A) IN GENERAL.—Except as provided in  
6           subparagraph (B), the service of a program  
7           manager appointed under paragraph (1)(A)(ii)  
8           may not exceed 5 years.

9                   “(B) EXTENSION.—The Deputy Chief  
10          may, in the case of a particular program man-  
11          ager appointed under paragraph (1)(A)(ii), ex-  
12          tend the period to which service is limited under  
13          subparagraph (A) by up to 2 years if the Dep-  
14          uty Chief determines that such action is nec-  
15          essary to promote the efficiency of the Unit, as  
16          applicable.

17          “(g) AUTHORITIES RELATING TO PROVISION OF  
18          SUPPORT.—

19                   “(1) IN GENERAL.—The authorities in this sub-  
20          section shall only be exercised to—

21                           “(A) carry out of the policy of the United  
22          States in section 251 of the Americas Act and  
23          the purposes of the Unit in subsection (b);

24                           “(B) mitigate risks to United States tax-  
25          payers by sharing risks with the private sector



1 and qualifying sovereign entities through co-fi-  
2 nancing and structuring of tools; and

3 “(C) ensure that support provided under  
4 this section is additional to private sector re-  
5 sources by mobilizing private capital that would  
6 otherwise not be deployed without such support.

7 “(2) CONSIDERATIONS.—In exercising the au-  
8 thorities in this subsection, the Unit—

9 “(A) shall consider—

10 “(i) whether an activity will maximize  
11 the profits of the entity receiving support  
12 under this subsection;

13 “(ii) the potential return on invest-  
14 ment of an activity;

15 “(iii) the sustainability of the eco-  
16 nomic model of the entity receiving support  
17 under this subsection;

18 “(iv) any secondary economic impact  
19 of the activity and whether such impact  
20 will spur additional clusters of investment;

21 “(v) whether taxation can be used to  
22 generate revenue for public entities receiv-  
23 ing support under this subsection; and

1                   “(vi) the feasibility of economic suc-  
2                   cess for the entity receiving support under  
3                   this subsection; and

4                   “(B) may not consider external factors  
5                   that will not impact the economic success of an  
6                   activity.

7                   “(3) GRANTS.—

8                   “(A) IN GENERAL.—The Unit may award  
9                   grants to United States businesses and entities  
10                  and governments in Americas partner countries  
11                  under such terms and conditions as the Unit  
12                  shall prescribe to carry out the purposes of the  
13                  Americas Act.

14                  “(B) APPLICATION REQUIREMENT.—A  
15                  grant under this paragraph may be made only  
16                  to a United States business, a for profit or not-  
17                  for profit entity registered in an Americas part-  
18                  ner country, or a government of such a country  
19                  (including a local government) that submits to  
20                  the Unit an application at such time, in such  
21                  manner, and containing or accompanied by  
22                  such information as the Unit may reasonably  
23                  require.

24                  “(C) PRIORITY.—In approving applications  
25                  under this paragraph, the Unit shall give pri-

1 ority to applications that demonstrate the devel-  
2 opment of a private sector activity that will ad-  
3 vance the economic objectives of the Unit de-  
4 scribed in subsection (b).

5 “(D) APPROVAL LIMITS.—Under this para-  
6 graph—

7 “(i) program managers may approve  
8 grants of not more than \$4,999,999;

9 “(ii) the Deputy Chief may approve  
10 grants of not less than \$5,000,000 and not  
11 more than \$49,999,999; and

12 “(iii) the Deputy Assistant Secretary  
13 for the Americas Partnership may approve  
14 grants of not less than \$50,000,000.

15 “(E) REPORTING.—

16 “(i) IN GENERAL.—The Unit shall—

17 “(I) use the e-governance frame-  
18 work established under title I for  
19 management of and reporting on  
20 grants; and

21 “(II) protect all restricted per-  
22 sonal information (as that term is de-  
23 fined in section 119 of title 18,  
24 United States Code) collected under  
25 clause (ii).

1                   “(ii) COLLECTION OF INFORMA-  
2                   TION.—The Corporation shall carry out  
3                   clause (i) by collecting information with re-  
4                   spect to each such grant, including—  
5                   “ (I) the beneficiary of the grant;  
6                   “ (II) the amount;  
7                   “ (III) the location of activities  
8                   funded by the grant;  
9                   “ (IV) a description of the activi-  
10                  ties funded by the grant;  
11                  “ (V) a justification for approving  
12                  the grant;  
13                  “ (VI) the amount of funds pro-  
14                  vided for an activity by the beneficiary  
15                  of the grant;  
16                  “ (VII) a description of any other  
17                  financial support from the Unit;  
18                  “ (VIII) a description of how  
19                  awarding the grant is anticipated to  
20                  combat the influence of the People’s  
21                  Republic of China in the Western  
22                  Hemisphere; and  
23                  “ (IX) a description of how the  
24                  grant overlaps with any other finan-

1                   cial support provided by persons other  
2                   than the Unit.

3                   “(4) LOANS AND GUARANTIES.—

4                   “(A) IN GENERAL.—The Unit may make  
5                   loans or guaranties in accordance with the  
6                   guidelines in subparagraph (B) and upon such  
7                   other terms and conditions as the Deputy As-  
8                   sistant Secretary for the Americas Partnership  
9                   may determine.

10                  “(B) GUIDELINES FOR THE ISSUANCE OF  
11                  LOANS.—

12                  “(i) APPROVAL LIMITS.—Under this  
13                  paragraph—

14                         “(I) program managers may ap-  
15                         prove loans and guaranties of not  
16                         more than \$4,999,999;

17                         “(II) the Deputy Chief may ap-  
18                         prove loans and guaranties of not less  
19                         than \$5,000,000 and not more than  
20                         \$49,999,999; and

21                         “(III) the Deputy Assistant Sec-  
22                         retary for the Americas Partnership  
23                         may approve loans and guaranties of  
24                         not less than \$50,000,000.

25                         “(ii) LOAN AVAILABILITY.—

1                   “(I) IN GENERAL.—Any loan  
2                   made or guaranteed under this para-  
3                   graph may be issued to—

4                   “(aa) a United States busi-  
5                   ness;

6                   “(bb) a for-profit entity in  
7                   an Americas partner country; or

8                   “(cc) a government of an  
9                   Americas partner country (in-  
10                  cluding a local government).

11                  “(II) EXCEPTION.—Notwith-  
12                  standing subclause (I), a loan may be  
13                  made or guaranteed by the Unit to a  
14                  country that is not an Americas part-  
15                  ner country if the purpose of the loan  
16                  is to support near-shoring of strategic  
17                  supply chains under section 254 of  
18                  the Americas Act.

19                  “(III) LINES OF CREDIT.—The  
20                  Unit may provide a line of credit of  
21                  not more than \$50,000,000 to a  
22                  United States business that meets  
23                  such requirements as the Deputy As-  
24                  sistant Secretary for the Americas  
25                  Partnership may determine.

1 “(iii) INTEREST RATES.—

2 “(I) IN GENERAL.—A loan made  
3 or guaranteed under this paragraph  
4 may bear an interest rate lower than  
5 the rate for an equivalent loan avail-  
6 able in the local market.

7 “(II) VARIABLE INTEREST  
8 RATES.—For each loan made or guar-  
9 anteed under this paragraph, the Sec-  
10 retary of the Treasury shall make  
11 available to the Unit, at a variable in-  
12 terest rate that is not less than zero  
13 percent, funds from the amounts au-  
14 thorized under section 212(a)(2) of  
15 the Americas Act.

16 “(III) DEPOSITS TO TREAS-  
17 URY.—For each direct loan made by  
18 the Unit to a covered entity, the Unit  
19 shall remit—

20 “(aa) any repayment on the  
21 principal amount, including the  
22 final repayment and liquidation  
23 of the loan, and any amount of  
24 interest required by the Secretary  
25 of the Treasury in accordance

1 with subclause (II) to the Sec-  
2 retary of the Treasury, who shall  
3 use such amounts to replenish  
4 the amounts authorized under  
5 section 212(a)(2) of the Americas  
6 Act; and

7 “(bb) any profit made from  
8 interest above the amount re-  
9 quired by rate of interest estab-  
10 lished by the Secretary of the  
11 Treasury under subclause (II) to  
12 the Secretary of the Treasury,  
13 who shall deposit such amounts  
14 into the Re-shoring and Near-  
15 shoring Account established  
16 under section 301 of the Amer-  
17 icas Act.

18 “(iv) DENOMINATION.—Loans and  
19 guaranties made under this paragraph may  
20 be denominated and repayable in United  
21 States dollars or foreign currencies. For-  
22 eign currency denominated loans and guar-  
23 anties should only be provided if the Dep-  
24 uty Assistant Secretary for the Americas  
25 Partnership determines there is a sub-



1           stantive policy rationale for such loans and  
2           guaranties.

3           “(v) GUARANTIES BY TREASURY.—

4                   “(I) IN GENERAL.—For any loan  
5                   under this paragraph, the Unit shall  
6                   hold in an escrow account funds in an  
7                   amount that is equal to 5 percent of  
8                   the principal amount of the loan for  
9                   the life of the loan or until the loan  
10                  has been repaid.

11                  “(II) SOURCE OF FUNDS.—The  
12                  funds described in subclause (I) shall  
13                  be taken from the Re-shoring and  
14                  Near-shoring Account established  
15                  under section 301 of the Americas  
16                  Act.

17                  “(vi) APPLICABILITY OF FEDERAL  
18                  CREDIT REFORM ACT OF 1990.—Loans and  
19                  guaranties issued under paragraph (1)  
20                  shall be subject to the requirements of the  
21                  Federal Credit Reform Act of 1990 (2  
22                  U.S.C. 661 et seq.).

23           “(5) EQUITY INVESTMENTS.—

24                   “(A) SENSE OF CONGRESS.—It is the  
25                  sense of Congress that—

1           “(i) equity is essential, particularly  
2           with respect to transformational technology  
3           in the energy and technology sectors; and

4           “(ii) firms engaged in complex, ad-  
5           vanced manufacturing production require  
6           greater capital and more time than non-  
7           production firms.

8           “(B) IN GENERAL.—The Unit may, as an  
9           investor, support projects with funds or use  
10          other mechanisms for the purpose of pur-  
11          chasing, and may make and fund commitments  
12          to purchase, invest in, make pledges in respect  
13          of, or otherwise acquire, equity or quasi-equity  
14          securities or shares or financial interests of any  
15          entity, including as a limited partner or other  
16          investor in investment funds, upon such terms  
17          and conditions as the Unit may determine.

18          “(C) FUNDING.—

19                 “(i) IN GENERAL.—For the purpose  
20                 of investments under subparagraph (B),  
21                 the Unit shall use the amounts authorized  
22                 under section 212(a)(2) of the Americas  
23                 Act.

24                 “(ii) ESCROW.—For any investment  
25                 under this paragraph, the Unit shall hold

1 in an escrow account funds, which shall be  
2 taken from the Re-shoring and Near-shor-  
3 ing Account established under section 301  
4 of the Americas Act, in an amount that is  
5 equal to 5 percent of the amount of funds  
6 invested.

7 “(iii) LIQUIDATION.—Upon liquida-  
8 tion of any investment, the unit shall  
9 remit—

10 “(I) the principal amount and  
11 any amount of interest required by  
12 the Secretary for the use of such prin-  
13 cipal amount of such investment to  
14 the Secretary of the Treasury who  
15 shall use such amounts to replenish  
16 the amounts authorized under section  
17 212(a)(2) of the Americas Act; and

18 “(II) any profit gained from and  
19 the amount held in escrow in accord-  
20 ance with clause (ii) for such invest-  
21 ment to the Secretary of the Treasury  
22 who shall deposit such funds in the  
23 Re-Shoring and Near-Shoring Ac-  
24 count established under section 301 of  
25 that Act.

1           “(D) LIMITATIONS ON EQUITY INVEST-  
2           MENTS.—

3           “(i) CONTRIBUTIONS BY PARTNERS.—

4           Any investment made by the Unit under  
5           this paragraph shall be accompanied by an  
6           investment of not less than 51 percent by  
7           the United States business or entity or  
8           government of an Americas partner coun-  
9           try.

10           “(ii) PER PROJECT LIMIT.—The ag-  
11           gregate amount of equity investment by  
12           the Unit with respect to any project shall  
13           not exceed 49 percent.

14           “(6) JOINT INVESTMENT PARTNERSHIPS.—

15           “(A) IN GENERAL.—The Unit may enter  
16           into joint investment partnerships with inter-  
17           national financial institutions or other similar  
18           institutions, including the World Bank and the  
19           Andean Development Corporation-Development  
20           Bank of Latin America.

21           “(B) LIMITATION.—Notwithstanding sub-  
22           paragraph (A), the Unit may not enter into any  
23           partnership with any person, including any fi-  
24           nancial institution, business, organization, or  
25           individual, that is headquartered in, has a prin-

1           cipal place of business in, or is otherwise di-  
2           rectly or indirectly owned or controlled by of  
3           the government of the Russian Federation, the  
4           People’s Republic of China, or any member  
5           country of the Bolivarian Alliance for the Peo-  
6           ples of Our America (ALBA).

7           “(C) INTERNATIONAL FINANCIAL INSTITU-  
8           TIONS DEFINED.—In this paragraph, the term  
9           ‘international financial institutions’ has the  
10          meaning given that term in section 1701(c)(2)  
11          of the International Financial Institutions Act  
12          (22 U.S.C. 262r(c)(2)).

13          “(7) INSURANCE AND REINSURANCE.—

14                 “(A) IN GENERAL.—In order to ensure the  
15                 protection of the investments of United States  
16                 businesses, in whole or in part, against any po-  
17                 litical risks, such as currency inconvertibility  
18                 and transfer restrictions, expropriation, war,  
19                 terrorism, civil disturbance, breach of contract,  
20                 and nonhonoring of financial obligations, the  
21                 Unit may issue to United States businesses that  
22                 invest in Americas partner countries insurance  
23                 or reinsurance—

24                         “(i) upon such terms and conditions  
25                         as the Unit may determine; and

1                   “(ii) at 100 percent of the value of  
2                   the insured investment.

3                   “(B) ESCROW.—For any insurance or re-  
4                   insurance described in subparagraph (A), the  
5                   Unit shall hold in an escrow account at a com-  
6                   mercial bank funds, which shall be taken from  
7                   the Re-shoring and Near-shoring Account es-  
8                   tablished under section 301 of the Americas  
9                   Act, in an amount that is equal to 5 percent of  
10                  the insurance amount.

11                  “(C) RATES.—Any insurance or reinsur-  
12                  ance described in subparagraph (A) may be  
13                  issued at a lower rate than the lowest available  
14                  rate for equivalent insurance or reinsurance in  
15                  the local market.”.

16 **SEC. 253. AMERICAS PARTNERSHIP ENTERPRISE FUND.**

17                  (a) DESIGNATION.—The President, after consulta-  
18                  tion with the Speaker of the House of Representatives,  
19                  the Minority Leader of the House of Representatives, the  
20                  Majority Leader of the Senate, the Minority Leader of the  
21                  Senate, the Secretary of State, the Secretary of Com-  
22                  merce, the Secretary of the Treasury, and the Adminis-  
23                  trator of the United States Agency for International De-  
24                  velopment, may designate a private, nonprofit organiza-  
25                  tion registered in an Americas partner country that is es-

1 tablished to carry out the purposes set forth in subsection  
2 (b) as the “Americas Partnership Enterprise Fund” (re-  
3 ferred to in this section as the “Fund”).

4 (b) PURPOSES.—The purposes of the Fund are—

5 (1) to support the development of ecosystems  
6 for critical supply chains in the Americas partner  
7 countries;

8 (2) to support the development of private sector  
9 responses to migration;

10 (3) to promote near-shoring strategic industry  
11 and supply chains from the People’s Republic of  
12 China; and

13 (4) to support policies and practices conducive  
14 to private sector development in Americas partner  
15 countries through loans, grants, equity investments,  
16 feasibility studies, technical assistance, training, in-  
17 surance, guarantees, and other measures.

18 (c) GOVERNANCE.—

19 (1) BOARD OF DIRECTORS.—

20 (A) IN GENERAL.—The Fund shall be gov-  
21 erned by a Board of Directors, consisting of 3,  
22 4, or 5 individuals described in subparagraph  
23 (C).

1 (B) APPOINTMENTS.—Not later than 90  
2 days after the date of the enactment of this  
3 Act, the President shall—

4 (i) appoint the initial members of the  
5 Board of Directors, subject to the advice  
6 and consent of the Senate; and

7 (ii) submit the names of such ap-  
8 pointees to the Chair and Ranking Member  
9 of the Subcommittee on International  
10 Trade, Customs, and Global Competitive-  
11 ness of the Committee on Finance of the  
12 Senate.

13 (C) QUALIFICATIONS.—Each member of  
14 the Board of Directors—

15 (i) shall be a citizen of an Americas  
16 partner country;

17 (ii) may not be closely affiliated with  
18 any government, civil society organization,  
19 academic institution, think tank, or any  
20 other not-for-profit entity; and

21 (iii) shall have demonstrated experi-  
22 ence and expertise in the areas of private  
23 sector development in which the Fund is to  
24 be involved.



1 (D) TERM.—Each member of the Board of  
2 Directors shall serve for a term of 5 years.

3 (E) CHAIRPERSON.—At its first meeting,  
4 the Board of Directors shall elect a Chair-  
5 person, who may only serve in such position for  
6 a single term.

7 (F) MEETINGS.—The Board of Directors  
8 shall meet not less frequently than quarterly.

9 (G) APPOINTMENT OF EXECUTIVE DIREC-  
10 TOR.—The Board of Directors shall unani-  
11 mously appoint a qualified individual to serve as  
12 Executive Director of the Fund. The Executive  
13 Director shall be compensated at a rate equiva-  
14 lent to level V of the Executive Schedule under  
15 section 5316 of title 5, United States Code.

16 (H) VACANCIES.—If a vacancy occurs be-  
17 fore the expiration of the term of a member of  
18 the Board of Directors, the President shall ap-  
19 point an individual with the qualifications de-  
20 scribed in subparagraph (C) to fill the remain-  
21 der of such term, in the manner described in  
22 subparagraph (B).

23 (2) STAFFING.—

24 (A) IN GENERAL.—The Fund shall hire  
25 sufficient host country nationals to staff the

1 central office to ensure that Fund resources are  
2 managed appropriately and to carry out the  
3 day-to-day operations of the central office, in-  
4 cluding—

5 (i) program managers, who—

6 (I) shall head the core manage-  
7 ment unit;

8 (II) may approve program ex-  
9 penditures of up to \$150,000; and

10 (III) shall be evaluated primarily  
11 on the success of their respective port-  
12 folios; and

13 (ii) additional support staff, provided  
14 that not more than 25 percent of the  
15 Fund's annual expenditures are used for  
16 staffing and administration.

17 (B) ETHICS OFFICER.—The Fund shall  
18 have an ethics officer, who—

19 (i) shall be responsible for oversight of  
20 the host country nationals;

21 (ii) shall develop ethical standards for  
22 the management of the Fund;

23 (iii) shall facilitate the mainstreaming  
24 of ethics with respect to the staff of the  
25 Fund;

1 (iv) may evaluate individual activities,  
2 as needed; and

3 (v) should develop standard invest-  
4 ment procedures that do not affect the  
5 flexibility and speed of the investment ac-  
6 tivities.

7 (C) PARTNERS.—The Fund shall partner  
8 with local entities, wholly-owned subsidiaries,  
9 and other instruments, as appropriate, to carry  
10 out investment activities in Americas partner  
11 countries, under the supervision of the central  
12 office.

13 (3) LIMITATION ON COMPENSATION.—None of  
14 the amounts managed by the Fund may be used to  
15 provide any benefit to any member of the Board of  
16 Directors or to any officer or employee of the Fund,  
17 other than a reasonable salary as compensation for  
18 services rendered.

19 (d) ELIGIBLE PROGRAMS AND PROJECTS.—

20 (1) DEFINED TERM.—In this subsection, the  
21 term “qualified private sector entity” means a busi-  
22 ness organization that is duly registered in the  
23 United States or in an Americas partner country.

24 (2) IN GENERAL.—The Fund may provide  
25 grants, loans, technical assistance, goods, and serv-

1       ices to qualified private sector entities, in accordance  
2       with paragraphs (3) through (7), for programs and  
3       projects that are consistent with the purposes de-  
4       scribed in subsection (b).

5           (3) GRANTS.—

6           (A) IN GENERAL.—The Fund shall estab-  
7       lish a process for awarding grants to qualified  
8       private sector entities to carry out activities  
9       that are consistent with the purposes described  
10      in subsection (b).

11          (B) SELECTION OF GRANTEES.—Not later  
12      than 20 working days after receiving an appli-  
13      cation for a grant under this paragraph, the  
14      Fund shall complete its review and evaluation  
15      of the application, using anticipated return on  
16      investment as the sole criterion for determining  
17      whether a grant will be awarded to the appli-  
18      cant.

19          (4) LOANS.—

20          (A) IN GENERAL.—The Fund shall estab-  
21      lish a process for providing low-interest loans to  
22      qualified private sector entities to carry out ac-  
23      tivities that are consistent with the purposes de-  
24      scribed in subsection (b). Loans authorized  
25      under this paragraph may be offered in the

1 form of equity if the Fund determines that such  
2 form is appropriate.

3 (B) SELECTION OF LOAN RECIPIENTS.—

4 Not later than 20 working days after receiving  
5 an application for a loan under this paragraph,  
6 the Fund shall complete its review and evalua-  
7 tion of the application, using anticipated return  
8 on investment as the sole criterion for deter-  
9 mining whether a loan will be awarded to the  
10 applicant.

11 (C) PARTNERSHIPS WITH COMMERCIAL

12 BANKS.—The Fund may enter into partner-  
13 ships with commercial banks to manage loan  
14 portfolios under this paragraph.

15 (5) TECHNICAL ASSISTANCE.—

16 (A) IN GENERAL.—The Fund, with sup-  
17 port from United States entities, such as the  
18 United States Trade and Development Agency  
19 and other agencies or offices based in the  
20 United States, may hire or contract with indi-  
21 viduals and entities capable of providing tech-  
22 nical assistance in support of the purposes de-  
23 scribed in subsection (b).

24 (B) SELECTION OF TECHNICAL ASSIST-

25 ANCE RECIPIENTS.—Not later than 20 working

1 days after receiving an application for technical  
2 assistance under this paragraph, the Fund shall  
3 complete its review and evaluation of the appli-  
4 cation, using anticipated return on investment  
5 as the sole criterion for determining whether  
6 the requested technical assistance will be  
7 awarded to the applicant.

8 (C) ELIGIBLE PARTNER COUNTRIES.—  
9 Notwithstanding any other provision of law, the  
10 United States Trade and Development Agency  
11 may work in any Americas partner country re-  
12 gardless of income status designation.

13 (D) AUTHORIZATION OF APPROPRIA-  
14 TIONS.—There is authorized to be appropriated  
15 to the United States Trade and Development  
16 Agency \$10,000,000, which shall be expended  
17 on activities related to partnership agreements  
18 entered into under section 201.

19 (6) GOODS AND SERVICES.—

20 (A) IN GENERAL.—The Fund may directly  
21 procure and deploy goods and services to the  
22 extent required to support the purposes de-  
23 scribed in subsection (b).

24 (B) SELECTION OF GOODS AND SERVICES  
25 RECIPIENTS.—Not later than 20 working days

1 after receiving an application for goods or serv-  
2 ices under this paragraph, the Fund shall com-  
3 plete its review and evaluation of the applica-  
4 tion, using anticipated return on investment as  
5 the sole criterion for determining whether the  
6 requested goods or services will be provided to  
7 the applicant.

8 (7) GOVERNMENT SUPPORT.—

9 (A) IN GENERAL.—The Fund may provide  
10 cash and in-kind goods or services to foreign  
11 governmental entities in order to advance the  
12 purposes described in subsection (b).

13 (B) SELECTION OF GOVERNMENT RECIPI-  
14 ENTS.—Not later than 20 working days after  
15 receiving an application from a foreign govern-  
16 ment for cash or in-kind goods or services  
17 under this paragraph, the Fund shall complete  
18 its review and evaluation of such application.

19 (e) FUNDING.—

20 (1) AUTHORIZATION.—During the first fiscal  
21 year beginning after the date of the enactment of  
22 this Act, the Fund shall receive \$1,000,000,000  
23 from the Re-shoring and Near-shoring Account es-  
24 tablished under section 301 for initial capitalization.

1       The Fund may be recapitalized in accordance with  
2       paragraph (4).

3           (2) FINANCIAL INSTRUMENTS.—In order to  
4       maximize the resources available to carry out the ac-  
5       tivities authorized under this Act, the Fund should  
6       establish financial instruments that enable private  
7       businesses in Americas partner countries with a  
8       commercial nexus in the United States to effectively  
9       multiply the impact of United States grants awarded  
10      by the Fund.

11          (3) DISTRIBUTION OF RETURN ON INVEST-  
12      MENTS.—

13           (A) IN GENERAL.—The Fund may dis-  
14      tribute financial returns on Fund investments,  
15      include private venture capital, equity, or loan  
16      repayments, at such times and in such amounts  
17      as the Board of Directors may determine, to  
18      the central account of the Fund.

19           (B) SENSE OF CONGRESS.—It is the sense  
20      of Congress that the return on investment de-  
21      scribed in subparagraph (A) should—

22                   (i) recapitalize the central account of  
23                   the Fund;

24                   (ii) guarantee the sustainability of the  
25                   Fund;



- 1 (iii) limit the need for additional ap-  
2 propriations to the Fund;  
3 (iv) spur additional investment;  
4 (v) promote small and medium-sized  
5 enterprises;  
6 (vi) advance good governance and  
7 transparency; and  
8 (vii) promote job creation.

9 (4) ADDITIONAL REVENUE.—After 80 percent  
10 of the initial capital in the Fund has been expended  
11 pursuant to paragraph (1), the Board of Directors  
12 may request additional capital for the Fund by—

13 (A) submitting a request to the Re-shoring  
14 and Near-shoring Account that identifies the  
15 additional amount needed for the Fund; and

16 (B) submitting a report to Congress that  
17 details the Fund’s activities and justifies the  
18 need for the additional capital.

19 (5) NONAPPLICABILITY OF OTHER LAWS.—Not-  
20 withstanding any other provision of law, amounts  
21 appropriated pursuant to this subsection may be  
22 made available to the Fund and used for the pur-  
23 poses set forth in this section.

24 (f) LIMITATIONS ON ASSISTANCE.—

1           (1) MAJOR EXPENDITURES.—The Fund may  
2 not provide any grant, loan, technical assistance, or  
3 government support valued in excess of \$499,999  
4 unless the Board of Directors approves such action  
5 in advance.

6           (2) RECORDKEEPING.—The Fund shall use the  
7 e-governance platform to maintain a database con-  
8 taining relevant information, as established by the  
9 Secretary of Commerce, regarding activities of the  
10 Fund, which shall be accessible by any member of  
11 the Board of Directors at any time.

12           (3) MINOR EXPENDITURES.—A member of the  
13 Board of Directors may not approve, deny, or influ-  
14 ence the approval or denial of an expenditure by the  
15 Fund valued at less than \$500,000 unless the Board  
16 of Directors determines that the individual author-  
17 ized to approve or deny such expenditure, subject to  
18 the thresholds under this section, has engaged in  
19 independently verified malfeasance.

20 (g) ANNUAL REPORTS.—

21           (1) IN GENERAL.—The Fund shall submit an  
22 annual report to the Board of Directors that—

23                   (A) describes the status of the registration  
24 and management of the Fund;

1 (B) identifies the activities undertaken by  
2 the Fund, disaggregated by activity type, coun-  
3 try, and strategic sector; and

4 (C) details the successes and failures of  
5 such activities.

6 (2) CONGRESS.—The Board of Directors shall  
7 annually submit—

8 (A) to Congress a copy of each report re-  
9 ceived pursuant to paragraph (1); and

10 (B) to the Committee on Finance of the  
11 Senate and the Committee on Ways and Means  
12 of the House of Representatives a chapter with-  
13 in the comprehensive Department of Commerce  
14 report that identifies, for the reporting period—

15 (i) the number of grants, loans, in-  
16 stances of technical assistance, goods and  
17 services, and other Government support  
18 provided by the Fund;

19 (ii) the repayment rates for the loans  
20 and other support referred to in clause (i);

21 (iii) a summary of activities conducted  
22 by the Fund;

23 (iv) the countries in which the Fund  
24 is conducting such activities;

- 1 (v) success stories involving entities  
2 receiving assistance from the Fund;  
3 (vi) lessons learned from the activities  
4 conducted by the Fund; and  
5 (vii) any other information contained  
6 in other reports required under this Act  
7 that relates to the Fund.

8 (h) AUDITS.—

9 (1) IN GENERAL.—Not less frequently than an-  
10 nually, the activities of the Fund shall be subject to  
11 an audit by an independent private entity selected by  
12 the Board of Directors.

13 (2) REPORT.—

14 (A) FINDINGS.—Each independent private  
15 entity referred to in paragraph (1) shall submit  
16 a report to the Board of Directors that contains  
17 the findings of the audit conducted pursuant to  
18 such paragraph.

19 (B) PUBLIC ACCESSIBILITY.—The Board  
20 of Directors shall post the report received pur-  
21 suant to subparagraph (A) on the Fund's pub-  
22 licly accessible website.

23 (i) DURATION.—The Fund shall remain operational  
24 indefinitely. Venture capital profits, equity, and loan inter-

1 est shall be returned to the central account of the Fund,  
2 with the goal that the Fund become self-sufficient.

3 (j) NONAPPLICABILITY OF OTHER LAWS.—Notwith-  
4 standing any other provision of law, executive branch  
5 agencies may conduct programs and activities and provide  
6 services in support of the activities of the Fund.

7 **SEC. 254. NEAR-SHORING OF STRATEGIC SUPPLY CHAINS**  
8 **AND TRANSFORMATIONAL ENERGY INVEST-**  
9 **MENTS.**

10 (a) STATEMENT OF POLICY.—It is the policy of the  
11 United States—

12 (1) to advance United States national security  
13 goals and hemispheric foreign policy and develop-  
14 ment goals by assisting countries in the Western  
15 Hemisphere to establish the ecosystems necessary to  
16 host strategic industries in order to reduce  
17 vulnerabilities of the United States, in particular  
18 with respect to supply chains based, as of the date  
19 of the enactment of this Act, in the People’s Repub-  
20 lic of China;

21 (2) to the maximum extent practicable, to seek  
22 to identify development opportunities and engage in  
23 early-stage project support to promote trans-  
24 formational energy projects to increase competitive-

1       ness in the energy sector in the Western Hemi-  
2       sphere; and

3               (3) to reduce the influence of the People’s Re-  
4       public of China in the Western Hemisphere.

5       (b) IDENTIFICATION OF STRATEGIC SUPPLY CHAINS,  
6       PRODUCTS, AND ENTITIES AND TRANSFORMATIONAL EN-  
7       ERGY INVESTMENT OPPORTUNITIES.—

8               (1) REPORT REQUIRED.—Not later than 90  
9       days after the date of the enactment of this Act, and  
10       annually thereafter, the Secretary of State, through  
11       the Deputy Assistant Secretary of State for the  
12       Americas Partnership established under section  
13       203(c)(1), and in coordination with the United  
14       States Trade Representative, the Secretary of Com-  
15       merce, the Secretary of Energy, and other appro-  
16       priate officials, shall submit to Congress a report  
17       identifying—

18               (A) supply chains identified under Execu-  
19       tive Order 14017 (86 Fed. Reg. 11849; relating  
20       to America’s supply chains), as amended on or  
21       after the date of the enactment of this Act, lo-  
22       cated in the Western Hemisphere (in this sec-  
23       tion referred to as “strategic supply chains”);

24               (B) products produced by such supply  
25       chains;

1 (C) entities that are part of such supply  
2 chains; and

3 (D) opportunities for transformational en-  
4 ergy investments in Americas partner countries.

5 (2) OPPORTUNITIES FOR NEAR-SHORING AND  
6 TRANSFORMATIONAL ENERGY INVESTMENTS.—

7 (A) IN GENERAL.—The report required by  
8 paragraph (1) shall list—

9 (i) opportunities for—

10 (I) near-shoring of products with-  
11 in strategic supply chains; and

12 (II) transformational energy in-  
13 vestments in Americas partner coun-  
14 tries; and

15 (ii) support for such near-shoring and  
16 energy investments identified under sub-  
17 section (c).

18 (B) CONSULTATIONS.—In identifying op-  
19 portunities for near-shoring and energy invest-  
20 ments under this subsection, the Secretary—

21 (i) shall consult with United States in-  
22 dustry to obtain feasibility studies, viability  
23 plans, and letters of commitment relating  
24 to such opportunities; and

1 (ii) may issue requests for information  
2 relating to such opportunities to determine  
3 the needs of industry with respect to near-  
4 shoring strategic supply chains.

5 (3) WORK PLAN.—The report required by para-  
6 graph (1) shall include a work plan setting forth a  
7 prioritization for the near-shoring of products within  
8 strategic supply chains and for transformational en-  
9 ergy investments, including the tools to be used and  
10 the authorities to be exercised in the implementation  
11 of such near-shoring and energy investments as part  
12 of a special economic initiative under subsection (d).

13 (c) IDENTIFICATION AND SUPPORT FOR NEAR-SHOR-  
14 ING OF PRODUCTS IN STRATEGIC SUPPLY CHAINS AND  
15 FOR TRANSFORMATIONAL ENERGY INVESTMENTS.—

16 (1) IN GENERAL.—The Secretary of Commerce,  
17 in consultation with the Secretary of State and the  
18 heads of other relevant Federal agencies—

19 (A) shall, in partnership with industry and  
20 stakeholders, identify opportunities that would  
21 be appropriate for near-shoring or for trans-  
22 formational energy investments; and

23 (B) may provide funding to support such  
24 opportunities as provided in this title.



1           (2) PREFERENCES.—In selecting among oppor-  
2           tunities that will receive funding under paragraph  
3           (1), the Secretary of Commerce, in consultation with  
4           the Secretary of State and the heads of other rel-  
5           evant Federal agencies, shall give preference to op-  
6           portunities that—

7                   (A) have the support of the government of  
8                   the country in which the production of the  
9                   product or energy investment will take place;  
10                  and

11                  (B) can attract private investment.

12           (3) PRODUCTION IN NON-AMERICAS PARTNER  
13           COUNTRIES.—The Secretary of Commerce may pro-  
14           vide funding under this subsection to near-shore the  
15           production of a product identified under subsection  
16           (b)(1)(B) to a country that is not an Americas part-  
17           ner country if the Secretary determines and certifies  
18           to Congress that there are no opportunities appro-  
19           priate for re-shoring or near-shoring to Americas  
20           partner countries.

21           (4) ENERGY INVESTMENT IN NON-AMERICAS  
22           PARTNER COUNTRIES.—The Secretary of Commerce,  
23           in consultation with the Secretary of Energy, may  
24           provide funding for a transformational energy  
25           project in a country that is not an Americas partner

1 country if the Secretary notifies Congress of the in-  
2 tention of the Secretary to provide the funding be-  
3 fore providing the funding.

4 (d) SPECIAL ECONOMIC INITIATIVE.—

5 (1) IN GENERAL.—The President shall establish  
6 a special economic initiative for strategic supply  
7 chains and transformational energy investments, to  
8 be administered by the Department of Commerce,  
9 under which the tools described in the provisions of  
10 and amendments made by this subtitle and subtitle  
11 D are made available to Americas partner countries  
12 and such other countries as the President considers  
13 appropriate.

14 (2) NOTIFICATION TO CONGRESS; PLAN.—Not  
15 less than 15 days before exercising the authority  
16 provided by paragraph (1) to establish a special eco-  
17 nomic initiative with respect to a country, the Presi-  
18 dent shall—

19 (A) notify Congress of the intention of the  
20 President to exercise that authority; and

21 (B) submit to Congress a plan for the ini-  
22 tiative, which shall include a description of—

23 (i) the sector involved;

24 (ii) the projects involved;

1 (iii) an analysis, including environ-  
2 mental analysis, available with respect to  
3 the initiative;

4 (iv) the agreement with the govern-  
5 ment of the country with respect to the ini-  
6 tiative; and

7 (v) the cost of the initiative.

8 (3) AUTHORITY TO ENTER INTO AGREE-  
9 MENTS.—The President may enter into agreements  
10 using authorities of Federal agencies, including the  
11 Department of State, the United States Agency for  
12 International Development, the Department of Com-  
13 merce, the Department of Defense, the Department  
14 of Energy, the Department of Agriculture, the De-  
15 partment of Health and Human Services, or any  
16 other authorities the President considers appro-  
17 priate, to advance a special economic initiative under  
18 paragraph (1).

19 (4) WAIVER OF COMPETITION REQUIRE-  
20 MENTS.—

21 (A) IN GENERAL.—The President may  
22 waive the requirements of title 41, United  
23 States Code, relating to competition in the  
24 awarding of Government contracts in the case  
25 of a contract related to the near-shoring of

1 strategic supply chains or transformational en-  
2 ergy investments through a special economic  
3 initiative under paragraph (1) if the ethics offi-  
4 cer of the agency seeking to enter into the con-  
5 tract evaluates the contract and the certifies  
6 that there are no conflicts of interest.

7 (B) TIMING OF EVALUATION.—An ethics  
8 officer shall have not less than 20 business days  
9 to conduct an evaluation described in subpara-  
10 graph (A).

11 (5) ADDITIONAL SUPPORT FOR NEAR-SHORING  
12 AND TRANSFORMATIONAL ENERGY INVESTMENTS  
13 UNDER SPECIAL ECONOMIC INITIATIVE.—

14 (A) IN GENERAL.—The Secretary of Com-  
15 merce, in coordination with the Secretary of  
16 State and the heads of other agencies that op-  
17 erate under the foreign policy guidance of the  
18 Secretary of State, shall, as appropriate,  
19 prioritize and expedite the efforts of the De-  
20 partment of Commerce, the Department of  
21 State, the Department of the Treasury, the De-  
22 partment of Energy, and such other agencies in  
23 supporting the efforts of the United States Gov-  
24 ernment to incentivize near-shoring and trans-  
25 formational energy investments through finan-

1           cial and nonfinancial methods, including meth-  
2           ods described in this subsection, and Americas  
3           partner countries to support near-shoring and  
4           increase investment in entities identified under  
5           subsection (b)(1)(C) by—

6                   (i) providing diplomatic, political, and  
7                   economic support to such entities in Amer-  
8                   icas partner countries or other countries in  
9                   the Western Hemisphere identified by the  
10                  Secretary of Commerce as necessary;

11                  (ii) facilitating negotiations con-  
12                  cerning cross-border infrastructure, such  
13                  as electric grids, ports, trains, or other in-  
14                  frastructure that crosses borders;

15                  (iii) providing technical and grant as-  
16                  sistance to enhance the regulatory and  
17                  labor environments of Americas partner  
18                  countries and other such other countries to  
19                  facilitate United States business invest-  
20                  ments; and

21                  (iv) facilitating both early-stage  
22                  project support and late-stage project sup-  
23                  port to such entities with respect to near-  
24                  shoring.

25                  (B) EXPORT PROTECTION.—

1 (i) IN GENERAL.—An entity identified  
2 under subparagraph (C) of subsection  
3 (b)(1) that receives assistance with re-  
4 shoring or near-shoring production of a  
5 product identified under subparagraph (B)  
6 of that subsection is eligible to receive ex-  
7 port protection as described in clause (iii).

8 (ii) REPORT TO DEPARTMENT OF  
9 COMMERCE.—If the application of an enti-  
10 ty submitted under clause (i) is approved,  
11 the entity shall submit to the Secretary of  
12 Commerce a report specifying the average  
13 production level of the product described in  
14 that clause in the United States for the 3  
15 calendar years preceding submission of the  
16 report.

17 (iii) AMOUNT OF EXPORTS PROVIDED  
18 EXPORT PROTECTION.—If the quantity of  
19 production in the United States of a prod-  
20 uct described in clause (i) exceeds the level  
21 specified under clause (ii), the quantity in  
22 excess of that level may be exported with-  
23 out being subject to export controls or any  
24 other restrictions on exportation (subject  
25 to such exceptions as the President may

1 declare are in the national security inter-  
2 ests of the United States).

3 (6) SOURCE OF FUNDS.—Funding for a special  
4 economic initiative under paragraph (1) shall be  
5 taken from the Re-shoring and Near-shoring Ac-  
6 count established under section 301.

7 (e) REGULATORY ALIGNMENT.—

8 (1) IN GENERAL.—The Secretary of Commerce,  
9 in coordination with the Americas Partnership busi-  
10 ness advisory board established by the Americas  
11 Partnership Secretariat under section 202, and with  
12 support from appropriate officials of the United  
13 States Government, such as the Assistant United  
14 States Trade Representative for the Americas Part-  
15 nership established under section 203(b) and the of-  
16 ficial of the Trade and Development Agency with  
17 lead responsibility for the implementation of this  
18 title, shall begin a process of regulatory alignment  
19 with respect to supply chains, energy investments,  
20 and products identified under subsection (b)(1)  
21 with—

22 (A) Americas partner countries; and

23 (B) any other country that benefits from  
24 the near-shoring of the production of a product

1 identified under subsection (b)(1)(B) to the  
2 country or transformational energy investments.

3 (2) PRIORITIZATION OF PHARMACEUTICALS.—

4 In carrying out the process described in paragraph  
5 (1), the Secretary shall begin with regulatory align-  
6 ment with respect to pharmaceuticals.

7 (3) REPORTS REQUIRED.—The Secretary shall  
8 submit to Congress and make available to the public  
9 reports on the success of efforts under paragraph  
10 (1) on a continuous basis.

11 (f) DUTIES AND SUBSIDIES.—An entity organized  
12 under the laws of an Americas partner country or another  
13 country, as the President considers appropriate, that is  
14 part of a strategic supply chain shall be treated not less  
15 favorably than a United States person with respect to du-  
16 ties, subsidies, and other related issues.

17 (g) MILLENNIUM CHALLENGE CORPORATION.—The  
18 Millennium Challenge Corporation may provide assistance  
19 under the Millennium Challenge Act of 2003 (22 U.S.C.  
20 7701 et seq.) to an Americas partner country or another  
21 country, as the President considers appropriate, for pur-  
22 poses of supporting the near-shoring of strategic supply  
23 chains and transformational energy investments without  
24 regard to—



1           (1) any requirement of that Act relating to  
2           competitive procedures; or

3           (2) the requirement to enter into a Compact  
4           under section 609 of that Act (22 U.S.C. 7708).

5           (h) TRADE AND DEVELOPMENT AGENCY.—The  
6 Trade and Development Agency may provide assistance  
7 under the section 661 of the Foreign Assistance Act of  
8 1961 (22 U.S.C. 2421) to all Americas partner countries,  
9 without regard to the limitation under subsection (a) of  
10 that section, for purposes of supporting the near-shoring  
11 of strategic supply chains.

12          (i) TECHNICAL ASSISTANCE.—The United States  
13 Agency for International Development, the United States  
14 International Development Finance Corporation, the  
15 Trade and Development Agency, and other relevant agen-  
16 cies shall provide technical assistance with respect to the  
17 near-shoring of strategic supply chains.

18          (j) DEFINITIONS.—In this section:

19           (1) EARLY-STAGE PROJECT SUPPORT.—The  
20 term “early-stage project support” includes the fol-  
21 lowing:

22                   (A) Feasibility studies.

23                   (B) Long-term strategic supply chain plan-  
24 ning.

25                   (C) Resource evaluations.

1 (D) Project appraisal and costing.

2 (E) Pilot projects.

3 (F) Commercial support, such as trade  
4 missions, reverse trade missions, technical  
5 workshops, international buyer programs, and  
6 international partner searchers to link suppliers  
7 to projects.

8 (G) Technical assistance and other guid-  
9 ance to improve the local regulatory environ-  
10 ment and market frameworks to encourage  
11 transparent competition

12 (2) LATE-STAGE PROJECT SUPPORT.—The term  
13 “late-stage project support” includes support of the  
14 type provided by the BUILD Americas Unit.

15 **Subtitle D—People-to-People**  
16 **Activities**

17 **SEC. 261. HUMANITARIAN AND BUSINESS DEVELOPMENT**  
18 **ASSISTANCE.**

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

21 (1) the promotion of human rights and democ-  
22 racy around the world is essential;

23 (2) such promotion should continue to be incor-  
24 porated into ongoing programs, such as those of the  
25 Bureau of Democracy, Human Rights, and Labor of

1 the Department of State, the Office of Democracy  
2 and Governance of the United States Agency for  
3 International Development, the National Endowment  
4 for Democracy, the Commercial Law Development  
5 Program at the Department of Commerce, and other  
6 governmental and nongovernmental entities;

7 (3) the activities authorized under this subtitle  
8 should remain focused on the objectives of this sub-  
9 title; and

10 (4) any funds appropriated pursuant to this  
11 subtitle should be expended on such activities.

12 (b) PURPOSE.—The purposes of this section are—

13 (1) to deepen the cultural and people-to-people  
14 ties between the people of Americas partner coun-  
15 tries;

16 (2) to facilitate the establishment of sustainable  
17 market solutions to increase the economic advance-  
18 ment interdependence of the countries in the West-  
19 ern Hemisphere; and

20 (3) to advance the objectives of this subtitle  
21 through support to businesses, which should remain  
22 focused on those endeavors.

23 (c) ASSISTANCE AUTHORIZED.—

24 (1) IN GENERAL.—The Secretary of State, in  
25 consultation with the Administrator of the United

1 States Agency for International Development, the  
2 Director of the United States Trade and Develop-  
3 ment Agency, and the Secretary of Commerce, shall  
4 establish a people-to-people assistance program  
5 through which individuals in Americas partner coun-  
6 tries may participate in programs funded by the  
7 United States Government.

8 (2) PROGRAM ELEMENTS.—The programs es-  
9 tablished pursuant to paragraph (1) shall remain fo-  
10 cused on achieving the objectives of the Americas  
11 Partnership Threshold Program established under  
12 section 223(a), and may include grants and con-  
13 tracts for—

14 (A) training programs related to public ad-  
15 ministration, such as the Global Procurement  
16 Initiative of the United States Trade and De-  
17 velopment Agency, and good regulatory prac-  
18 tices and practices of internal governance;

19 (B) technical assistance related to—

20 (i) improved service delivery for public  
21 services;

22 (ii) studies, reports, and other  
23 deliverables needed related to engineering,  
24 construction, maintenance of public or pri-  
25 vate infrastructure;

1 (iii) feasibility studies related to pri-  
2 vate sector investments; and

3 (iv) startup grants, venture capital,  
4 and equity for establishing and growing  
5 businesses; and

6 (v) other activities to support the  
7 Americas Partnership Threshold Program;

8 (C) other people-to-people assistance au-  
9 thorized by the Secretary of State.

10 (3) IMPLEMENTATION.—The Secretary of State  
11 is authorized to enter into contracts with for-profit  
12 private sector entities to implement the people-to-  
13 people assistance program authorized under this  
14 subsection.

15 (d) AMERICAS PARTNERSHIP ACCELERATOR PRO-  
16 GRAM.—

17 (1) ESTABLISHMENT.—There is established  
18 within the United States Agency for International  
19 Development a program to be known as the Amer-  
20 icas Partnership Accelerator Program, which shall  
21 catalyze small and medium industries within Amer-  
22 icas partner countries by providing short-term, tan-  
23 gible successes, which will help people recognize en-  
24 trepreneurs in their communities who are benefiting  
25 from the Americas program.

1           (2) AUTHORIZATION OF APPROPRIATIONS.—

2           There is authorized to be appropriated, from the Re-  
3           shoring and Near-shoring Account established under  
4           section 301, \$15,000,000 to carry out the program  
5           established under paragraph (1).

6           (e) AMERICAS PARTNERSHIP FUND FOR NATURE.—

7           (1) ESTABLISHMENT.—There is established in  
8           the Treasury of the United States the Americas  
9           Partnership Fund for Nature, which shall be used  
10          by the United States Agency for International De-  
11          velopment to assist Americas partner countries by  
12          catalyzing activities advancing conservation efforts  
13          through grants, technical assistance, and other tools.

14          (2) AUTHORIZATION OF APPROPRIATIONS.—

15          There is authorized to be appropriated, from the Re-  
16          shoring and Near-shoring Account established under  
17          section 301, \$10,000,000 to carry out the activities  
18          described in paragraph (1).

19          (f) FUNDING.—The Secretary of State may expend

20          such sums as may be necessary from the Re-shoring and

21          Near-shoring Account established under section 301 to

22          carry out this section.

1 **SEC. 262. DEPARTMENT OF STATE.**

2 (a) CULTURAL AFFAIRS PROGRAMS.—The Secretary  
3 of State may provide Americas partner countries with ad-  
4 ditional cultural affairs programming, including—

5 (1) additional English language programming;

6 (2) additional scholarship slots for the J. Wil-  
7 liam Fulbright Educational Exchange Program au-  
8 thorized under the Mutual Educational and Cultural  
9 Exchange Act of 1961 (22 U.S.C. 2451 et seq.);

10 (3) increased participation in the Fulbright-  
11 Hays Program authorized under section 102 of the  
12 Mutual Educational and Cultural Exchange Act of  
13 1961 (22 U.S.C. 2452);

14 (4) additional slots in exchange programs of the  
15 Bureau of Educational and Cultural Affairs that  
16 benefit outbound American citizens;

17 (5) additional cultural exchange programs in  
18 music and the arts;

19 (6) establishing additional “American Corners”  
20 or other outreach mechanisms; and

21 (7) the appropriation of additional amounts for  
22 the Ambassador’s Special Self-Help Fund authorized  
23 under the Foreign Assistance Act of 1961 (22  
24 U.S.C. 2151 et seq.).

25 (b) EXISTING PROGRAMS.—The Secretary of State  
26 may build upon existing programs, such as the 100,000

1 Strong in the Americas Innovation Fund, the College Ho-  
2 rizons Opportunity Program, Young Leaders of the Amer-  
3 icas Initiative, and other programs, as the Secretary  
4 deems appropriate.

5 (c) FUNDING.—In addition to any other amounts  
6 made available to the Bureau of Western Hemisphere Af-  
7 fairs, the Secretary of State may expend such sums as  
8 may be necessary from the Re-shoring and Near-shoring  
9 Account established under section 301 to carry out this  
10 section.

11 **SEC. 263. PEACE CORPS.**

12 (a) ADDITIONAL VOLUNTEERS IN AMERICAS PART-  
13 NER COUNTRIES.—The Director of the Peace Corps shall  
14 take the necessary steps to double the number of Peace  
15 Corps volunteers in each Americas partner country during  
16 the 27-month period immediately following the date on  
17 which such country enters into a partnership agreement  
18 pursuant to section 201.

19 (b) ESTABLISHING A PEACE CORPS VOLUNTEERS IN  
20 NEW COUNTRIES.—As soon as possible after an Americas  
21 partner country that does not have a Peace Corps pres-  
22 ence enters into a partnership agreement pursuant to sec-  
23 tion 201, the Director of the Peace Corps shall take the  
24 necessary steps to assign Peace Corps volunteers to such  
25 country.



1 (c) OFFSETS.—The cost of deploying additional  
2 Peace Corps volunteers to Americas partner countries  
3 under this section shall be paid for—

4 (1) with offsets from Peace Corps deployments  
5 to other countries; or

6 (2) from the Re-shoring and Near-shoring Ac-  
7 count established under section 301.

8 **SEC. 264. AMERICAN UNIVERSITY OF THE AMERICAS.**

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

11 (1) quality university education is essential for  
12 the advancement of free, prosperous societies;

13 (2) there is not a Latin American university in-  
14 cluded among the top 100 global universities in the  
15 U.S. News and World Report’s 2022-2023 rankings;

16 (3) there is a significant need for high-quality,  
17 nonideological, affordable university education in  
18 Latin America, especially education that is focused  
19 on science, technology, engineering, and math; and

20 (4) it is essential to protect intellectual diversity  
21 on college campuses, while not attempting to limit  
22 freedom of speech.

23 (b) ESTABLISHMENT.—

24 (1) IN GENERAL.—During the 2-year period be-  
25 ginning on the date that is 1 year after the date of

1 the enactment of this Act, the Administrator of the  
2 United States Agency for International Develop-  
3 ment, in cooperation with American Schools and  
4 Hospitals Abroad, shall establish the American Uni-  
5 versity of the Americas in up to 3 Americas partner  
6 countries selected by the Administrator, in consulta-  
7 tion with the Secretary of Education.

8 (2) INDEPENDENCE.—The American University  
9 of the Americas—

10 (A) shall be modeled after similar institu-  
11 tions, such as the American University of Ar-  
12 menia, the American University of Dubai, the  
13 American University of Nigeria, and the Amer-  
14 ican University of Cairo;

15 (B) shall remain independent of the United  
16 States Government; and

17 (C) shall be registered as a legal edu-  
18 cational entity in the country in which its head-  
19 quarters is located.

20 (3) FEDERAL GOVERNMENT SUPPORT.—Not-  
21 withstanding paragraph (2), the United States Gov-  
22 ernment shall support the American University of  
23 the Americas by—

24 (A) facilitating its founding, including its  
25 registration as a legal educational entity;

1 (B) offering assistance with the develop-  
2 ment of academic programs;

3 (C) providing needed financial assistance;

4 (D) advising the Center of Excellence for  
5 Combating Corruption established pursuant to  
6 subsection (h); and

7 (E) retaining a seat on the Board for the  
8 Deputy Assistant Secretary of State for the  
9 Americas Partnership.

10 (4) AUTHORIZED CAMPUSES.—

11 (A) IN GENERAL.—Of the campuses of the  
12 American University of the Americas authorized  
13 to be established under paragraph (1)—

14 (i) 1 campus may be established in  
15 Central America;

16 (ii) 1 campus may be established in  
17 the Caribbean; and

18 (iii) 1 campus may be established in  
19 the Southern Cone.

20 (B) JOINT OPERATIONS.—The 3 campuses  
21 established pursuant to subparagraph (A) may  
22 share administrative, legal, and academic re-  
23 sources.

24 (c) HOST COUNTRY SELECTION.—

1           (1) SOLICITATION OF PROPOSALS.—The Ad-  
2           ministrators shall solicit proposals from Americas  
3           partner countries desiring to host the American Uni-  
4           versity of the Americas.

5           (2) PROPOSAL CONTENTS.—Proposals sub-  
6           mitted pursuant to paragraph (1) shall—

7                   (A) identify the proposed location of the  
8                   institution;

9                   (B) evaluate the financial viability of the  
10                  institution;

11                  (C) describe the support that the host gov-  
12                  ernment is committed to provide to the institu-  
13                  tion;

14                  (D) include a sustainability plan for the in-  
15                  stitution;

16                  (E) identify possible private-sector, non-  
17                  profit, and other partners who have committed  
18                  to work with the institution;

19                  (F) identify individuals who have agreed to  
20                  serve on the institution's board of directors,  
21                  with letters of commitment; and

22                  (G) identify any local legislation that will  
23                  need to be enacted in order to establish the in-  
24                  stitution in the host country, along with a plan  
25                  to enact such legislation.

1 (3) GRANT.—

2 (A) IN GENERAL.—The Administrator  
3 shall award a grant to each country selected to  
4 host a campus of the American University of  
5 the Americas to provide startup funding.

6 (B) ELIGIBLE ENTITIES.—A grant author-  
7 ized under subparagraph (A) may be given to a  
8 university, the ministry of higher education of  
9 the host country, or any other organization that  
10 is capable of facilitating the establishment of a  
11 campus of the American University of the  
12 Americas in accordance with this section.

13 (4) LEGAL REGISTRATION.—After a country is  
14 selected to host the American University of the  
15 Americas, the Administrator shall formally register  
16 the institution in such country.

17 (d) ACCREDITATION.—

18 (1) IN GENERAL.—Not later than 5 years after  
19 the date on which the American University of the  
20 Americas begins operations, the institution shall  
21 seek accreditation with an accrediting agency recog-  
22 nized by the Department of Education in accordance  
23 with subtitle B of title 34, Code of Federal Regula-  
24 tions.

1           (2) FOREIGN ACCREDITATION.—The represent-  
2           ative of the United States in the Americas Partner-  
3           ship business advisory board established pursuant to  
4           section 202 shall encourage collaboration with Amer-  
5           icas partner countries to ensure the accreditation of  
6           science, technology, engineering, math, and medicine  
7           degrees with the appropriate education ministries or  
8           departments of Americas partner country govern-  
9           ments.

10          (e) DEGREES; COURSEWORK.—

11           (1) STEM AND BUSINESS DEVELOPMENT DE-  
12           GREES.—Federal funding for the American Univer-  
13           sity of the Americas may only be used to subsidize  
14           courses leading to a degree in science, technology,  
15           engineering, math, medicine, business development,  
16           or management. Prerequisites may only be allowed  
17           for coursework related to such degrees.

18           (2) EXCHANGE PROGRAMS; VIRTUAL LEARN-  
19           ING.—The American University of the Americas  
20           shall offer exchange programs and virtual learning  
21           programs.

22           (3) LANGUAGES.—The languages of instruction  
23           for the American University of the Americas—

24                   (A) shall be governed by local law and ac-  
25           companying regulations of accreditation agen-

1           cies, with an effort to assure fully bilingual  
2           graduates; and

3                   (B) shall include the English language.

4           (f) FUNDING LIMITATION.—The American Univer-  
5   sity of the Americas may not accept any funding from the  
6   Government of the People’s Republic of China, the Gov-  
7   ernment of the Republic of Cuba, the Government of the  
8   Bolivarian Republic of Venezuela, the Government of the  
9   Russian Federation, the Government of the Islamic Re-  
10   public of Iran, or any individual or institution working on  
11   behalf of any such government. If any funding is accepted  
12   by the American University of the Americas in violation  
13   of this subsection, the relationship between the United  
14   States and the institution shall be immediately termi-  
15   nated.

16          (g) CENTERS OF EXCELLENCE.—The American Uni-  
17   versity of the Americas shall include a Center of Excel-  
18   lence for Combating Corruption, Human, and Other Traf-  
19   ficking and Organized Crime that carries out research and  
20   public education related to corruption, money laundering  
21   (including trade-based money laundering), human traf-  
22   ficking, drug trafficking, and other related criminal activi-  
23   ties in Americas partner countries and throughout the  
24   Americas.

1 (h) FUNDING.—The Secretary of State may expend  
2 such sums as may be necessary from the Re-shoring and  
3 Near-shoring Account established under section 301 to  
4 carry out this section.

5 **SEC. 265. UNITED STATES AGENCY FOR INTERNATIONAL**  
6 **DEVELOPMENT CARIBBEAN AND LATIN**  
7 **AMERICAN SCHOLARSHIP PROGRAM III.**

8 (a) IN GENERAL.—The Administrator of the United  
9 States Agency for International Development shall estab-  
10 lish a scholarship program, which be known as the Carib-  
11 bean and Latin American Scholarship Program III—

12 (1) shall be modeled after the second phase of  
13 the Caribbean and Latin American Scholarship Pro-  
14 gram (commonly known as CLASP-II);

15 (2) shall offer full ride scholarships (including  
16 tuition, fees, and reasonable accommodations) to  
17 qualifying students in partner countries;

18 (3) shall offer bachelor's and master's degrees  
19 in science, technology, engineering, math, and the  
20 English language; and

21 (4) shall require students—

22 (A) to study outside of their respective  
23 countries of citizenship; and



1 (B) to commit to return to their respective  
2 countries of origin following the completion of  
3 their studies;

4 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
5 authorized to be appropriated, from the Re-shoring and  
6 Near-shoring Account established under section 301,  
7 \$20,000,000 for fiscal year 2024 and each successive fis-  
8 cal year to carry out the scholarship program authorized  
9 under subsection (a) in Americas partner countries.

10 **SEC. 266. CONCERN FOR ADVANCED RETIRED AND ELDER-**  
11 **LY NONIMMIGRANT VISA PROGRAM FOR**  
12 **ALIENS WHO PROVIDE DIRECT CARE FOR EL-**  
13 **DERLY POPULATIONS.**

14 (a) FINDINGS.—Congress makes the following find-  
15 ings:

16 (1) In 2015, there were an estimated  
17 47,800,000 individuals in the United States who  
18 were 65 years of age or older, and by 2030, it is ex-  
19 pected that there will be nearly 73,000,000 individ-  
20 uals in the United States who are 65 years of age  
21 or older, which is approximately  $\frac{1}{5}$  of the popu-  
22 lation.

23 (2) In 2020—

24 (A) 45 percent of individuals caring for an  
25 elderly family member in the United States ex-

1           perienced financial hardship as a result of such  
2           caregiving, of whom 28 percent stopped saving  
3           and 22 percent exhausted their personal short-  
4           term savings;

5           (B) 15 percent of United States workers  
6           transitioned from full-time employment to part-  
7           time employment due to the need to provide  
8           care for an elderly family member;

9           (C) 6 percent of United States workers left  
10          the workforce entirely to care for an elderly  
11          loved one;

12          (D) 27 percent of United States workers  
13          reported finding affordable elder care services  
14          very difficult, and 33 percent of such workers  
15          reported finding such services moderately dif-  
16          ficult.

17          (3) If working family caregivers aged 50 years  
18          and older are provided the support they need to care  
19          for their loved ones, the gross domestic product of  
20          the United States could grow by an additional  
21          \$1,700,000,000,000 by 2030.

22          (4) In the United States, nursing assistants  
23          and home health aides—

24                  (A) comprise the largest group of workers  
25                  in the long-term care workforce; and

1 (B) are among the 10 occupations experi-  
2 encing the highest levels of job growth.

3 (5) In 2014, there were approximately  
4 1,220,000 nursing assistants and 704,500 home  
5 health aides in the United States.

6 (6) The need for workers providing direct care  
7 for elderly populations is expected to grow by 34  
8 percent by 2030, which is significantly higher than  
9 the capacity of United States workers to fill the  
10 need.

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

13 (1) the increasing care needs of the elderly pop-  
14 ulation of the United States is of increasing signifi-  
15 cance, both in terms of cost and time, as United  
16 States family size decreases and the overall popu-  
17 lation ages; and

18 (2) the establishment of a nonimmigrant visa  
19 category to increase the availability of caregivers and  
20 lower the cost of caring for the elderly will allow the  
21 family members of the elderly, particularly women  
22 and single heads of household who historically have  
23 taken a greater role in caring for elderly parents, to  
24 continuing working rather than taking on a  
25 caregiving role.

1           (c) CONCERN FOR ADVANCED RETIRED AND ELDER-  
2 LY NONIMMIGRANT VISA PROGRAM.—

3           (1) IN GENERAL.—Section 101(a)(15) of the  
4 Immigration and Nationality Act (8 U.S.C.  
5 1101(a)(15)) is amended—

6           (A) in subparagraph (T)(ii)(III), by strik-  
7 ing the period at the end and inserting a semi-  
8 colon;

9           (B) in subparagraph (U)(iii), by striking  
10 “or” at the end;

11           (C) in subparagraph (V)(ii)(II), by striking  
12 the period at the end and inserting “; or”; and

13           (D) by adding at the end the following:

14           “(W)(i) subject to section 214(s), an alien who  
15 seeks admission to the United States temporarily for  
16 the purpose of providing direct care, as a nursing  
17 assistant, a home health aide, a personal care aide,  
18 a psychiatric assistant or aide, a mobility assistant,  
19 or a child care provider, for 1 or more individuals  
20 who are—

21           “(I) retired or elderly;

22           “(II) receiving—

23           “(aa) disability insurance benefits  
24 under section 223 of the Social Security  
25 Act (42 U.S.C. 423) or monthly insurance

1 benefits under section 202 of such Act (42  
2 U.S.C. 402) based on such individuals' dis-  
3 ability; or

4 “(bb) supplemental security income  
5 benefits under title XVI of the Social Secu-  
6 rity Act (42 U.S.C. 1381 et seq.) on the  
7 basis of blindness or disability; or

8 “(III) too young to be eligible for a free  
9 public education (as defined in section 8101 of  
10 the No Child Left Behind Act of 2001 (20  
11 U.S.C. 7801)) in the State or territory in which  
12 such individuals are residing.

13 “(ii) the spouse or minor child of an alien de-  
14 scribed in clause (i), if accompanying or following to  
15 join such alien.”.

16 (2) REQUIREMENTS APPLICABLE TO THE CON-  
17 CERN FOR ADVANCED RETIRED AND ELDERLY NON-  
18 IMMIGRANT VISA PROGRAM.—Section 214 of the Im-  
19 migration and Nationality Act (8 U.S.C. 1184) is  
20 amended by adding at the end the following:

21 “(s) CONCERN FOR ADVANCED RETIRED AND EL-  
22 DERLY (CARE) NONIMMIGRANT VISA PROGRAM.—

23 “(1) DEFINED TERM.—The term ‘CARE visa’  
24 means a visa issued to an alien described in section

1       101(a)(15)(W) in accordance with the requirements  
2       under this section.

3           “(2) SELECTION OF APPLICANTS.—

4           “(A) IN GENERAL.—The Secretary of  
5       State, in coordination with the Attorney Gen-  
6       eral, the Secretary of Homeland Security, the  
7       Secretary of Labor, and the Secretary of Health  
8       and Human Services, shall work with the Amer-  
9       icas partner country (as defined in section 2 of  
10      the Americas Act) to identify, vet, train, and  
11      certify applicants for CARE visas.

12          “(B) APPLICATION PROCESS.—

13          “(i) IN GENERAL.—The Secretary of  
14      State, in coordination with the Americas  
15      partner country and private entities, shall  
16      establish a process by which an alien may  
17      apply to be considered for a CARE visa.

18          “(ii) CERTIFICATION REQUIRED.—

19          “(I) IN GENERAL.—The Sec-  
20      retary of State may not approve an  
21      application for a CARE visa unless  
22      the alien has first applied to the Sec-  
23      retary of Labor for, and obtained, a  
24      certification that—

1                   “(aa) there are not suffi-  
2                   cient workers who are able, will-  
3                   ing, and qualified, and who will  
4                   be available at the time and place  
5                   needed, to perform the labor or  
6                   services involved in the applica-  
7                   tion; and

8                   “(bb) the employment of the  
9                   alien in such labor or services  
10                  will not adversely affect the  
11                  wages and working conditions of  
12                  workers in the United States  
13                  similarly employed.

14                  “(II) FEES.—The Secretary of  
15                  Labor may require, by regulation, as  
16                  a condition of issuing a certification  
17                  under subclause (I), the payment of a  
18                  fee to recover the reasonable costs of  
19                  processing applications for certifi-  
20                  cation.

21                  “(C) TRAINING.—With respect to each  
22                  alien selected to apply for a CARE visa, the  
23                  Secretary of State shall coordinate with the  
24                  Secretary of Labor and the applicable Americas  
25                  partner country to provide training on direct

1 care of individuals described in section  
2 101(a)(15)(W)(i)—

3 “(i) in the primary language of the  
4 Americas partner country, as applicable;

5 “(ii) with respect to the direct care of  
6 retired or elderly individuals, in accordance  
7 with the standards applicable to a nurse  
8 aide training and competency evaluation  
9 program under sections 483.152 and  
10 483.154 of title 42, Code of Federal Regu-  
11 lations (or successor regulations); and

12 “(iii) for the purpose of serving tem-  
13 porarily as a nursing assistant, home  
14 health aide, personal care aide, psychiatric  
15 assistant, mobility assistant, or child care  
16 provider in the United States.

17 “(D) COMPETENCY EVALUATION AND CER-  
18 TIFICATION.—

19 “(i) IN GENERAL.—On completion of  
20 the training provided under subparagraph  
21 (C), an alien seeking a CARE visa for the  
22 purpose of providing direct care for an in-  
23 dividual described in section  
24 101(a)(15)(W)(i)(I) shall be evaluated for  
25 competency in accordance with the stand-



1           ards applicable to a nurse aide training  
2           and competency evaluation program under  
3           sections 483.152 and 483.154 of title 42,  
4           Code of Federal Regulations (or successor  
5           regulations).

6           “(ii) CERTIFICATION.—If the Sec-  
7           retary of State makes a determination that  
8           an alien seeking a CARE visa described in  
9           clause (i) has attained competency in ac-  
10          cordance with the standards referred to in  
11          such clause, the Secretary may certify such  
12          individual for a CARE visa.

13          “(E) NUMERICAL LIMITATION.—Not more  
14          than 50,000 CARE visas may be issued annu-  
15          ally under this subsection.

16          “(3) PROHIBITION.—The Secretary of State  
17          may not issue a CARE visa to any individual who—

18                 “(A) has not been certified under para-  
19                 graph (2)(D)(ii) (unless such individual will  
20                 only be providing direct care to an individual  
21                 described in subclause (II) or (III) of section  
22                 101(a)(15)(W)(i)); or

23                 “(B) has not completed security and law  
24                 enforcement background checks to the satisfac-  
25                 tion of the Secretary of Homeland Security.

1           “(4) ENGLISH LANGUAGE NOT REQUIRED.—  
2           The issuance of a CARE visa or the admission of an  
3           alien to the United States pursuant to a CARE visa  
4           may not be conditioned on English-language com-  
5           petency.

6           “(5) PORTABILITY.—

7           “(A) IN GENERAL.—A nonimmigrant de-  
8           scribed in subparagraph (B) who was previously  
9           issued a CARE visa may accept new employ-  
10          ment upon the filing by the prospective em-  
11          ployer of a new petition on behalf of such non-  
12          immigrant. Employment authorization shall  
13          continue for such nonimmigrant until the new  
14          petition is adjudicated. If the new petition is  
15          denied, the employment authorization of the  
16          alien shall cease to have effect.

17          “(B) NONIMMIGRANT DESCRIBED.—A non-  
18          immigrant described in this subparagraph is a  
19          nonimmigrant—

20                 “(i) who has been admitted to the  
21                 United States;

22                 “(ii) on whose behalf an employer has  
23                 filed a nonfrivolous petition for new em-  
24                 ployment before the date on which the non-

1 immigrant’s period of authorized admission  
2 expires; and

3 “(iii) who, after such admission, has  
4 not been employed without authorization in  
5 the United States before the filing of such  
6 petition.

7 “(6) NONCOMPETE CLAUSES.—

8 “(A) IN GENERAL.—An agreement be-  
9 tween an employer and a CARE visa holder  
10 may not include a noncompete clause.

11 “(B) NONCOMPETE CLAUSE DEFINED.—In  
12 this paragraph, the term ‘noncompete clause’  
13 means a contractual term between an employer  
14 and a worker that prevents, or has the effect of  
15 prohibiting, the worker from seeking or accept-  
16 ing employment with a person after the conclu-  
17 sion of the worker’s employment with the em-  
18 ployer.

19 “(7) PERIOD OF AUTHORIZED ADMISSION.—

20 The period of authorized admission for a non-  
21 immigrant described in section 101(a)(15)(W) who  
22 has been issued a CARE visa shall be not more than  
23 7 years and may not be renewed or extended for any  
24 reason.”.

1           (3) PROTECTIONS FOR VICTIMS OF TRAF-  
2           FICKING.—Section 203 of the William Wilberforce  
3           Trafficking Victims Protection Reauthorization Act  
4           of 2008 (8 U.S.C. 1375c) is amended—

5                   (A) in the section heading, by striking  
6                   “**AND G-5**” and inserting “, **G-5, AND CARE**”;

7                   (B) in subsection (a)—

8                           (i) in the subsection heading, by strik-  
9                           ing “AND G-5” and inserting “, G-5, AND  
10                           CARE”; and

11                           (ii) in paragraph (1)—

12                                   (I) in subparagraph (A)—

13   (aa) by striking “subsection  
14   (d)(2)” and inserting “subsection  
15   (b)(2)”; and

16   (bb) by striking “; or” and  
17   inserting a semicolon;

18                                   (II) in subparagraph (B), by  
19                                   striking the period at the end and in-  
20                                   serting “; and”; and

21                                   (III) by adding at the end the  
22                                   following:

23                                   “(C) a CARE visa unless the applicant is  
24                                   employed, or has signed a contract to be em-  
25                                   ployed to provide direct care, as a nursing as-

1           sistant, a home health aide, a personal care  
2           aide, a psychiatric assistant or aide, a mobility  
3           assistant, or a child care for individual de-  
4           scribed in section 101(a)(15)(W) of the Immi-  
5           gration and Nationality Act (8 U.S.C.  
6           1101(a)(15)(W)).”;

7           (C) in subsection (b)—

8           (i) in the subsection heading—

9                   (I) by striking “AND G-5” and  
10                  inserting “, G-5, AND CARE”; and

11                  (II) by striking “EMPLOYED BY  
12                  DIPLOMATS AND STAFF OF INTER-  
13                  NATIONAL ORGANIZATIONS”;

14           (ii) in paragraph (1), in the matter  
15           preceding subparagraph (A), by striking  
16           “or a G-5 visa” and inserting “, a G-5  
17           visa, or a CARE visa”; and

18           (iii) in paragraph (4)(A), by striking  
19           “or a G-5 visa” and inserting “, a G-5  
20           visa, or a CARE visa”;

21           (D) in subsection (c)(1)—

22           (i) in subparagraph (A), by striking  
23           “or a G-5 visa” and inserting “, a G-5  
24           visa, or a CARE visa”; and

25           (ii) in subparagraph (C)—

## 190

1 (I) by striking “or a G–5 visa”  
2 and inserting “, a G–5 visa, or a  
3 CARE visa”; and

4 (II) by striking “or G–5 non-  
5 immigrant” and inserting “, G–5, or  
6 CARE nonimmigrant”;

7 (E) in subsection (e), by striking “or a G–  
8 5 visa” and inserting “, a G–5 visa, or a CARE  
9 visa”; and

10 (F) in subsection (f), by adding at the end  
11 the following:

12 “(5) CARE VISA.—The term ‘CARE visa’  
13 means a nonimmigrant visa issued pursuant to sub-  
14 paragraph (W) of section 101(a)(15) of the Immi-  
15 gration and Nationality Act (8 U.S.C.  
16 1101(a)(15)).”.

17 (d) AUTHORIZATION TO HIRE ADDITIONAL EMBASSY  
18 PERSONNEL.—The Secretary of State may increase the  
19 number of foreign service officers stationed at United  
20 States embassies in order to ensure the efficient adjudica-  
21 tion of visa applications associated with the Concern for  
22 Advanced Retired and Elderly nonimmigrant visa pro-  
23 gram.

24 (e) RULE OF CONSTRUCTION.—Nothing in this sec-  
25 tion or an amendment made by this section may be con-

1 strued to prevent an alien from changing from any non-  
2 immigrant classification to any other nonimmigrant classi-  
3 fication under section 248 of the Immigration and Nation-  
4 ality Act (8 U.S.C. 1258).

5 **SEC. 267. SENSE OF CONGRESS ON TN VISA PROGRAM.**

6 It is the sense of Congress that the President should  
7 incorporate into the periodic review of the USMCA for  
8 2026 a discussion of the establishment of a TN visa cat-  
9 egory for low-skill workers.

10 **SEC. 268. ASSESSMENT OF VISA WAIVER PROGRAM ELIGI-**  
11 **BILITY FOR URUGUAY AND COSTA RICA.**

12 Not later than 90 days after the date of the enact-  
13 ment of this Act, the Secretary of Homeland Security, in  
14 consultation with the Secretary of State, shall submit to  
15 Congress a report that includes—

16 (1) an assessment as to whether Uruguay meets  
17 the eligibility criteria for designation as a program  
18 country for purposes of the visa waiver program  
19 under section 217 of the Immigration and Nation-  
20 ality Act (8 U.S.C. 1187);

21 (2) an assessment as to whether Costa Rica  
22 meets such eligibility criteria; and

23 (3) in the case of an assessment that Uruguay  
24 or Costa Rica does not meet such eligibility criteria,

1 a description of the actions required of such country  
2 in order to meet such criteria.

3 **SEC. 269. RADIO FREE AMERICAS.**

4 (a) **AUTHORITY.**—The Secretary of State, the Admin-  
5 istrator of the United States Agency for International De-  
6 velopment, the Secretary of Commerce, or the head of any  
7 other relevant Federal department may award annual  
8 grants to a country in Latin America or the Caribbean  
9 for the purpose of carrying out a broadcasting service,  
10 which—

11 (1) shall be known as “Radio Free Americas”;

12 (2) shall consist of radio, television, social  
13 media, and other public communications efforts; and

14 (3) may not result in any curtailment of the on-  
15 going work of Radio Martí.

16 (b) **FUNCTIONS.**—Radio Free Americas shall—

17 (1) provide accurate and timely information,  
18 news, and commentary about events in the Americas  
19 and in other places around the world; and

20 (2) be a forum for a variety of opinions and  
21 voices from within nations in the Western Hemi-  
22 sphere whose people do not fully enjoy freedom of  
23 expression.

24 (c) **GRANT AGREEMENT.**—



1           (1) IN GENERAL.—Any grant awarded under  
2 this section shall be subject to the limitations and  
3 restrictions set forth in paragraphs (2) through (5).

4           (2) LOCATION OF HEADQUARTERS.—No grant  
5 may be awarded under this section unless the head-  
6 quarters of Radio Free Americas and its senior ad-  
7 ministrative and managerial staff are in a location  
8 that ensures economy, operational effectiveness, and  
9 accountability to the United States Government.

10          (3) OBLIGATIONS.—Any agreement governing a  
11 grant awarded under this section shall require that  
12 any contract entered into by the grantee on behalf  
13 of Radio Free Americas specifies that all obligations  
14 related to the functions described in subsection (b)  
15 be assumed by Radio Free Americas and not by the  
16 United States Government.

17          (4) LEASE AGREEMENTS.—Any such grant  
18 agreement shall require that any lease agreements  
19 entered into by the grantee on behalf of Radio Free  
20 Americas be assignable to the United States Govern-  
21 ment, to the maximum extent possible.

22          (5) LIMITATION ON ACTIVITIES; TERMI-  
23 NATIONS.—Grants awarded under this section shall  
24 be made pursuant to a grant agreement—

1 (A) requiring that grant funds be used  
2 only for activities in accordance with this sec-  
3 tion; and

4 (B) specifying that failure to comply with  
5 the requirements under this section authorizes  
6 the termination of the agreement without fiscal  
7 obligation to the United States.

8 (d) SENSE OF CONGRESS REGARDING ADMINISTRA-  
9 TIVE AND MANAGERIAL COSTS.—It is the sense of Con-  
10 gress that administrative and managerial costs for the op-  
11 eration of Radio Free Americas—

12 (1) should be kept to a minimum; and

13 (2) should not exceed the costs that would have  
14 been incurred if Radio Free Americas had been op-  
15 erated as a Federal entity rather than through a  
16 grantee.

17 (e) ASSESSMENT OF THE EFFECTIVENESS OF RADIO  
18 FREE AMERICAS.—Not later than 3 years after the date  
19 on which initial funding is provided for the purpose of op-  
20 erating Radio Free Americas, the Secretary of State shall  
21 submit a report to the appropriate congressional commit-  
22 tees regarding—

23 (1) whether Radio Free Americas—

24 (A) is technically sound and cost-effective;

1 (B) consistently meets the standards for  
2 quality and objectivity established under this  
3 section; and

4 (C) is received by a sufficient audience to  
5 warrant its continued operations;

6 (2) the extent to which the information, news,  
7 and commentary provided by Radio Free Americas  
8 is also being received by the target audience from  
9 other credible sources; and

10 (3) the extent to which the interests of the  
11 United States are being served by maintaining the  
12 operations of Radio Free Americas.

13 (f) NOTIFICATION AND CONSULTATION REGARDING  
14 DISPLACEMENT OF VOICE OF AMERICA BROAD-  
15 CASTING.—The Chief Executive Officer of the United  
16 States Agency for Global Media shall notify the appro-  
17 priate congressional committees before—

18 (1) entering into any agreement for the utiliza-  
19 tion of Voice of America transmitters, equipment, or  
20 other resources that will significantly reduce the  
21 broadcasting activities of the Voice of America in the  
22 Americas or in any other region in order to accom-  
23 modate the broadcasting activities of Radio Free  
24 Americas; or

1           (2) entering into any agreements in regard to  
2           the utilization of Radio Free Americas transmitters,  
3           equipment, or other resources that will significantly  
4           reduce the broadcasting activities of Radio Free  
5           Americas.

6           (g) ALTERNATIVE GRANTEE.—If the Chief Executive  
7           Officer of the United States Agency for Global Media de-  
8           termines that Radio Free Americas is not carrying out the  
9           functions described in subsection (b) in an effective and  
10          economical manner, the Chief Executive Officer may  
11          award the grant to carry out such functions to another  
12          entity.

13          (h) FEDERAL STATUS.—Nothing in this section may  
14          be construed to make Radio Free Americas a Federal  
15          agency or instrumentality.

16          (i) FUNDING.—The Secretary of State may expend  
17          such sums as may be necessary from the Re-shoring and  
18          Near-shoring Account established under section 301 to  
19          carry out this section.

20          **SEC. 270. BIENNIAL PRESIDENTIAL SUMMIT.**

21          Not less frequently than biennially, the President, in  
22          consultation with the Secretary of State, shall host a sum-  
23          mit for Americas partner countries during which such  
24          countries shall highlight and showcase successful invest-

1 ments, endeavors, and programs associated with activities  
2 authorized under this Act.

3 **TITLE III—REVENUE AND**  
4 **FINANCIAL MANAGEMENT**

5 **SEC. 301. RE-SHORING AND NEAR-SHORING ACCOUNT.**

6 (a) IN GENERAL.—There is established within the  
7 Treasury of the United States an account to be known  
8 as the “Re-shoring and Near-shoring Account” (in this  
9 section referred to as the “Account”), consisting of such  
10 amounts as are—

11 (1) appropriated pursuant to the authorization  
12 of appropriations under subsection (c);

13 (2) deposited into or transferred to the Account  
14 as specified in title II or subsection (c) of section  
15 321 of Tariff Act of 1930, as added by section 302;  
16 and

17 (3) credited to the Account under subsection  
18 (d).

19 (b) USE OF AMOUNTS.—Amounts in the Account  
20 shall be available, without further appropriation, to carry  
21 out titles I and II.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There are authorized to be  
24 appropriated \$500,000,000 for fiscal year 2024 for  
25 initial capitalization of the Account.

1           (2) REIMBURSEMENT OF TREASURY.—Not later  
2 than 2 years after the date of the enactment of this  
3 Act, the Account shall reimburse the treasury for  
4 the amount appropriated pursuant to the authoriza-  
5 tion of appropriations under paragraph (1).

6           (d) INVESTMENT OF AMOUNTS.—

7           (1) IN GENERAL.—Except as provided in para-  
8 graph (2), the Secretary of the Treasury shall invest  
9 such portion of the Account as is not required to  
10 meet current withdrawals in interest-bearing obliga-  
11 tions of the United States or in obligations guaran-  
12 teed as to both principal and interest by the United  
13 States.

14           (2) AUTHORIZATION OF INVESTMENT IN OTHER  
15 INSTRUMENTS.—

16           (A) IN GENERAL.—The Secretary of the  
17 Treasury may invest such portion of the Ac-  
18 count as the Secretary anticipates will be held  
19 in the Account for not less than 2 years in eq-  
20 uity securities or other securities through a  
21 commercial bank if the Secretary determines  
22 such investments are appropriate.

23           (B) DEFINITIONS.—In this paragraph, the  
24 terms “equity security” and “security” have the  
25 meanings given those terms in section 3(a) of

1 the Securities Exchange Act of 1934 (15  
2 U.S.C. 78c(a)).

3 (3) INTEREST AND PROCEEDS.—The interest  
4 on, and the proceeds from the sale or redemption of,  
5 any obligations held in the Account shall be credited  
6 to and form a part of the Account.

7 **SEC. 302. MODIFICATION OF TREATMENT OF DE MINIMIS**  
8 **ENTRIES OF ARTICLES.**

9 (a) IN GENERAL.—Section 321 of Tariff Act of 1930  
10 (19 U.S.C. 1321) is amended—

11 (1) by amending subsection (a)(2)(C) to read as  
12 follows:

13 “(C) in any other case, such amount as the  
14 Secretary establishes under subsection (c)(1).”;  
15 and

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

17 “(c) TREATMENT OF DE MINIMIS ENTRIES.—

18 “(1) RECIPROCITY WITH RESPECT TO DE MINI-  
19 MIS ENTRIES.—

20 “(A) ESTABLISHMENT OF THRESHOLDS.—

21 “(i) IN GENERAL.—Not later than  
22 180 days after the date of the enactment  
23 of the Americas Act, the Secretary of the  
24 Treasury shall prescribe regulations to es-  
25 tablish dollar amount thresholds, which

1 may not exceed \$800, for de minimis en-  
2 tries for purposes of subsection (a)(2)(C).

3 “(ii) REQUIREMENTS.—The Secretary  
4 shall establish a threshold under clause (i)  
5 for each country that is equal to the sum  
6 of—

7 “(I) the dollar amount threshold  
8 of that country for de minimis entries  
9 from the United States; and

10 “(II) any related thresholds of  
11 that country, such as a threshold re-  
12 lating to a value-added tax on im-  
13 ports.

14 “(iii) PUBLICATION; NOTIFICATION.—  
15 Not later than 180 days after the date of  
16 the enactment of the Americas Act, and  
17 annually thereafter, the Secretary shall—

18 “(I) publish the threshold estab-  
19 lished under clause (i) in the Federal  
20 Register; and

21 “(II) notify the governments of  
22 foreign countries of the threshold.

23 “(B) TRANSFER OF AMOUNTS ATTRIB-  
24 UTABLE TO DE MINIMIS ENTRIES TO RE-SHOR-  
25 ING AND NEAR-SHORING ACCOUNT.—



## 201

1                   “(i) IN GENERAL.—The Secretary of  
2                   the Treasury shall transfer to the Re-shor-  
3                   ing and Near-shoring Account established  
4                   under section 301 of the Americas Act  
5                   from the general fund of the Treasury, for  
6                   fiscal year 2024 and each fiscal year there-  
7                   after, an amount equivalent to the amount  
8                   received into the general fund during that  
9                   fiscal year that the Secretary determines is  
10                  attributable to revenue received as a result  
11                  of the dollar amount thresholds established  
12                  under subparagraph (A).

13                  “(ii) FREQUENCY OF TRANSFERS.—  
14                  The Secretary shall transfer amounts re-  
15                  quired by clause (i) to be transferred to  
16                  the Re-shoring and Near-shoring Account  
17                  not less frequently than quarterly.

18                  “(2) PROHIBITION ON DE MINIMIS ENTRIES  
19                  FROM CERTAIN COUNTRIES.—

20                  “(A) IN GENERAL.—Not later than one  
21                  year after the date of the enactment of the  
22                  Americas Act, and annually thereafter, the Sec-  
23                  retary of the Treasury shall publish a list of  
24                  countries the articles of which are not eligible  
25                  for entry under subsection (a)(2)(C).

1 “(B) CRITERIA FOR INCLUSION.—

2 “(i) IN GENERAL.—Not later than  
3 180 days after the date of the enactment  
4 of the Americas Act, the Secretary shall  
5 establish, and submit to Congress a report  
6 on, the conditions for including a country  
7 on the list required by subparagraph (A).

8 “(ii) CONSIDERATIONS.—In estab-  
9 lishing under clause (i) conditions for in-  
10 cluding a country on the list required by  
11 subparagraph (A), the Secretary shall con-  
12 sider the following:

13 “(I) Violations by the country of  
14 the Act entitled ‘An Act to ensure  
15 that goods made with forced labor in  
16 the Xinjiang Autonomous Region of  
17 the People’s Republic of China do not  
18 enter the United States market, and  
19 for other purposes’, approved Decem-  
20 ber 23, 2021 (Public Law 117–78;  
21 135 Stat. 1525) (commonly referred  
22 to as the ‘Uyghur Forced Labor Pre-  
23 vention Act’).

1                   “(II) Transshipment through the  
2 country of goods from countries on  
3 the list.

4                   “(III) The exportation from the  
5 country of counterfeit goods.

6                   “(IV) Whether the government of  
7 the country is committed to the fight  
8 against trafficking in persons, illegal  
9 narcotics, and terrorism, as dem-  
10 onstrated by—

11                   “(aa) the government of the  
12 country not being listed under  
13 subparagraph (C) of section  
14 110(b)(1) of the Trafficking Vic-  
15 tims Protection Act of 2000 (22  
16 U.S.C. 7107(b)(1)) (commonly  
17 referred to as ‘tier 3’) in the  
18 most recent report on trafficking  
19 in persons required under such  
20 section (commonly referred to as  
21 the ‘Trafficking in Persons Re-  
22 port’); and

23                   “(bb) certification by the  
24 Department of State that the  
25 government is participating in

1 the fight against illegal narcotics  
2 and terrorism.

3 “(V) Harm to industry in the  
4 United States.

5 “(VI) Public safety risks posed  
6 by imports from the country to United  
7 States consumers.

8 “(VII) The flow of narcotics from  
9 the country into the United States.

10 “(VIII) Such other issues as the  
11 Secretary considers appropriate.

12 “(C) COUNTRIES REQUIRED TO BE IN-  
13 CLUDED.—

14 “(i) IN GENERAL.—The following  
15 countries shall be included on the list re-  
16 quired by subparagraph (A), effective on  
17 the date of the enactment of the Americas  
18 Act:

19 “(I) The People’s Republic of  
20 China.

21 “(II) The Russian Federation.

22 “(ii) REMOVAL FROM LIST.—A coun-  
23 try specified in clause (i) may not be re-  
24 moved from the list required by subpara-  
25 graph (A) until the Secretary certifies to

1 Congress that the government of the coun-  
2 try has made progress with respect to the  
3 considerations described in subparagraph  
4 (B)(ii).

5 “(D) REMOVAL.—

6 “(i) IN GENERAL.—The government  
7 of a country on the list required by sub-  
8 paragraph (A) may petition the Secretary  
9 for removal from the list.

10 “(ii) RESPONSE TIME.—The Secretary  
11 shall—

12 “(I) respond to a petition sub-  
13 mitted under clause (i) not later than  
14 90 days after receiving the petition;  
15 and

16 “(II) include in that response a  
17 description of any measures the gov-  
18 ernment that submitted the petition is  
19 required to undertake to be removed  
20 from the list.

21 “(E) CONSULTATIONS WITH CONGRESS.—

22 The Secretary shall consult with Congress be-  
23 fore adding a country to or removing a country  
24 from the list required by subparagraph (A).

1           “(3) LIMITATIONS ON ELIGIBILITY OF CAR-  
2           RIERS FOR IMPORTATION OF DE MINIMIS EN-  
3           TRIES.—

4           “(A) IN GENERAL.—An article is eligible  
5           for entry under subsection (a)(2)(C) only if the  
6           article is transported to the United States by a  
7           contract carrier or customs broker.

8           “(B) DATA REQUIREMENTS.—A contract  
9           carrier or customs broker seeking to enter an  
10          article under subsection (a)(2)(C) shall provide  
11          the following data with respect to the article:

12           “(i) The heading or subheading of the  
13           Harmonized Tariff Schedule of the United  
14           States under which the article is classifi-  
15           able.

16           “(ii) The country of origin of the arti-  
17           cle

18           “(iii) The country of manufacture of  
19           the article (if different from the country of  
20           origin under clause (ii)).

21           “(iv) The shipper of record.

22           “(v) The importer of record.

23           “(vi) A description of the article.

24           “(vii) The fair market value in the  
25           United States of the article.

1           “(C) COLLECTION OF DUTIES AND  
2 TAXES.—A contract carrier or customs broker  
3 transporting articles entering under subsection  
4 (a)(2)(C) shall be responsible for collecting the  
5 duties and taxes owed with respect to such arti-  
6 cles and remitting those duties and taxes to  
7 U.S. Customs and Border Protection.

8           “(D) DEFINITIONS.—In this paragraph:

9           “(i) CONTRACT CARRIER.—The term  
10 ‘contract carrier’ means a private entity  
11 that—

12                   “(I) is organized under the laws  
13 of the United States or any jurisdic-  
14 tion within the United States; and

15                   “(II) ships small packages into  
16 the United States by air or land.

17           “(ii) CUSTOMS BROKER.—The term  
18 ‘customs broker’ means a person holding a  
19 valid customs broker’s license issued under  
20 section 641(b) of the Tariff Act of 1930  
21 (19 U.S.C. 1641(b)).

22           “(4) DE MINIMIS ENTRY DEFINED.—In this  
23 subsection, the term ‘de minimis entry’ means the  
24 entry of articles imported by one person on one day  
25 with a fair retail value that does not exceed—

1           “(A) in the case of articles entering the  
2           United States, the applicable threshold estab-  
3           lished under paragraph (1)(A); and

4           “(B) in the case of articles entering any  
5           other country, an amount determined by the  
6           government of that country to be de minimis.”.

7           (b) ELIGIBILITY FOR DE MINIMIS ENTRY PROCE-  
8           DURES OF ARTICLES WITHDRAWN FROM A UNITED  
9           STATES FOREIGN TRADE ZONE.—

10           (1) IN GENERAL.—Section 321(a)(2) of the  
11           Tariff Act of 1930 (19 U.S.C. 1321(a)(2)), as  
12           amended by subsection (a), is further amended, in  
13           the matter preceding subparagraph (A)—

14           (A) by inserting “or withdrawal from a  
15           foreign trade zone and subsequent entry for  
16           consumption” after “by reason of importation”;  
17           and

18           (B) by inserting “, or in a foreign trade  
19           zone of articles withdrawn on one invoice or  
20           order for one ultimate consignee on one day,”  
21           after “one person on one day”; and

22           (2) TREATMENT OF E-COMMERCE UNDER FOR-  
23           EIGN TRADE ZONES ACT.—Section 15(d) of the For-  
24           eign Trade Zones Act (19 U.S.C. 81o(d)) is amend-  
25           ed—



1 (A) by inserting “(1)” after “(d) and

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

3 “(2)(A) In this subsection, the term ‘retail  
4 trade’ does not include any e-commerce transaction  
5 in which articles with a fair retail value of less than  
6 the applicable threshold established under section  
7 321(c)(1)(A) of the Tariff Act of 1930 are with-  
8 drawn from a zone.

9 “(B) For purposes of subparagraph (A), the  
10 term ‘e-commerce’ means the buying or selling of ar-  
11 ticles over the internet or other electronic exchange  
12 network.”.

13 (3) CUSTOMS PROCEDURES.—

14 (A) ESTABLISHMENT OF PROCESS.—Not  
15 later than 90 days after the date of the enact-  
16 ment of this Act, the Secretary of the Treasury,  
17 in coordination with the Secretary of Homeland  
18 Security with respect to trade facilitation and  
19 trade enforcement and the Secretary of Com-  
20 merce with respect to matters relating to for-  
21 eign trade zones, shall prescribe regulations to  
22 implement the amendments made by this sub-  
23 section.

1 (B) PUBLIC COMMENT.—In prescribing  
2 regulations under subparagraph (A), the Sec-  
3 retary shall—

4 (i) publish a notice of proposed rule-  
5 making in the Federal Register;

6 (ii) provide for a period for public re-  
7 view and comment of not less than 30  
8 days; and

9 (iii) issue final regulations not later  
10 than 90 days after the end of the period  
11 described in clause (ii) and not less than  
12 60 days before the effective date of such  
13 regulations.

14 (C) RULE OF CONSTRUCTION.—Nothing in  
15 this paragraph may be construed to affect the  
16 administration of section 484(i) of the Tariff  
17 Act of 1930 (19 U.S.C. 1484(i)) or section  
18 15(d) of the Foreign Trade Zones Act (19  
19 U.S.C. 81o(d)) other than to the extent nec-  
20 essary to make articles withdrawn from a for-  
21 eign trade zone and entering for consumption  
22 eligible for the exemption from duties under  
23 section 321(a)(2)(C) of the Tariff Act of 1930  
24 (19 U.S.C. 1321(a)(2)(C)).

1           (4) EFFECTIVE DATE.—The amendments made  
2           by this subsection shall apply with respect to articles  
3           withdrawn from a foreign trade zone and entered for  
4           consumption on or after the date that is 15 days  
5           after the date of the enactment of this Act.

6           (5) DEFINITIONS.—In this subsection:

7                   (A) FOREIGN TRADE ZONE.—The term  
8                   “foreign trade zone” means a zone activated  
9                   pursuant to the Foreign Trade Zones Act on or  
10                  before the date of the enactment of this Act.

11                  (B) FOREIGN TRADE ZONES ACT.—The  
12                  term “Foreign Trade Zones Act” means the  
13                  Act of June 18, 1934 (commonly known as the  
14                  “Foreign Trade Zones Act”) (48 Stat. 998,  
15                  chapter 590; 19 U.S.C. 81a et seq.).

16           **TITLE IV—REPORTING AND**  
17           **BRANDING**

18           **SEC. 401. ANNUAL REPORT ON AMERICAS PROGRAM.**

19           (a) IN GENERAL.—Not later than December 31 of  
20           each year that begins after the date of the enactment of  
21           this Act, the Secretary of Commerce, in consultation with  
22           the officials specified in subsection (b), shall submit to the  
23           Committee on Finance of the Senate and the Committee  
24           on Ways and Means of the House of Representatives a

## 212

1 report on activities carried out under the Americas pro-  
2 gram during the preceding fiscal year.

3 (b) OFFICIALS SPECIFIED.—The officials specified in  
4 this subsection are the following:

5 (1) The Administrator of the United States  
6 Agency for International Development.

7 (2) The United States Trade Representative.

8 (3) The Secretary of State.

9 (4) The Secretary of Homeland Security.

10 (5) Such other officials as the Secretary of  
11 Commerce considers appropriate.

12 (c) ASSESSMENT OF ACTIVITIES CONDUCTED IN  
13 PRECEDING YEAR.—Each report required by subsection  
14 (a) shall include the following for the fiscal year covered  
15 by the report:

16 (1) A statement of the number of Americas  
17 partner countries.

18 (2) An assessment of the effectiveness of loans  
19 and other incentives provided under section 212 with  
20 respect to re-shoring and near-shoring that includes  
21 an estimate of—

22 (A) the number of entities re-shored or  
23 near-shored; and

1 (B) the number of jobs created in the  
2 United States and Americas partner countries  
3 as a result of such re-shoring and near-shoring.

4 (3) An assessment of the status of negotiations  
5 for the expansion of the USMCA under section 222  
6 that includes—

7 (A) an identification of the countries par-  
8 ticipating in those negotiations;

9 (B) an estimate of the amount of trade be-  
10 tween those countries and the United States;  
11 and

12 (C) an identification of any significant  
13 challenges relating to those negotiations.

14 (4) An assessment of the status of negotiations  
15 for the expansion of countries that are CBTPA ben-  
16 efitary countries (as defined in section 213(b)(5) of  
17 the Caribbean Basin Economic Recovery Act (19  
18 U.S.C. 2703(b)), as amended by section 224) that  
19 includes—

20 (A) an identification of the countries par-  
21 ticipating in those negotiations;

22 (B) an estimate of the amount of trade be-  
23 tween those countries and the United States;  
24 and

1 (C) an identification of any significant  
2 challenges relating to those negotiations.

3 (5) An assessment of the activities of the  
4 BUILD Americas Unit that includes—

5 (A) a description of the financial instru-  
6 ments used under section 252 and the amounts  
7 issued under such instruments;

8 (B) an assessment of the repayment rates;

9 (C) a copy of each grant, loan, guaranty,  
10 or insurance agreement;

11 (D) a list of projects carried out using  
12 such grants, loans, guaranties, or insurance;

13 (E) a statement of the amount expended  
14 by the Corporation and the amount provided to  
15 the Re-shoring and Near-shoring Account es-  
16 tablished under section 301.

17 (6) An assessment of the activities of the Amer-  
18 icas Partnership Enterprise Fund established under  
19 section 253 that includes—

20 (A) an identification of the country in  
21 which the Fund is registered;

22 (B) a copy of the registration documents  
23 for the Fund;

24 (C) a description of the grants, loans, and  
25 technical assistance provided by the Fund; and

1 (D) an assessment of the repayment rate  
2 of loans provided by the Fund.

3 (7) An assessment of activities carried out  
4 under section 254 relating to near-shoring of stra-  
5 tegic supply chains or transformational energy in-  
6 vestments.

7 (8) An assessment of humanitarian and busi-  
8 ness development assistance provided under section  
9 261 that includes—

10 (A) a list of the recipients of such assist-  
11 ance; and

12 (B) a description of the assistance pro-  
13 vided.

14 (9) A description of the cultural affairs pro-  
15 gramming provided under section 262.

16 (10) An assessment of efforts conducted under  
17 section 263 to increase the number of Peace Corps  
18 volunteers in Americas partner countries that in-  
19 cludes an identification of the number of such volun-  
20 teers and the countries to which such volunteers are  
21 assigned.

22 (11) An assessment of activities carried out  
23 under section 264 relating to the American Univer-  
24 sity of the Americas that includes—

25 (A) a list of campus locations;

1 (B) the number of students attending each  
2 such campus; and

3 (C) a list of degrees offered by the univer-  
4 sity.

5 (12) An assessment of the programming pro-  
6 vided by the United States Agency for Global Media  
7 under section 269 that includes—

8 (A) a list of programs provided; and

9 (B) an assessment of the number and loca-  
10 tions of listeners to such programs.

11 (13) If a summit was conducted under section  
12 270 in the year preceding the submission of the re-  
13 port—

14 (A) an assessment of the success of the  
15 summit;

16 (B) the location of the summit; and

17 (C) an identification of the attendees of  
18 the summit.

19 (d) FINANCIAL PROJECTIONS FOR UPCOMING  
20 YEAR.—Each report required by subsection (a) shall in-  
21 clude a projection of the amount of funds required for the  
22 fiscal year that begins after submission of the report,  
23 disaggregated by agency and purpose.



1 **SEC. 402. BRANDING AND MARKETING FOR AMERICAS PRO-**  
2 **GRAM.**

3 Branding and marketing for the Americas program  
4 shall be conducted in a manner consistent with the Visibly  
5 American branding policies of the Department of State.