

117TH CONGRESS  
1ST SESSION

# S. 413

To establish the China Censorship Monitor and Action Group, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 2021

Mr. MERKLEY (for himself, Mr. RUBIO, Ms. WARREN, and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To establish the China Censorship Monitor and Action Group, 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. DEFINITIONS.**

4 In this Act:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
6 TEES.—The term “appropriate congressional com-  
7 mittees” means—

8 (A) the Committee on Foreign Relations of  
9 the Senate; and

1 (B) the Committee on Foreign Affairs of  
2 the House of Representatives.

3 (2) QUALIFIED RESEARCH ENTITY.—The term  
4 “qualified research entity” means an entity that—

5 (A) is a nonpartisan research organization  
6 or a federally funded research and development  
7 center;

8 (B) has appropriate expertise and analyt-  
9 ical capability to write the report required  
10 under section 3; and

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

16 (i) the Government of the People’s  
17 Republic of China;

18 (ii) the Chinese Communist Party;

19 (iii) any company incorporated in the  
20 People’s Republic of China or a subsidiary  
21 of such company; or

22 (iv) any company or entity incor-  
23 porated outside of the People’s Republic of  
24 China that is believed to have a substantial

1 financial or commercial interest in the Peo-  
2 ple’s Republic of China.

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

5 (A) a United States citizen or an alien law-  
6 fully admitted for permanent residence to the  
7 United States; or

8 (B) an entity organized under the laws of  
9 the United States or any jurisdiction within the  
10 United States, including a foreign branch of  
11 such an entity.

12 **SEC. 2. CHINA CENSORSHIP MONITOR AND ACTION GROUP.**

13 (a) IN GENERAL.—The President shall establish an  
14 interagency task force, which shall be known as the  
15 “China Censorship Monitor and Action Group” (referred  
16 to in this section as the “Task Force”).

17 (b) MEMBERSHIP.—The President shall—

18 (1) appoint the chair of the Task Force from  
19 among the staff of the National Security Council;

20 (2) appoint the vice chair of the Task Force  
21 from among the staff of the National Economic  
22 Council; and

23 (3) direct the head of each of the following ex-  
24 ecutive branch agencies to appoint personnel to par-  
25 ticipate in the Task Force:

1 (A) The Department of State.

2 (B) The Department of Commerce.

3 (C) The Department of the Treasury.

4 (D) The Department of Justice.

5 (E) The Office of the United States Trade  
6 Representative.

7 (F) The Office of the Director of National  
8 Intelligence, and other appropriate elements of  
9 the intelligence community (as defined in sec-  
10 tion 3 of the National Security Act of 1947 (50  
11 U.S.C. 3003)).

12 (G) The Federal Communications Commis-  
13 sion.

14 (H) The United States Agency for Global  
15 Media.

16 (I) Other agencies designated by the Presi-  
17 dent.

18 (c) RESPONSIBILITIES.—The Task Force shall—

19 (1) oversee the development and execution of an  
20 integrated Federal Government strategy to monitor  
21 and address the impacts of efforts directed, or di-  
22 rectly supported, by the Government of the People's  
23 Republic of China to censor or intimidate, in the  
24 United States or in any of its possessions or terri-  
25 tories, any United States person, including United

1 States companies that conduct business in the Peo-  
2 ple’s Republic of China, which are exercising their  
3 right to freedom of speech; and

4 (2) submit the strategy developed pursuant to  
5 paragraph (1) to the appropriate congressional com-  
6 mittees not later than 120 days after the date of the  
7 enactment of this Act.

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

10 (e) CONSULTATIONS.—The Task Force should regu-  
11 larly consult, to the extent necessary and appropriate,  
12 with—

13 (1) Federal agencies that are not represented  
14 on the Task Force;

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

18 (3) relevant stakeholders in the private sector  
19 and the media; and

20 (4) relevant stakeholders among United States  
21 allies and partners facing similar challenges related  
22 to censorship or intimidation by the Government of  
23 the People’s Republic of China.

24 (f) REPORTING REQUIREMENTS.—

1           (1) ANNUAL REPORT.—The Task Force shall  
2 submit an annual report to the appropriate congress-  
3 sional committees that describes, with respect to the  
4 reporting period—

5           (A) the strategic objectives and policies  
6 pursued by the Task Force to address the chal-  
7 lenges of censorship and intimidation of United  
8 States persons while in the United States or  
9 any of its possessions or territories, which is di-  
10 rected or directly supported by the Government  
11 of the People’s Republic of China;

12           (B) the activities conducted by the Task  
13 Force in support of the strategic objectives and  
14 policies referred to in subparagraph (A); and

15           (C) the results of the activities referred to  
16 in subparagraph (B) and the impact of such ac-  
17 tivities on the national interests of the United  
18 States.

19           (2) FORM OF REPORT.—Each report submitted  
20 pursuant to paragraph (1) shall be unclassified, but  
21 may include a classified annex.

22           (3) CONGRESSIONAL BRIEFINGS.—Not later  
23 than 90 days after the date of the enactment of this  
24 Act, and annually thereafter, the Task Force shall  
25 provide briefings to the appropriate congressional

1 committees regarding the activities of the Task  
2 Force to execute the strategy developed pursuant to  
3 subsection (c)(1).

4 **SEC. 3. REPORT ON CENSORSHIP AND INTIMIDATION OF**  
5 **UNITED STATES PERSONS BY THE GOVERN-**  
6 **MENT OF THE PEOPLE'S REPUBLIC OF**  
7 **CHINA.**

8 (a) REPORT.—

9 (1) IN GENERAL.—Not later than 90 days after  
10 the date of the enactment of this Act, the Secretary  
11 of State shall select and seek to enter into an agree-  
12 ment with a qualified research entity that is inde-  
13 pendent of the Department of State to write a re-  
14 port on censorship and intimidation in the United  
15 States and its possessions and territories of United  
16 States persons, including United States companies  
17 that conduct business in the People's Republic of  
18 China, which is directed or directly supported by the  
19 Government of the People's Republic of China.

20 (2) MATTERS TO BE INCLUDED.—The report  
21 required under paragraph (1) shall—

22 (A) assess major trends, patterns, and  
23 methods of the Government of the People's Re-  
24 public of China's efforts to direct or directly  
25 support censorship and intimidation of United

1 States persons, including United States compa-  
2 nies that conduct business in the People’s Re-  
3 public of China, which are exercising their right  
4 to freedom of speech;

5 (B) assess, including through the use of il-  
6 lustrative examples, as appropriate, the impact  
7 on and consequences for United States persons,  
8 including United States companies that conduct  
9 business in the People’s Republic of China, that  
10 criticize—

11 (i) the Chinese Communist Party;

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

14 (iii) the authoritarian model of gov-  
15 ernment of the People’s Republic of China;

16 or

17 (iv) a particular policy advanced by  
18 the Chinese Communist Party or the Gov-  
19 ernment of the People’s Republic of China;

20 (C) identify the implications for the United  
21 States of the matters described in subpara-  
22 graphs (A) and (B);

23 (D) include best practices for industries in  
24 which freedom of expression issues are particu-



1           larly acute, including the media and film indus-  
2           tries;

3           (E) include policy recommendations for the  
4           United States Government, including rec-  
5           ommendations regarding collaboration with  
6           United States allies and partners, to address  
7           censorship and intimidation by the Government  
8           of the People’s Republic of China; and

9           (F) include policy recommendations for  
10          United States persons, including United States  
11          companies that conduct business in China, to  
12          address censorship and intimidation by the Gov-  
13          ernment of the People’s Republic of China.

14          (3) APPLICABILITY TO UNITED STATES ALLIES  
15          AND PARTNERS.—To the extent practicable, the re-  
16          port required under paragraph (1) should identify  
17          implications and policy recommendations that are  
18          relevant to United States allies and partners facing  
19          censorship and intimidation directed or directly sup-  
20          ported by the Government of the People’s Republic  
21          of China.

22          (b) SUBMISSION OF REPORT.—

23                (1) IN GENERAL.—Not later than 1 year after  
24                the date of the enactment of this Act, the Secretary  
25                of State shall submit the report written by the quali-

1       fied research entity selected pursuant to subsection  
2       (a)(1) to the appropriate congressional committees.

3           (2) PUBLICATION.—The report referred to in  
4       paragraph (1) shall be made accessible to the public  
5       online through relevant United States Government  
6       websites.

7       (c) FEDERAL GOVERNMENT SUPPORT.—The Sec-  
8       retary of State and other Federal agencies selected by the  
9       President shall provide the qualified research entity se-  
10      lected pursuant to subsection (a)(1) with timely access to  
11      appropriate information, data, resources, and analyses  
12      necessary for such entity to write the report described in  
13      subsection (a) in a thorough and independent manner.

14      **SEC. 4. SUNSET.**

15           This Act shall terminate on the date that is 5 years  
16      after the date of the enactment of this Act.

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