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.

IN THE SENATE OF THE UNITED STATES

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

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Americas Act”.

(b) Table of Contents.—The table of contents for this Act is as follows:
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. 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. 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.
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 “Americas partner country” means a county that has entered into a partnership agreement under section 201.

4 (2) AMERICAS PROGRAM.—The term “Americas program” means the provision of assistance to and
other activities relating to Americas partner coun-
tries under title II or amendments made by title II.

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

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

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

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

(5) RE-SHORE.—The term “re-shore”—

(A) with respect to an entity, means to
move not less than the equivalent of \( \frac{2}{3} \) of the
operations of the entity from the People’s Re-
public of China to the United States; and
(B) with respect to a good or service, means to move not less than the equivalent of 2/3 of the production of the good or service from the People’s Republic of China to the United States.

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

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

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

(C) with more than 25 percent of its business inside the United States.

(7) UNITED STATES PERSON.—

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

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

(ii) an entity organized under the laws of the United States or any jurisdiction within the United States.
(B) RESIDENT.—For purposes of subparagraph (A)(i), an individual is a resident of the United States if the individual is authorized to be employed in the United States.

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

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

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

**SEC. 101. AMERICAS INSTITUTE FOR DIGITAL GOVERNANCE.**

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

(b) BOARD OF DIRECTORS.—
(1) In general.—There shall be in the Institute a Board of Directors (in this section referred to as the "Board").

(2) Membership.—

(A) In general.—The President shall request the head of government of each Americas partner country to appoint one member of the Board.

(B) Appointment process.—

(i) United States.—The President shall appoint the member of the Board representing the United States.

(ii) Other countries.—The President shall request the head of government of each Americas partner country to determine a process for appointing the member of the Board to represent that country.

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

(D) Removal.—

(i) Removal by country represented.—A member of the Board shall serve at the discretion of the Americas partner country the member represents and may be removed pursuant to a process
determined by the government of that country.

(ii) Removal by board.—A member of the Board may be removed by a vote of $\frac{2}{3}$ of the members of the Board.

(E) Vacancies.—In the event that a member of the Board is removed under sub-paragraph (D) or dies or is otherwise deemed unable to serve the remainder of the term of the member, the government of the Americas partner country the member represented shall appoint an individual to serve out the remainder of that term pursuant to a process determined by that government.

(F) Ethics requirements.—

(i) Financial disclosure.—A member of the Board shall fully disclose the financial assets of the member and divest from any holdings, such as stocks or other equities, that relate to any private entity that conducts business with the Institute.

(ii) Blind trust requirement.—A member of the Board shall place the assets of the member in a blind trust for the du-
ration of the term of the member on the
Board.

(iii) Prohibition on nepotism.—An
individual may not be appointed as a mem-
ber of the Board if a relative of the indi-
vidual is an elected official in an Americas
partner country.

(iv) Additional requirements.—
The Board may impose such other ethics
and disclosure requirements as the Board
considers appropriate.

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

(4) Meetings; quorum.—

(A) Frequency of meetings.—The
Board shall meet not less frequently than once
every 90 days.

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

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

(A) be elected by a majority vote of the
Board from among members of the Board; and
(B) preside over meetings of the Board.

(6) **Calculation of votes.**—For purposes of determining a majority vote of the Board, vacancies that have not been filled shall not be counted toward any total.

(7) **Access to information.**—A member of the Board may request information from the Institute and provide that information to the government of the Americas partner country the member represents unless the chairperson of the Board determines that sharing that information may violate the privacy of a user of the e-governance system, endanger cyber security, or violate any applicable law.

(e) **Staff.**—

(1) **Chief Executive.**—There shall be a Chief Executive of the Institute, who—

(A) shall—

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

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

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

(2) **Additional employees.**—
(A) IN GENERAL.—The Chief Executive may—

(i) appoint such employees, including managers, assistant managers, officers, attorneys, and agents, as the Chief Executive considers necessary;

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

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

(B) SALARIES.—The salaries of officers and employees of the Institute shall be equivalent to the salaries provided for under the General Schedule under section 5332 of title 5, United States Code.

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

(d) CORPORATE POWERS.—Except as otherwise specifically provided in this Act, the Institute—

(1) shall have succession in its corporate name;

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

(3) may adopt and use a corporate seal, which shall be judicially noticed;
(4) may make contracts;

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

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

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

(1) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

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

SEC. 102. E-GOVERNANCE FRAMEWORK.

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

(b) PURPOSE.—The purpose of the e-governance
framework developed under subsection (a) shall be to allow
for the development of interoperable services to harmonize
and facilitate the delivery of effective and transparent gov-
ernment services within and between Americas partner
countries.
(c) PRINCIPLES.—In developing the e-governance framework under subsection (a), the Institute shall ensure that the framework adheres to the following principles:

(1) INTEROPERABILITY.—The framework shall be designed to allow different government systems to, when appropriate, seamlessly share data with each other, consistent with applicable laws and privacy restrictions under subsection (d).

(2) DECENTRALIZATION.—The framework should seek to avoid centralized control over data, and should allow the government of each Americas partner country to maintain control over its own data while still facilitating cross-border data sharing. Data control and hosting under the framework should be consistent with local law and international agreements. Nothing in this paragraph may be construed to contravene or supercede laws or agreements in effect before the date of the enactment of this Act.

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

(4) DATA SOVEREIGNTY.—The framework should ensure that each Americas partner country
maintains control over the data of citizens of that country.

(5) **Public-Private Partnerships.**—The framework should allow for the collaboration of public and private entities in the development, design, and maintenance of e-governance systems.

(6) **Open Source.**—Systems developed by the Institute should, to the extent practicable, be open source. Systems developed by Americas partner countries are encouraged to be open source as well.

(7) **Adaptation.**—The framework shall account, consistent with other provisions of this Act, for existing e-governance systems developed by Americas partner countries, including by adopting, in part or in whole, existing e-governance systems as part of the framework or as reference implementations within the framework.

(d) **Privacy.**—The e-governance framework developed under subsection (a) shall incorporate privacy best-practices, including as follows:

(1) **Data Minimization.**—Systems developed under the framework should collect only the minimal set of data necessary for a given purpose and without any additional processing unnecessary for fulfilling that purpose.
(2) DATA PROTECTION.—The Institute shall define necessary access controls for data and require encryption of data where appropriate.

(3) DATA RETENTION.—The Institute shall develop and publish a data retention policy, which shall—

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

(B) include a disclosure of—

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

(ii) whether that information is encrypted; and

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

(C) provide for the Institute to provide, in a timely fashion, all data held related to an individual or entity upon the request of the individual or entity.

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

(A) a user may request that any system operating under the framework delete any data on the user; and
(B) such a request is honored within 72 hours, except as required by other applicable law.

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

(A) a user may request to correct inaccurate data in the framework related to the user; and

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

(6) OTHER PRIVACY PRACTICES.—The Institute may develop and enforce such other privacy practices as the Institute considers appropriate.

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

(1) Appropriate access controls and user authentication, which may—

(A) vary by service according to the sensitivity of the data involved; and

(B) include the integration of any national electronic identification systems of Americas partner countries.
(2) Regular penetration testing by an outside organization certified by the Institute, to be conducted not less frequently than once a year.

(3) Provision of a common vulnerability disclosure policy for systems operating under the framework.

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

(f) ENFORCEMENT.—

(1) AUDITS.—Each system of an Americas partner country operating under the e-governance framework developed under subsection (a) shall undergo annual audits by an outside organization certified by the Institute. That audit shall assess the compliance of the system with the privacy and security requirements of this section and such other requirements as the Institute considers necessary.

(2) EFFECT OF NONCOMPLIANCE.—If an audit conducted under paragraph (1) indicates that a system or systems of an Americas partner country are substantially noncompliant with the privacy and security requirements of this section, the Institute may—

(A) designate the system or systems as noncompliant;
(B) recommend that other Americas partner countries take such actions as may be necessary to protect the privacy and security of the systems and data of those countries; and

(C) withhold, in part or in whole, further assistance to the country the system or systems of which are designated as noncompliant, including revoking privileges or access to any services or shared infrastructure of the Institute, until such a time as the Institute determines that the system or systems are compliant.

(3) ALLOWANCES FOR NONCOMPLIANCE.—

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

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

(i) during—
(I) the development of the system;

(II) partial deployments of the system; or

(III) deployments of minimum viable products; or

(ii) if the Institute determines that compliance with the requirements of this section would substantially hinder the ability of a country to effectively provide critical services to citizens of the country and there is no practical path to achieve compliance and effectively provide such services.

(4) SUSPENSION OF PARTNERSHIP.—If the participation of a country in a partnership agreement is suspended under section 201(d), the Institute—

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

(B) may take such steps as are necessary to ensure any systems affected by the termination are transitioned appropriately to minimize disruptions to the citizens of that country.

(g) MULTILINGUAL FUNCTIONALITY.—The Institute shall ensure that all resources necessary to develop sys-
tems compliant with the e-governance framework developed under subsection (a) are available in all necessary languages.

SEC. 103. ADDITIONAL DUTIES OF INSTITUTE.

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

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

(1) The development or adoption, in collaboration with appropriate national and international standards organizations, of technical standards necessary to promote the efficient development of systems under the framework.

(2) The development of reference implementations for e-government services, as the Institute considers appropriate.
(3) The development and maintenance of infrastructure that may be shared by multiple services, including across multiple Americas partner countries, as the Institute and such countries consider appropriate.

(4) Providing technical assistance to Americas partner countries in the development of services, which may include entering into contracts for developing and hosting services on behalf of such countries. Such contracts may include terms for an Americas partner country to provide the Institute with funding for development and hosting services.

(5) The procurement or licensing, as the Institute considers appropriate, of commercial technology that may be shared with Americas partner countries and used for the delivery of services.

(6) Providing for the certification of organizations to carry out the auditing and penetration testing required by section 102(e).

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

(8) Providing financing to facilitate the development or modernization of a system, subject to such
accountability mechanisms as the Institute considers necessary to ensure funds are spent efficiently and appropriately.

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

(10) Other matters as the Institute considers appropriate.

(c) PROCUREMENT RESTRICTION.—

(1) IN GENERAL.—The Institute shall ensure that no system or product operating under the e-governance framework developed under section 102 is involved in any contract for the development of a service as part of the e-governance framework, or shares any data, with an individual or entity residing in or acting on behalf of the Russian Federation, the People’s Republic of China, Iran, North Korea, Venezuela, Cuba, or such other countries as the Institute considers necessary to protect the privacy and security of the citizens of Americas partner countries.
(2) Authority to exclude other individuals, entities, and products.—The Institute may, as the Institute considers necessary to protect the privacy and security of the citizens of Americas partner countries, prohibit any system described in paragraph (1) from entering into any contract for the development of a service as part of the e-governance framework, or sharing any data—

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

(B) using a product not from such a country.

SEC. 104. FUNDING.

(a) Authorization of Appropriations for Institute.—There are authorized to be appropriated $10,000,000 to establish the Institute.

(b) Additional Funding.—Such sums as may be necessary to carry out this title shall be made available from the Re-shoring and Near-shoring Account established under section 301.
TITLE II—TRADE AND INVESTMENT FOR THE AMERICAS

Subtitle A—Administration

SEC. 201. PARTNERSHIP AGREEMENTS.

(a) Authority to Enter Into Partnership Agreements.—

(1) In general.—The Secretary of State may enter into partnership agreements with countries in the Western Hemisphere, which shall serve as the gateway into accession of additional countries to the USMCA under section 222.

(2) Inclusions.—A partnership agreement entered into under paragraph (1) shall include protections for democracy and human rights and anti-corruption measures consistent with the Inter-American Democratic Charter and the International Covenant on Civil and Political Rights.

(3) Consultations.—The Secretary shall—

(A) consult with Congress during negotiations for a partnership agreement under paragraph (1); and

(B) notify Congress not less than 15 days before signing the partnership agreement.
(4) INELIGIBLE COUNTRIES.—The Secretary may not enter into a partnership agreement under paragraph (1) with a country—

(A) that is a member of the Bolivarian Alliance for the Peoples of Our America;

(B) the government of which is listed under subparagraph (C) of section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) (commonly referred to as “tier 3”) in the most recent report on trafficking in persons required under such section (commonly referred to as the “Trafficking in Persons Report”); or

(C) the government of which is not—

(i) committed to the fight against terrorism; or

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

(b) COMMITMENTS.—A partner country shall commit to abide by the terms of the partnership agreement entered into under subsection (a).

(e) SUSPENSION.—

(1) IN GENERAL.—The Secretary of State shall move to suspend the participation of a country in a
partnership agreement entered into under subsection (a) at the end of the one-year period beginning on the date on which the Secretary of State, in coordination with the heads of other relevant agencies and upon consultation with Congress, determines that the country is in violation of the commitments of the country under subsection (b) or is ineligible under subsection (a)(4), unless the country comes into compliance with those commitments and becomes eligible before the end of that period.

(2) Notification to the Secretariat.— Upon making a determination described in paragraph (1) with respect to a country, the Secretary of State shall provide a notice of the determination, to be considered at the next scheduled meeting of the Americas Partnership Secretariat established under section 204, along with a list of deficiencies the government of the country could remedy to come back into compliance with the commitments of the country under subsection (b) and to become eligible under subsection (a)(4). The text of the notice and the list shall be provided to—

(A) the permanent representative of the government of the country at the Secretariat;
(B) the government of each Americas partner country; and

(C) the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(3) VISIT REQUIRED.—Before the Secretary of State makes a motion under paragraph (1) with respect to a country, the Deputy Assistant Secretary of State for the Americas Partnership established under section 203(c)(1) shall seek a formal visit from the Americas Partnership Secretariat to the country to explain the reasons for the motion under paragraph (1).

(4) EFFECT OF SUSPENSION.—

(A) IN GENERAL.—If the participation of a country in a partnership agreement entered into under subsection (a) is suspended under paragraph (1)—

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

(ii) the Secretary of State shall use the voice and vote of the United States in any appropriate multilateral forum to pres-
sure the government of that country to
take the actions necessary to come into
compliance with the eligibility requirements
under subsection (c).

(B) Rule of Construction.—The sus-
pension of the participation of a country in a
partnership agreement under paragraph (1)
may not be construed to affect the relationship
of that country to any country, other than the
United States, that is a party or a potential
party to the USMCA.

(d) Initial Partner Countries.—The first coun-
tries with which the Secretary of State shall seek to enter
into partnership agreements under subsection (a) shall be
countries identified under the Americas Partnership for
Economic Prosperity (APEP) executive program that are
not ineligible under subsection (a)(4).

(e) Countries Seeking Partnership Agree-
ments.—

(1) Notification.—A country seeking to enter
into a partnership agreement under subsection (a)
shall submit a notification to the Secretary of State
indicating the desire of the country to enter into
such an agreement.

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

(i) make a determination with respect to whether or not to enter into a partnership agreement with the country; and

(ii) notify the country of the determination.

(B) INCLUSION IN NEGATIVE RESPONSE.—If the Secretary determines under subparagraph (A) not to enter into a partnership agreement with a country, the Secretary shall notify the country in writing of the reasons for the determination and the steps the country can take to become eligible for a partnership agreement.

(f) GRANT PROGRAM.—The Secretary of State may provide grants, using amounts available for other grant programs of the Department of State, to countries to assist those countries to become eligible for partnership agreements under this section.

SEC. 202. AMERICAS PARTNERSHIP BUSINESS ADVISORY BOARD.

(a) ESTABLISHMENT.—The Americas Partnership Secretariat established under section 204 shall establish a business advisory board, which will meet periodically, on
an ad hoc basis, at the Secretariat to inform discussions on the business environments of Americas partner countries.

(b) COMPOSITION.—The business advisory board established under subsection (a) shall be composed of representatives of private sector entities, civil society organizations, and labor organizations from Americas partner countries.

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

(1) Regulatory hurdles.

(2) Labor issues.

(3) Dispute resolution challenges.

(4) Legal hurdles to investment.

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

(6) Harmonization of reference price systems.

(7) Other issues affecting the business community in Americas partner countries.

(d) COORDINATION.—The business advisory board established under subsection (a) shall coordinate with the
31

1 central regulatory coordinating bodies referred to in Article 28.3 of the USMCA.
2
3 (c) **Annual Report.**—Not less frequently than annually, the business advisory board established under subsection (a) shall submit to the Secretariat a report on the business environment in Americas partner countries, including opportunities and challenges to investment.

8 **SEC. 203. ADMINISTRATION.**

9 **(a) Department of Commerce.**—

10 **(1) Deputy Under Secretary of Commerce.**—

11 **(A) In General.**—There shall be in the International Trade Administration of the Department of Commerce a Deputy Under Secretary responsible for administration of the responsibilities of the Department of Commerce under this title.

12 **(B) Working Group.**—The Deputy Under Secretary established under subparagraph (A) shall establish a permanent working group, composed of representatives of the relevant agencies, to collaborate on matters relating to the administration of this title and the amendments made by this title.
(2) **INTERNATIONAL TRADE ADMINISTRATION.**—The Under Secretary may increase the number of employees of the International Trade Administration by the number necessary to administer this title and the amendments made by this title.

(3) **UNITED STATES AND FOREIGN COMMERCIAL SERVICE.**—

(A) **IN GENERAL.**—The Director General of the United States and Foreign Commercial Service (established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721)) may assign additional commercial attachés to serve at the United States embassies in each Americas partner countries to oversee coordination and reporting under partnership agreements entered into under section 201.

(B) **ROLE OF COMMERCIAL ATTACHE´S.**—A commercial attaché assigned to an Americas partner country under subparagraph (A) shall—

(i) coordinate with the Department of the Treasury with respect to loans provided under section 212(a) to incentivize re-shoring and near-shoring;
(ii) be the lead officer on the country team, under the Chief of Mission, responsible for implementation of the partnership agreement entered into under section 201 with that country; and

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

(4) Authorization of Appropriations.—

(A) In General.—There shall be available to the Secretary of Commerce, from the Reshoring and Near-shoring Account established under section 301, $10,000,000 for each of fiscal years of 2024, 2025, and 2026 to administer this title and the amendments made by this title.

(B) Availability of Funds.—Amounts made available pursuant to subparagraph (A) shall be available until expended.

(b) Office of United States Trade Representative.—

(1) In General.—There shall be in the Office of the United States Trade Representative an As-
sistant United States Trade Representative for the Americas Partnership, who shall—

(A) be responsible for negotiations with respect to—

(i) the accession of countries to the USMCA pursuant to the mechanism developed pursuant to section 222(b); and

(ii) designation of Americas partner countries as CBTPA beneficiary countries (as defined in section 213(b)(5) of the Caribbean Basin Economic Recovery Act, as amended by section 224);

(B) hire the staff necessary to support negotiations described in subparagraph (A); and

(C) coordinate closely with the Under Secretary with respect to administration of this title.

(2) Authorization of Appropriations.—

(A) In General.—There shall be available to the United States Trade Representative, from the Re-shoring and Near-shoring Account established under section 301, $5,000,000 for each of fiscal years of 2024, 2025, and 2026 to administer this title and the amendments made by this title.
(B) Availability of Funds.—Amounts made available pursuant to subparagraph (A) shall be available until expended.

c Department of State.—

(1) Deputy Assistant Secretary for the Americas Partnership.—There shall be in the Bureau for Western Hemisphere Affairs of the Department of State a Deputy Assistant Secretary for the Americas Partnership, who—

(A) may be the United States representative to the Americas Partnership Secretariat; and

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

(2) Additional Civil Service Officers.—The Secretary of State may hire sufficient civil service officers to fulfill the successful management of the efforts described in paragraph (1).

(3) Additional Foreign Affairs Officers.—The Secretary of State may hire additional foreign affairs officers, relative to the number of such officers on the day before the date of the enact-
ment of this Act, to support the implementation of this title.

(4) Authorization of Appropriations.—

(A) In General.—There shall be available to the Secretary of State, from the Re-shoring and Near-shoring Account established under section 301, $10,000,000 for each of fiscal years of 2024, 2025, and 2026 to administer this title and the amendments made by this title.

(B) Availability of Funds.—Amounts made available pursuant to subparagraph (A) shall be available until expended.

(d) United States Agency for International Development.—

(1) Deputy Assistant Administrator for the Americas Partnership.—There shall be in the Bureau for Latin America and the Caribbean of the United States Agency for International Development a Deputy Assistant Administrator for the Americas Partnership, who shall, in coordination with the Under Secretary, coordinate development, humanitarian, and people-to-people efforts under this title on behalf of the United States Agency for International Development.
(2) ADDITIONAL FOREIGN SERVICE OFFICERS AND OTHER EMPLOYEES.—The Administrator of the United States Agency for International Development may hire additional foreign service officers, relative to the number of such officers on the day before the date of the enactment of this Act, to support the implementation of this title.

(3) AUTHORIZATION OF APPROPRIATIONS.—

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

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

(e) OTHER BUREAUS AND OFFICES.—The President—

(1) may establish such additional bureaus and offices as the President considers appropriate to implement this title; and

(2) shall ensure that a description of any such bureaus and offices is included in the annual report required by section 205.
(f) Availability of Funds.—Amounts shall be made available to carry out this section from the Re-shoring and Near-shoring Account established under section 301.

SEC. 204. AMERICAS PARTNERSHIP SECRETARIAT.

(a) Establishment.—Not later than 180 day after the date of the enactment of this Act, there shall be established in the United States the “Americas Partnership Secretariat” (in this section referred to as the “Secretariat”).

(b) Duties.—The Secretariat shall be responsible for duties including—

(1) coordinating diplomatic, economic, and people-to-people efforts of the Americas partner countries under this title and the amendments made by this title;

(2) carrying out efforts to build and advance partnerships between city mayors and other subnational government leaders from Americas partner countries, civil society organizations, and private sector entities to expand subnational diplomacy; and

(3) providing policy and technical support through dialogue, research, and other structured engagements.
(c) Membership.—The membership of the Secretariat shall be comprised of representatives from the governments of Americas partner countries. Selection of such representatives shall be determined by the governments of the Americas partner countries.

(d) Authorization of Appropriations.—

(1) In General.—There shall be available to the Secretariat, from the Re-shoring and Near-shoring Account established under section 301, $10,000,000 for each of fiscal years of 2024, 2025, and 2026 to carry out the duties of the Secretariat under this title and the amendments made by this title.

(2) Availability of Funds.—Amounts made available pursuant to subparagraph (A) shall be available until expended.

SEC. 205. Report.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Under Secretary shall submit to the appropriate congressional committees a report on efforts carried out under this title.

(b) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—
(1) the Committee on Finance and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Ways and Means and the Committee on Foreign Affairs of the House of Representatives.

Subtitle B—Trade
CHAPTER 1—RE-SHORING AND NEAR-SHORING

SEC. 211. SENSE OF CONGRESS.
(a) IN GENERAL.—It is the sense of Congress that the re-shoring and near-shoring of industry from China into the United States is in the national security interest of the United States and therefore falls under the national security exceptions under article XXI of the GATT 1994.

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

SEC. 212. INCENTIVES FOR RE-SHORING AND NEAR-SHORING OF BUSINESSES FROM PEOPLE’S REPUBLIC OF CHINA.
(a) LOANS AND GRANTS.—

(1) LENDING AUTHORITY.—

(A) IN GENERAL.—The Secretary may provide loans to covered entities.
(B) AMOUNT.—The total amount of loans that may be provided under subparagraph (A) may not exceed $70,000,000,000.

(C) COVERAGE OF LOANS.—Loans provided to covered entities under subparagraph (A) may be used for—

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

(ii) the costs of training workers in the United States, an Americas partner country, or a country benefitting from a strategic supply chain identified under section 254;

(iii) the costs of constructing facilities in the United States, an Americas partner country, or a country benefitting from a strategic supply chain identified under section 254;

(iv) other costs directly related to reshoring or near-shoring; or
(v) loans, guarantees, and other instruments (excluding grants) approved by the BUILD Americas Unit or the Americas Enterprise Fund designated under section 253.

(2) GRANT AUTHORITY.—

(A) IN GENERAL.—The Secretary of Commerce shall administer a grant program to award grants to covered entities.

(B) FUNDING.—Funding for grants under the grant program required under subparagraph (A) shall be derived solely from the Re-Shoring and Near-Shoring Account established under section 301.

(3) ADMINISTRATION.—

(A) IN THE UNITED STATES.—The Secretary or the Secretary of Commerce, as the case may be, may enter into arrangements with commercial banks, credit unions, or other entities in the United States as identified by the Secretary to administer loans authorized under paragraph (1) or grants authorized under paragraph (2) for covered entities to re-shore.

(B) OUTSIDE THE UNITED STATES.—The Secretary or the Secretary of Commerce, as the
case may be, may enter into arrangements with the BUILD Americas Unit or regional banks to administer loans authorized under paragraph (1) or grants authorized under paragraph (2) for covered entities to near-shore.

(C) Deposit of Interest.—The Secretary shall deposit any profits earned on interest bearing loans authorized under paragraph (1) in the Re-Shoring and Near-Shoring Account established under section 301.

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

(4) Annual Reports.—

(A) In General.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Board of Governors of each commercial bank with respect to which the Secretary or the Secretary of Commerce has entered into an arrangement under paragraph (4) and the BUILD Americas Unit shall submit to the Under Secretary a report on the adminis-
istration by each such entity of loans or grants under this subsection, including—

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

(ii) the repayment rates for any such loans;

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

(iv) a description of any lessons learned; and

(v) the balance sheets for any such loans.

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

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

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

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

(3) USE OF CONTRACTOR.—If an entity uses a contract company for the production of goods or services in the People’s Republic of China, the approval of the entity under paragraph (2) shall not take effect until the entity notifies the Secretary and the Secretary confirms that a replacement contract has been awarded in the United States or an Americas partner country.

(d) TERMINATION AND PENALTY.—

(1) IN GENERAL.—Except as provided in paragraph (4), a covered entity approved under subsection (c) to re-shore or near-shore shall have 5 years following that approval to complete re-shoring or near-shoring, as the case may be, of the business
of that entity, which may include the moving of materials, personnel, and production.

(2) **Termination of Benefits.**—Except as provided in paragraph (4), a covered entity is not eligible for benefits under this section on or after the date that is 5 years after the date on which the entity is approved under subsection (d).

(3) **Penalty.**—Except as provided in paragraph (4), at the end of the 5-year period under paragraph (1), a covered entity that has not completed the re-shoring or near-shoring, as the case may be, of the business of the entity shall owe to the United States—

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

(B) the total amount of any other benefits accrued to the entity under this section, as determined by the Secretary in consultation with the Trade Representative; and

(C) a penalty equal to 10 percent of the amounts determined under subparagraphs (A) and (B).
(4) Extension and Waiver.—If the Secretary determines that extraordinary circumstances exist, on a case-by-case basis, the Secretary may—

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

(B) waive the amounts owed under paragraph (3).

(e) Treatment of Defaults.—

(1) Judicial Proceedings.—The United States shall disregard any ruling against a covered entity or a government of an Americas partner country that pertains to a default on obligations in the People’s Republic of China relating to re-shoring or near-shoring activities approved under this section.

(2) International Venues.—The President shall use the voice and vote of the United States at multilateral institutions to—

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

(B) disregard sovereign debt defaults and other similar actions when measuring credit valuations of Americas partner countries relat-
ing to debts and amounts received from the People’s Republic of China.

(f) FINDINGS AND SENSE OF CONGRESS.—

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

(A) The United States Trade Representative stated in a hearing that, “The United States has repeatedly sought and obtained commitments from China, only to find that follow-through or real change remains elusive.”.

(B) The Government of the People’s Republic of China continues to apply the rules only when they are beneficial to them.

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

(A) companies approved for re-shoring or near-shoring by the Secretary should be protected from legal asset forfeiture by the People’s Republic of China; and

(B) covered entities and transactions by covered entities are subject to the national security exceptions under article XXI of the GATT 1994 (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

(g) DEFINITIONS.—In this section:
(1) COVERED ENTITY.—The term “covered entity” means an entity that has submitted notice of the intent of the entity to re-shore or near-shore under subsection (c)(1) and has been approved for re-shoring or near-shoring under subsection (c)(2).

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

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

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

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

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

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

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

“(2) 35 percent of the qualified near-shoring project expenses of the taxpayer.
“(b) Definitions.—For purposes of this section—

“(1) Qualifying re-shoring project expenses.—

“(A) In general.—The term ‘qualifying re-shoring project expenses’ means any eligible expenses which are—

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

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

“(B) Qualifying re-shoring project.—The term ‘qualifying re-shoring project’ means a project under which 2/3 or more of the operations of a trade or business of the taxpayer is moved from the People’s Republic of China to the United States.

“(2) Qualifying near-shoring project expenses.—

“(A) In general.—The term ‘qualifying near-shoring project expenses’ means any eligible expenses which are—

“(i) made pursuant to a qualified near-shoring project, and
“(ii) certified by the Secretary under subsection (c) as eligible for the credit under this section.

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

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

“(4) AMERICAS PARTNER COUNTRY.—For purposes of this section, the term ‘Americas partner country’ has the meaning given such term under section 2 of the Americas Act.

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

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the United States Trade Representative, shall establish a
qualifying re-shoring and near-shoring project
program to consider and award certifications
for eligible expenses among taxpayers with
qualifying re-shoring projects and qualifying
near-shoring projects.
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(B) LIMITATION.—
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(i) IN GENERAL.—The total amount
of credits that may be allocated under the
program shall not exceed $5,000,000,000.
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(ii) SENSE OF CONGRESS.—It is the
sense of Congress that the limitation under
clause (i) should be increased after the
date on which the Secretary notifies the
Committee on Finance of the Senate and
the Committee on Ways and Means of the
House of Representatives that 80 percent
of such limitation has been allocated.
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(2) CERTIFICATION.—
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(A) APPLICATION PERIOD.—Each appli-
cant for certification under this paragraph shall
submit an application containing such informa-
tion as the Secretary may require.
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(B) TIME FOR MAKING EXPENSES.—Each
applicant for certification shall have 5 years
from the date of acceptance by the Secretary of
the application to pay or incur the eligible ex-

penses certified under the program.

“(3) SELECTION CRITERIA.—In determining
which qualifying re-shoring projects and qualifying
near-shoring projects to certify under this section,

the Secretary—

“(A) shall take into consideration—

“(i) projects which create strategic
supply chains, products, or entities (as
identified under section 254(b) of the
Americas Act) within the United States,

“(ii) projects which create strategic
supply chains, products, or entities (as so
identified) within an Americas partner
country, and

“(iii) projects which create other in-
dustries within the United States or a
Americas partner country,

“(B) shall take into consideration which
projects—

“(i) will provide the greatest domestic
job creation (both direct and indirect),

“(ii) will create capital investment,

and

“(iii) will increase manufacturing.
“(4) Disclosure of Allocations.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.

“(d) Recapture.—

“(1) In General.—If there is an applicable transaction before the close of the 10-year period beginning with the first day of the taxable year for which a credit is allowed under this section, then the tax under this chapter for the taxable year in which such transaction occurs shall be increased by the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero any credit determined under subsection (a).

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

“(3) Applicable Transaction.—The term ‘applicable transaction’ means, any significant transaction (as determined by the Secretary, in coordination with the Secretary of Commerce and the Sec-
retary of Defense) involving the material expansion in the People’s Republic of China of the operations of the same or similar a trade or business with respect to which the qualifying re-shoring project or qualifying near-shoring project relates.

“(4) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provide for requirements for recordkeeping or information reporting for purposes of administering the requirements of this paragraph.

“(e) DENIAL OF DOUBLE BENEFIT.—

“(1) IN GENERAL.—In the case of the amount of the credit determined under this section, no deduction or credit shall be allowed for such amount under any other provision of this chapter,

“(2) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to any property, the basis of such property shall be reduced by the amount of the credit so allowed.
“(f) REGULATIONS.—The Secretary shall prescribe regulations necessary to carry out the purposes of this section.”.

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

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

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

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

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

CHAPTER 2—FREE TRADE EXPANSION

SEC. 221. TARIFF RECIPROCITY UNDER GATT 1994.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the United States has one of the lowest applied duty rates in the world, with bound duty rates set in parity to applied rates;

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

(3) having the lowest bound duty rates has resulted in unsustainable trade deficits that have become an issue for the national security of the United States.

(b) INCREASE OF RATES AND RECIPROCITY.—

(1) INCREASE OF RATES.—The Trade Representative shall increase average bound duty rates to reflect reciprocal duty rates on goods listed under the Harmonized Tariff Schedule of the United States among WTO members.

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

(c) NEGOTIATIONS TO INCREASE DUTIES.—
(1) **In general.**—The Trade Representative shall commence negotiations under article XXVIII of GATT 1994 to increase bound duty rates on all goods.

(2) **Prioritizing.**—In carrying out negotiations under paragraph (1), the Trade Representative shall—

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

(i) goods entering the United States from countries identified as bad faith actors by the Secretary of the Treasury for exclusion of deminimis access; and

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

(B) commit to increase rates of duties on imports into the United States if other countries do not decrease their rates in line with those rates in Schedule XX, including through consideration of national averages of duty reciprocity.

(d) **Definitions.**—In this section:
(1) APPLIED DUTY RATE.—The term “applied
duty rate” means the actual duty rate applied to a
good.

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

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

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

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

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

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

(2) the USMCA includes high standards on pri-
vacy, intellectual property, labor, the environment,
and dispute resolution;
(3) dispute resolution mechanisms of the USMCA, the rapid response mechanism in particular, are effective tools to solve investment and labor disputes and should be strengthened and included in any expansion of the USMCA or alternative trade harmonization mechanism;

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

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

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

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

(B) the advanced state of the economies of those countries as determined by the Organisation for Economic Co-operation and Development; and
(C) the comparatively small nature of the populations and economies of those countries; and

(7) the United States, working closely with USMCA countries and other free trade agreement partners in the Western Hemisphere, should study the potential benefits of aligning rules of origin and allowing for cumulation in strategically selected sectors.

(b) Development of Accession Mechanism.—

(1) In general.—The United States Trade Representative, in conducting the periodic review of the USMCA required to be conducted in 2026, may seek agreement with USMCA countries to develop a mechanism for accession of additional countries to the USMCA.

(2) Treatment of CAFTA–DR countries.—

(A) Rules of origin for textile and apparel goods.—For purposes of the accession to the USMCA pursuant to the mechanism developed under paragraph (1) of any CAFTA–DR country, the rules of origin under CAFTA–DR for textile and apparel goods shall remain in place for that country during—
(i) the 5-year period following formal accession of that country to the USMCA; and
(ii) an additional 5-year period if determined appropriate pursuant to the study conducted under subsection (c).

(B) Study on Textile and Apparel Impact.—Not later than 5 years after the accession of a CAFTA-DR country to the USMCA pursuant to the mechanism developed under paragraph (1), the United States International Trade Commission shall commission a study to analyze the impact of that accession on the textile and apparel sector of that country and CAFTA-DR as a whole, highlighting both negative and positive repercussions to the trade and apparel manufacturing environment.

(C) Definitions.—In this paragraph:

(i) CAFTA-DR.—The term “CAFTA-DR” means the Dominican Republic-Central America-United States Free Trade Agreement—
(I) entered into on August 5, 2004, between the Government of the United States and the Governments of
Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua, and submitted to Congress on June 23, 2005; and

(II) approved by Congress under section 101(a)(1) of the Dominican Republic-Central American-United States Free Trade Agreement Implementation Act (19 U.S.C. 4011(a)(1)).

(ii) CAFTA–DR country.—The term “CAFTA–DR country” means Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, or Nicaragua.

(e) Study.—

(1) In general.—The Secretary of the Treasury shall conduct a study on the feasibility and advisability of expanding the USMCA or carrying out other trade-related approaches for—

(A) harmonization;

(B) cumulation;

(C) co-creation; and

(D) intra-regional trade, investment, and standards harmonization.
(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the study conducted under paragraph (1).

(d) SENSE OF CONGRESS ON RETENTION OF BENEFITS AND RESPONSIBILITIES.—It is the sense of Congress that Americas partner countries that benefit from free trade agreements with the United States or trade preferences programs of the United States will retain the benefits and responsibilities of those agreements until and unless they accede to the USMCA through the process developed pursuant to this section.

SEC. 223. AMERICAS PARTNERSHIP THRESHOLD PROGRAM.

(a) IN GENERAL.—There is established within the Department of Commerce a program to be known as the Americas Partnership Threshold Program under which the Secretary of Commerce shall work with Americas partner countries—

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

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

(b) ASSESSMENT.—

(1) IN GENERAL.—In carrying out the program required under subsection (a), the United States
Trade Representative shall conduct an assessment of each Americas partner country related to the trade-related standards of each such country, which shall include—

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

(B) a programmatic strategy to bring each such country into compliance with the standards of the USMCA.

(2) Submission of Assessment.—The United States Trade Representative shall submit any assessment conducted under paragraph (1) to—

(A) the Deputy Under Secretary of Commerce for International Trade and the Executive Secretariat of the Department of Commerce; and

(B) the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(c) Administration.—The Secretary of Commerce, in coordination with the Secretary of State and the Administrator of the United States Agency for International Development, shall implement this section through acquisition or assistance mechanisms.
(d) FUNDING.—Amounts required to carry out this section shall be derived from the Re-Shoring and Near-Shoring Account established under section 301.

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

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

(b) EXPANSION.—

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

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

(i) by striking “means any” and inserting “means Uruguay, Ecuador, and any”; and

(ii) by inserting “or Americas partner country, as defined in section 2 of the
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Americas Act,” before “which the Presi-
dent”; and

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

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

SEC. 225. EXCLUSION OF CERTAIN COUNTRIES FROM CERT-

AIN PREFERENTIAL TRADE TREATMENT.

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

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

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

(3) any free trade agreement with respect to
which the United States is a party.
SEC. 226. EXTENSION OF TRADE PROMOTION AUTHORITY TO AMERICAS PARTNER COUNTRIES FOR PURPOSES OF EXPANSION OF USMCA.

(a) AGREEMENTS REGARDING TARIFF BARRIERS.—

(1) IN GENERAL.—For purposes of advancing trade with Americas partner countries, whenever the President determines that one or more existing duties or other import restrictions of an Americas partner country or the United States are unduly burdening and restricting the foreign trade of the United States and that the purposes, policies, priorities, and objectives of expanding the USMCA to include that country will be promoted thereby, the President—

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

(B) may proclaim such modification or continuance of any existing duty, such continuance of existing duty free or excise treatment, or such additional duties as the President determines to be required or appropriate to carry out that trade agreement.
(2) Congressional approval.—The President shall seek approval from Congress to enter into a trade agreement under this subsection.

(b) Agreements Regarding Tariff and Non-Tariff Barriers.—

(1) Agreements.—

(A) In general.—Whenever the President determines that one or more existing duties or any other import restriction of an Americas partner country or the United States or any other barrier to, or other distortion of, international trade unduly burdens or restricts the foreign trade of the United States or adversely affects the United States economy or the imposition of any such barrier or distortion is likely to result in such a burden, restriction, or effect, and that the purposes, policies, priorities, and objectives of expanding the USMCA to include that country will be promoted thereby, the President may enter into a trade agreement described in subparagraph (B).

(B) Trade agreement described.—A trade agreement described in this subparagraph is a trade agreement with an Americas partner
country or Americas partner countries providing for—

(i) the reduction or elimination of a duty, restriction, barrier, or other distortion; or

(ii) the prohibition of, or limitation on the imposition of, such barrier or other distortion.

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

(3) BILLS QUALIFYING FOR TRADE AUTHORITY PROCEDURES.—

(A) IN GENERAL.—The provisions of section 151 of the Trade Act of 1974 (19 U.S.C. 2191) apply to a bill of either House of Congress that contains provisions described in subparagraph (B) to the same extent as such section 151 applies to implementing bills under that section.

(B) PROVISIONS DESCRIBED.—The provisions described in this subparagraph are—
(i) a provision approving a trade agreement entered into under this sub-
section and approving the statement of ad-
ministrative action, if any, proposed to im-
plement such trade agreement; and

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

(e) Negotiations.—

(1) In general.—The President may carry
out negotiations with Americas partner countries for purposes of entering into a trade agreement under this section.

(2) Sectors.—Sectors included in negotiations under paragraph (1) shall include agriculture, crit-
ical minerals, commercial services, intellectual prop-
erty rights, industrial and capital goods, government procurement, information technology products, envi-
ronmental technology and services, medical equip-
ment and services, civil aircraft, digital products and
services, emerging technologies, and infrastructure

(3) **Consideration of Negotiating Objectives.**—In conducting negotiations under paragraph (1), the President shall take into account all of the negotiating objectives set forth in section 102 of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (19 U.S.C. 4201).

(d) **Annual Report.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the implementation of this section, including—

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

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

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

CHAPTER 3—TEXTILE AND APPAREL

SEC. 231. TEXTILE AND APPAREL GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Commerce shall establish a program under which the Secretary shall award grants to textile or apparel manufacturers that are headquartered in the United States or an Americas partner country to help offset the considerable financial resources needed to expand or modernize domestic textile and apparel supply chain capacity.

(b) USE OF GRANT AMOUNTS.—A textile or apparel manufacturer in receipt of a grant awarded under this section shall use the amounts of that grant for new facilities or equipment, to retool old equipment, or to create or expand operations for textile and apparel production in the United States or an Americas partner country.

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

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

(2) shall require a manufacturer to comply with safety, labor, and environmental standards specified
by the Secretary, in consultation with the Secretary of Labor, the Administrator of the Environmental Protection Agency, and the Director of the National Institute of Standards and Technology; and

(3) may scale the amount of a grant depending on incremental employment achieved by the manufacturer.

(d) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of Commerce $150,000,000 each year for 5 years to carry out the program under this section, of which—

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

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

SEC. 232. TEXTILE REUSE AND RECYCLING PROGRAMS.

(a) Sense of Congress.—It is the sense of Congress that—

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

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

(b) Priority Access to Grants and Loans for Textile Reuse and Recycling.—The Secretary of the
Treasury shall give priority access to grants or loans of amounts under the Re-Shoring and Near-Shoring Account established under section 301 for persons seeking to carry out programs to reuse or recycle covered products.

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

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

(A) establishing new or expanding or retrofitting existing facilities and providing low-carbon emissions transportation for collection, drop off or mail back, sorting, pre-processing, reuse, or recycling of covered products; and

(B) providing components, chemicals, solvents, or machinery necessary for the transportation, collection, mail back, sorting, pre-processing, reuse, or recycling of covered products.

(2) FUNDING.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, from the Re-shoring and Near-shoring Account established under section 301, $3,000,000,000 to carry out the program under paragraph (1).
(B) Loans.—Of the amounts available under the lending authority under section 212(a)(1), $10,000,000,000 shall be available for loans under the program under paragraph (1).

(d) Innovation Program.—

(1) In general.—The President shall carry out an innovation program for research and development related to textile reuse and recycling.

(2) Authorization of Appropriations.—There is authorized to be appropriated $1,000,000,000 to carry out the innovation program required under paragraph (1).

(e) Public Education Program.—

(1) In general.—The President shall carry out a public education program on the dangers of fast fashion.

(2) Authorization of Appropriations.—There is authorized to be appropriated $100,000,000 to carry out the public education program required under paragraph (1).

(f) Recycled Certification Process.—For purposes of carrying out this section, the President shall ensure that all recycled finished textiles are certified under
a globally recognized independent third-party assurance process.

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

(h) DEFINITIONS.—In this section:

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

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

(B) recycled secondary textile raw materials and fibers; or

(C) recycled finished textile products.

(2) PRE-PROCESSING.—The term “pre-processing”, with respect to a covered product, means preparing that product to be fit for recycling, which may include detrimming or other manual, mechanical, or chemical means.

(3) RECYCLE.—

(A) IN GENERAL.—The term “recycle”, with respect to covered products, means significantly transforming those products into new
finished or unfinished goods for use of those products in that form.

(B) TRANSFORMATION.—A transformation under subparagraph (A) can take place through the deconstruction of a covered product for use in manufacturing new materials out of that product, whether through mechanical or advanced recycling methods.

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

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

(5) SORTING.—The term “sorting”, with respect to covered products, means manually or mechanically sorting those products for reuse or recycling.

(6) TEXTILE.—The term “textile” means apparel, footwear, accessories, and household linens.
SEC. 233. TEXTILE PRODUCTION VERIFICATION TEAMS.

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall deploy to Americas partner countries permanent textile production verification teams to ensure the integrity of the textile supply chains of those countries.

(b) VISITS.—

(1) COUNTRIES.—Textile production verification teams under subsection (a) shall by deployed to an Americas partner country not less frequently than twice each year.

(2) COMPANIES.—Textile production verification teams under subsection (a) may not visit the same company in consecutive visits to a country unless following up on a previous positive determination of malfeasance.

(3) MINIMUM NUMBER OF INSPECTIONS.—Textile production verification teams under subsection (a) shall conduct inspections of not fewer than 15 individual production facilities during each deployment required under paragraph (1).

SEC. 234. TAX BENEFITS FOR APPAREL AND HOME TEXTILE PRODUCTS.

(a) EXCLUSION OF INCOME FROM SALES OF CERTAIN PRODUCTS.—
(1) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139I the following new sections:

"SEC. 139J. SALES OF FINISHED TEXTILE PRODUCTS IMPORTED FROM QUALIFYING WESTERN HEMISPHERE COUNTRIES.

"(a) IN GENERAL.—In the case of a corporation, gross income shall not include any income from the qualifying domestic sale of qualified finished textile products.

"(b) QUALIFYING DOMESTIC SALE.—For purposes of this section—

"(1) IN GENERAL.—The term ‘qualifying domestic sale’ means any sale or exchange within the United States.

"(2) RELATED PERSONS.—

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

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

“(c) QUALIFIED FINISHED TEXTILE PRODUCTS.—

For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified finished textile products’ means any inventory property (as defined in section 865(i)(1)) which—

“(A) is a finished textile product, and

“(B) is—

“(i) an originating good under section 202(e) of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4531), section 203(b) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (19 U.S.C. 4033(b)), or a comparable provision of an Act to implement a free trade agreement between the United States and a qualifying Western Hemisphere country, or


“(2) FINISHED TEXTILE PRODUCT.—The term ‘finished textile product’ means a product put up for
retail sale that is classifiable under chapters 50 through 63 of the Harmonized Tariff Schedule of the United States.

“(3) **QUALIFYING WESTERN HEMISPHERE COUNTRY.**— The term ‘qualifying Western Hemisphere country’ means any country—

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

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

**SEC. 139K. TEXTILE FIBER PRODUCTS EXPORTED TO QUALIFYING WESTERN HEMISPHERE COUNTRIES.**

“(a) **IN GENERAL.**—In the case of a corporation, gross income shall not include any income from the qualifying foreign sale of any qualified textile fiber product.

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

“(1) **IN GENERAL.**—The term ‘qualifying foreign sale’ means any sale or exchange which the taxpayer establishes to the satisfaction of the Secretary is for any use, disposition, or consumption within a qualifying Western Hemisphere country (as defined in section 139J).
“(2) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraphs (B)(i) and (C)(i) of section 250(b)(5) shall apply.

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

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

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

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

“(2) TEXTILE FIBER PRODUCT.—The term ‘textile fiber product’ means—
“(A) any manufactured fiber, whether in the finished or unfinished state, used or intended for use in household or industrial textile articles,

“(B) any yarn or fabric, whether in the finished or unfinished state, used or intended for use in apparel, household, or industrial textile articles, and

“(C) any household or industrial textile article made in whole or in part of fiber, yarn, or fabric.”.

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

“(10) EXCLUSIONS FOR CERTAIN TEXTILE PRODUCTS.—Gross income shall be determined without regard to section 139J and 139K.”.

(3) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating 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.”.
(4) **Effective date.**—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

(b) **Deduction for Domestic Production of Textile Fiber Products.**—

(1) **In general.**—Part VIII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

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“SEC. 251. INCOME ATTRIBUTABLE TO DOMESTIC TEXTILE PRODUCTION ACTIVITIES.

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

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

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

“(b) Deduction limited to wages paid.—

“(1) In general.—The amount of the deduction allowable under subsection (a) for any taxable year shall not exceed 50 percent of the W-2 wages of the taxpayer for the taxable year.

“(2) W-2 wages.—For purposes of this section—
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“(A) IN GENERAL.—The term ‘W-2 wages’ means, with respect to any person for any taxable year of such person, the sum of the amounts described in paragraphs (3) and (8) of section 6051(a) paid by such person with respect to employment of employees by such person during the calendar year ending during such taxable year.

“(B) LIMITATION TO WAGES ATTRIBUTABLE TO DOMESTIC TEXTILE PRODUCTION.—Such term shall not include any amount which is not properly allocable to domestic textile production gross receipts for purposes of subsection (c)(1).

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

“(3) ACQUISITIONS, DISPOSITIONS, AND SHORT TAXABLE YEARS.—The Secretary shall provide for the application of this subsection in cases of a short taxable year or where the taxpayer acquires, or disposes of, the major portion of a trade or business or
the major portion of a separate unit of a trade or business during the taxable year.

“(c) Qualified Textile Production Activities Income.—For purposes of this section—

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

“(A) the taxpayer’s domestic textile production gross receipts for such taxable year, over

“(B) the sum of—

“(i) the cost of goods sold that are allocable to such receipts, and

“(ii) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such receipts.

“(2) Allocation method.—The Secretary shall prescribe rules for the proper allocation of items described in paragraph (1) for purposes of determining qualified textile production activities income. Such rules shall provide for the proper allocation of items whether or not such items are directly allocable to domestic textile production gross receipts.
“(3) Special rules for determining costs.—

“(A) In general.—For purposes of determining costs under clause (i) of paragraph (1)(B), any item or service brought into the United States shall be treated as acquired by purchase, and its cost shall be treated as not less than its value immediately after it entered the United States. A similar rule shall apply in determining the adjusted basis of leased or rented property where the lease or rental gives rise to domestic textile production gross receipts.

“(B) Exports for further manufacture.—In the case of any property described in subparagraph (A) that had been exported by the taxpayer for further manufacture, the increase in cost or adjusted basis under subparagraph (A) shall not exceed the difference between the value of the property when exported and the value of the property when brought back into the United States after the further manufacture.

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

“(B) EXCEPTION.—Such term shall not include any gross receipts—

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

“(ii) from activities described in section 199B(b)(1)(A).

“(C) SPECIAL RULE FOR CERTAIN GOVERNMENT CONTRACTS.—Gross receipts derived from the manufacture or production of any property described in subparagraph (A) shall be treated as meeting the requirements of subparagraph (A) if—
“(i) such property is manufactured or produced by the taxpayer pursuant to a contract with the Federal Government, and
“(ii) the Federal Acquisition Regulation requires that title or risk of loss with respect to such property be transferred to the Federal Government before the manufacture or production of such property is complete.
“(D) PARTNERSHIPS OWNED BY EXPANDED AFFILIATED GROUPS.—For purposes of this paragraph, if all of the interests in the capital and profits of a partnership are owned by members of a single expanded affiliated group at all times during the taxable year of such partnership, the partnership and all members of such group shall be treated as a single taxpayer during such period.
“(5) RELATED PERSONS.—
“(A) IN GENERAL.—The term ‘domestic textile production gross receipts’ shall not include any gross receipts of the taxpayer derived from property leased, licensed, or rented by the taxpayer for use by any related person.
“(B) RELATED PERSON.—For purposes of subparagraph (A), a person shall be treated as related to another person if such persons are treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414, except that determinations under subsections (a) and (b) of section 52 shall be made without regard to section 1563(b).

“(d) DEFINITIONS AND SPECIAL RULES.—

“(1) SPECIAL RULE FOR AFFILIATED GROUPS.—

“(A) IN GENERAL.—All members of an expanded affiliated group shall be treated as a single corporation for purposes of this section.

“(B) EXPANDED AFFILIATED GROUP.—For purposes of this section, the term ‘expanded affiliated group’ means an affiliated group as defined in section 1504(a), determined—

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

“(ii) without regard to paragraphs (2) and (4) of section 1504(b).
“(C) ALLOCATION OF DEDUCTION.—Except as provided in regulations, the deduction under subsection (a) shall be allocated among the members of the expanded affiliated group in proportion to each member’s respective amount (if any) of qualified textile production activities income.

“(2) TRADE OR BUSINESS REQUIREMENT.—This section shall be applied by only taking into account items which are attributable to the actual conduct of a trade or business.

“(3) UNRELATED BUSINESS TAXABLE INCOME.—For purposes of determining the tax imposed by section 511, subsection (a)(1)(B) shall be applied by substituting ‘unrelated business taxable income’ for ‘taxable income’.

“(4) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the purposes of this section, including regulations which prevent more than 1 taxpayer from being allowed a deduction under this section with respect to any activity described in subsection (c)(4)(A).”.

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

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

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

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

“(vi) section 251.”.

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

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

(3) CLERICAL AMENDMENT.—The table of sections for part VIII of subchapter B of chapter 1 of such Code is amended by adding at the end the following new item:

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

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.
(c) Deduction for Reused and Recycled Textiles.—

(1) In General.—Part VI of subchapter B of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"Sec. 199B. Textile Reuse and Recycling Activity Income."

"(a) In General.—There shall be allowed a deduction equal to 15 percent of the qualified textile reuse and recycling activity income of the taxpayer for the taxable year.

"(b) Qualified Textile Reuse and Recycling Activity Income.—For purposes of this section—

"(1) In General.—The term 'qualified textile reuse and recycling activity income' means the excess (if any) of—

"(A) the gross income of the taxpayer derived in the course of a trade or business from—

"(i) the resale, repair, rental, or remanufacturing of finished textile products,

"(ii) the transformation of otherwise unsalable textile fiber products into new finished or unfinished goods,"
“(iii) the collection of textile fiber products,

“(iv) the sorting of finished textile products and textile fiber products for activities described in clause (i) or (ii), and

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

“(B) the deductions (including taxes) properly allocable to such gross income.

“(2) Finished textile products.—The term ‘finished textile products’ has the meaning given such term under section 139J(c).

“(3) Textile fiber products.—The term ‘textile fiber products’ has the meaning given such term under section 139K(c).

“(c) Special Rules.—

“(1) Application to partnerships and S corporations.—In the case of a partnership or S corporation—

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

“(B) each partner or shareholder shall take into account such person’s allocable share
of each qualified item of income, gain, deduction, and loss.

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

(2) COORDINATION WITH DEDUCTION FOR QUALIFIED BUSINESS INCOME.—Section 199A(c)(3)(B) of the Internal Revenue Code of 1986 is amended by redesignating clause (vii) as clause (viii) and by inserting after clause (vi) the following new clause:

“(vii) Any item of income, gain, deduction, or loss taken into account under section 199B(b)(1).”.

(3) CONFORMING AMENDMENTS.—

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

(ii) Section 86(b)(2)(A) of such Code is amended by inserting “199B,” after “137,”.
(iii) Section 135(c)(4)(A) of such Code is amended by inserting “199B,” after “137,”.

(iv) Section 137(b)(3)(A) of such Code is amended by inserting “199B,” before “221,”.

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

(vi) Section 221(b)(2)(C)(i) of such Code is amended by inserting “199B,” before “911,”.

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

(viii) Section 469(i)(3)(E)(iii) of such Code is amended by inserting “199B,” before “219,”.

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

“(vii) section 199B.”.
(C) Section 172(d) of such Code, as amended by subsection (b), is amended by adding at the end the following new paragraph:

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

(4) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 of such Code is amended by adding at the end the following new item:

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

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 235. TREATMENT OF FIBERS, FABRICS, AND YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN AMERICAS PARTNER COUNTRIES.

(a) MODIFICATIONS TO COMMERCIAL AVAILABILITY REQUEST PROCEDURES.—

(1) REGULATIONS ON APPROVAL OF COMMERCIAL AVAILABILITY REQUESTS.—Not later than 180 days after the date of the enactment of this Act, the Committee for the Implementation of Textile Agreements established by Executive Order 11651 (7 U.S.C. 1854 note) (in this section referred to as the “Committee”) shall prescribe regulations—
(A) specifying the necessary conditions for the approval, in limited quantities, of commercial availability requests under existing and future free trade agreements with countries in the Western Hemisphere; and

(B) providing for procedures for the approval of those requests.

(2) REQUIREMENT TO PRODUCE SAMPLES RELATING TO COMMERCIAL AVAILABILITY REQUESTS.—The Committee shall seek to modify procedures relating to commercial availability requests under free trade agreements in effect as of the date of the enactment of this Act with countries in the Western Hemisphere to require a producer of a fiber, yarn, or fabric that is the subject of such a request to produce a physical sample of the fiber, yarn, or fabric to its exact specification not later than 90 days after receiving a request to prove production capability.

(3) APPLICABILITY OF MODIFICATIONS.—A modification to conditions or procedures relating to commercial availability requests under paragraph (1) or (2) may only be applied to a commercial availability request relating to fiber, yarn, or fabric that
will be used for further production in an Americas partner country.

(b) **Study on Consideration of Price in Commercial Availability Requests.**—

(1) **In general.**—The United States International Trade Commission (in this section referred to as the “Commission”) shall—

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

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

(i) submit a report on the results of the study to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives; and

(ii) publish the report on a publicly accessible internet website of the Commission.

(2) **Requirements.**—In conducting the study required by paragraph (1), the Commission shall—
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(A) assess fibers, yarns, and fabrics individually; and

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

(c) AMERICAS PARTNER COUNTRY COMMERCIAL AVAILABILITY LIST.—

(1) IN GENERAL.—The Deputy Under Secretary of Commerce established under section 203(a) shall, as soon as practicable after the date of the enactment of this Act, establish an Americas partner country commercial availability list for textile articles described in paragraph (2) and known, as of such date of enactment, to not be commercially available within Americas partner countries for purposes of commercial availability requests.

(2) TEXTILE ARTICLES DESCRIBED.—Textile articles described in this paragraph are the following:

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

(B) Articles listed in Annex 3-B of the United States-Colombia Trade Promotion Agreement.
(C) Articles listed in Annex 3.25 of the United States-Panama Trade Promotion Agreement.

(D) Articles listed in Annex 3-B of the United States-Peru Trade Promotion Agreement.

(E) Articles listed in Appendix 1 to Annex 4-A of the Trans-Pacific Partnership Agreement.

(F) Certain knit fabrics of 100 percent man-made fiber fleece classified under subheading 6001.22.00 of the Harmonized Tariff Schedule of the United States.

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

(3) **Automatic Additions.**—An article described in any of subparagraphs (A) through (D) of paragraph (2) after the date of the enactment of this Act shall automatically be added to the list established under paragraph (1).

(4) **Time on List.**—

(A) **In General.**—An article described in any of subparagraphs (E) through (G) of paragraph (2) shall be removed from the list estab-
lished under paragraph (1) on the date that is
5 years after the date of the enactment of this
Act unless—

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

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

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

(5) INTERNATIONAL TRADE COMMISSION DE-
TERMINATION.—Upon the request of a producer, in
an Americas partner country, of an article on the
list established under paragraph (1), the Deputy
Under Secretary shall remove the article from the list if—

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

(B) not later than 90 days after submitting the request, the producer can provide to the Commission a physical sample to prove production capability.

(6) People’s Republic of China Product Exception.—Fibers, yarns, and fabrics originating from the People’s Republic of China, as determined pursuant to section 102.21 of title 19, Code of Federal Regulations (or a successor regulation), are not eligible, in whole or in part, for inclusion on the list established under paragraph (1).

(d) Commercial Availability Request Defined.—In this section, the term “commercial availability request” means a request to modify the rules of origin with respect to a textile article under a free trade agreement to address the lack of commercial availability of a fiber, yarn, or fabric in the countries that are parties to the agreement.
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.

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

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

(c) STAFF.—

(1) AGENTS.—The special enforcement unit established under subsection (a) shall deploy agents as necessary for the effective functioning of the unit.
(2) Positions at Embassies.—The special enforcement unit established under subsection (a) may deploy permanent NSDD–38 positions stationed at each embassy of the United States in an Americas partner country for the coordination of the efforts of the unit.

SEC. 242. AUTHORIZATION OF PAYMENTS TO WHISTLEBLOWERS RELATING TO MONEY LAUNDERING OR ILICIT FINANCIAL TRANSACTIONS.

The Executive Associate Director of Homeland Security Investigations may pay to whistleblowers who disclose to the Secretary of Homeland Security any violations of laws prohibiting money laundering or illicit financial transactions an amount not to exceed 30 percent of the value of any assets seized in connection with such violations.

SEC. 243. ESTABLISHMENT OF BORDERS AND PORTS PROTECTION PROGRAM.

(a) In General.—The Commissioner, in consultation with the Secretary of State, the Secretary of Homeland Security, and the heads of such other Federal agencies as the President considers appropriate, shall establish a program to be known as the Borders and Ports Protec-
tion Program (referred to in this section as the “Program”).

(b) Borders and Ports Protection Unit.—

(1) In general.—Under the Program, the Commissioner shall assist Americas partner countries selected by the Commissioner in the establishment of a borders and ports protection unit.

(2) Consultation with Congress.—In selecting Americas partner countries under paragraph (1), the Commissioner shall consult with Congress.

(c) Elements of Program.—In carrying out the Program, the Commissioner may support the efforts of customs administrations and border security agencies of Americas partner countries selected under subsection (b) to create a borders and ports protection unit composed of a sufficient number of officers, including officers of the United States and officers of the Americas partner country, as identified by the Commissioner, who will—

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

(2) be responsible for surge support and physical protection of borders, ports, strategic depots, hubs, and key commodities, such as basic foodstuffs, gasoline, diesel, and other strategic goods, in that country;
(3) under the authority of officials in that country, carry out non-investigative customs functions, such as—

(A) ensuring the effective continuity of port operations;

(B) facilitating legitimate trade and commerce; and

(C) detecting and interdicting customs violations, such as illicit smuggling of contraband;

(4) when cross-border violations of law are identified, notify and coordinate directly with customs and other law enforcement and security agencies in that country that are responsible for conducting investigations of illicit cross-border smuggling offenses;

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

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

(d) **Transnational Criminal Investigative Units.**—The Secretary of Homeland Security, acting through the Executive Associate Director of Homeland Security Investigations, shall establish Transnational Criminal Investigative Units in each Americas partner country.
(c) **Training and Equipment.**—To the extent authorized under existing provisions of law, the Commissioner may provide to an Americas partner country selected under subsection (b) training, oversight, equipment, and remuneration from U.S. Customs and Border Protection for the purposes specified in subsection (c) to provide lethal and non-lethal assistance, such as training and equipment, including personal protective equipment, armored vehicles, and weapons, to entities that are—

1. identified by the local customs offices in that country;
2. coordinated and deconflicted through the law enforcement working group of the United States Embassy in that country; and
3. approved by the Commissioner.

(f) **Management.**—

(1) **In General.**—Under the Program, the Commissioner, in coordination with the Secretary of State and the Secretary of Homeland Security, shall—

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

(i) report to the chief of mission;
(ii) monitor the activities, on behalf of
the Department of Homeland Security, of
the borders and ports protection unit of
that country;

(iii) coordinate activities with—

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

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

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

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

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

(B) hire a defense contractor that has
completed all registrations and clearances re-
required by the United States Government to deploy a team of armed experts to assist in the recruitment, vetting, and training of agents of the borders and ports protection unit of that country.

(2) Hiring of Agents.—When possible, the Secretary shall hire agents for the borders and ports protection unit of an Americas partner country selected under subsection (b) from among agents of the security services of that country.

(g) Security Issues.—The Secretary of State shall enhance the security of borders and ports protection units established under this section by following the model of the Special Program for Embassy Augmentation Response (SPEAR) used by the Diplomatic Security Service to protect embassies of the United States and other facilities in high-threat environments.

(h) Remuneration.—Under the Program, the Secretary of State, working through the contractor hired pursuant to subsection (f)(1)(B), shall provide appropriate remuneration for agents of borders and ports protection units, including—

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

(2) a life insurance policy.
Designation of Units in Non-Americas Partner Countries.—

(1) In general.—Notwithstanding any other provision of law, except as provided in paragraph (2), the President may designate a borders and ports protection unit under the Program in a country that is not an Americas partner country selected under subsection (b) if the President determines that it is in the national security interest of the United States to do so.

(2) Exception.—The President may not designate a borders and ports protection unit under the Program in a country that is a member of the Bolivarian Alliance for the Peoples of Our America.

Report.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Ways and Means of the House of Representatives a report on the Program.

Commissioner Defined.—In this section, the term “Commissioner” means the Commissioner of U.S. Customs and Border Protection.
SEC. 244. ESTABLISHMENT OF MUTUAL RECOGNITION AGREEMENTS AND TRADE TRANSPARENCY UNITS.

(a) In General.—If not already in place with respect to an Americas partner country, not later than one year after entering into a partnership agreement pursuant to section 201 with that country, the Commissioner shall establish a mutual recognition agreement and a trade transparency unit with the customs administration of that country as part of the ongoing Customs and Trade Partnership Against Terrorism program of U.S. Customs and Border Protection.

(b) Process.—Immediately upon the date of the enactment of this Act, the Commissioner shall begin an expedited process of establishing mutual recognition agreements and trade transparency units between the United States and customs offices of Americas partner countries.

(c) Interoperability of Agreements.—The Commissioner, in consultation with the Secretary of Commerce, shall ensure that data sharing conducted under a mutual recognition agreement established under this section is interoperable with the e-governance system established under title I.

(d) Harmonization of Data Collected Under Agreements.—In coordination with the Americas Partnership Business Advisory Board established under sec-
tion 202, trade and customs bodies shall harmonize collected data under mutual recognition agreements entered into under this section, including data related to the following:

(1) Weight.

(2) Quantity.

(3) Value.

(4) Elements necessary for imports and exports.

(5) Common identifiers matching imports and exports.

(e) DEFINITIONS.—In this section:

(1) COMMISSIONER.—The term “Commissioner” means the Commissioner of U.S. Customs and Border Protection.

(2) MUTUAL RECOGNITION AGREEMENT.—The term “mutual recognition agreement” means a document of arrangement between U.S. Customs and Border Protection and a customs administration of a foreign country that provides the platform for the exchange of membership information and recognizes the compatibility of the respective supply chain security programs of that country and the United States.

Subtitle C—Investment

SEC. 251. SENSE OF CONGRESS.

It is the sense of Congress that—
(1) Americas partner countries need significant investment in infrastructure and trade ecosystems to compete in the 21st century;

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

(3) environmental degradation by the People’s Republic of China, especially through dirty, coal-produced electricity, gives products manufactured in the People’s Republic of China an unfair advantage over products manufactured in countries with internationally accepted environmental standards;

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

(5) a trade-based response to the trade behavior of the People’s Republic of China, which uses corruption and perverse incentives, must include investment incentives, retaliatory tariffs, fixing the de minimis trade loophole found in section 321 of the Tariff Act of 1930 (19 U.S.C. 1321), which is effec-
tively a free trade agreement with the Chinese Communist Party, and other offsets to catalyze movement of supply chains and productivity back to the Western Hemisphere; and

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

SEC. 252. BUILD AMERICAS UNIT.

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

“SEC. 1416. BUILD AMERICAS UNIT.

“(a) Establishment.—There is established in the Corporation a BUILD Americas Unit (in this division referred to as the ‘Unit’).

“(b) Purpose.—The purposes of the Unit are as follows:

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

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

“(3) To support the development of large scale infrastructure ecosystems for the purposes of rapid industrialization of the Western Hemisphere.
“(4) To support the relocation of strategic supply chains (as that term is defined in section 254 of the Americas Act).

“(c) COUNTRIES OF OPERATION.—The Unit shall operate in all Americas partner countries (as that term is defined in section 2 of the Americas Act), without regard to the income limitations described in section 1412(e)(2).

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

“(e) DEPUTY CHIEF EXECUTIVE OFFICER.—

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

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

“(f) PERSONNEL MANAGEMENT AUTHORITY.—
“(1) Staffing.—

“(A) In general.—Without regard to any provision of title 5, United States Code, governing the appointment of employees in the civil service, the Deputy Chief may appoint—

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

“(ii) such individuals as necessary to serve as program managers under this section; and

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

“(B) Program manager qualifications.—Individuals appointed as program managers under subparagraph (A)(ii) shall have—

“(i) demonstrated experience and expertise in securities in the private sector;

“(ii) an appropriate securities license, as determined by the Deputy Chief; and
“(iii) held the position of investment banker as commonly understood for hiring at private entities.

“(2) COMPENSATION.—Notwithstanding any provision of title 5, United States Code, governing the rates of pay or classification of employees in the executive branch, the Deputy Chief may prescribe the rates of basic pay for program managers appointed under paragraph (1)(A)(ii) at a rate not in excess of a rate equal to 150 percent of the maximum rate of basic pay authorized for positions at level I of the Executive Schedule under section 5312 of title 5, United States Code.

“(3) EVALUATIONS OF PROGRAM MANAGERS.—

“(A) IN GENERAL.—The Deputy Administrator for Programs shall establish criteria to evaluate the effectiveness of program managers, which shall include measuring the economic success of portfolio instruments approved by program managers.

“(B) DISMISSAL.—Upon the determination that a program manager fails to meet the criteria described in subparagraph (A), the Deputy Administrator for Programs may recommend the dismissal of such program man-
ager, who may be dismissed at the discretion of the Chief Administrator.

“(4) LIMITATION ON TERM OF APPOINTMENT.—

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

“(B) EXTENSION.—The Deputy Chief may, in the case of a particular program manager appointed under paragraph (1)(A)(ii), extend the period to which service is limited under subparagraph (A) by up to 2 years if the Deputy Chief determines that such action is necessary to promote the efficiency of the Unit, as applicable.

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

“(1) IN GENERAL.—The authorities in this subsection shall only be exercised to—

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

“(B) mitigate risks to United States taxpayers by sharing risks with the private sector
and qualifying sovereign entities through co-financing and structuring of tools; and

“(C) ensure that support provided under this section is additional to private sector resources by mobilizing private capital that would otherwise not be deployed without such support.

“(2) CONSIDERATIONS.—In exercising the authorities in this subsection, the Unit—

“(A) shall consider—

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

“(ii) the potential return on investment of an activity;

“(iii) the sustainability of the economic model of the entity receiving support under this subsection;

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

“(v) whether taxation can be used to generate revenue for public entities receiving support under this subsection; and
“(vi) the feasibility of economic success for the entity receiving support under this subsection; and

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

“(3) GRANTS.—

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

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

“(C) PRIORITY.—In approving applications under this paragraph, the Unit shall give pri-
ority to applications that demonstrate the develop-
ment of a private sector activity that will ad-
vance the economic objectives of the Unit de-
scribed in subsection (b).

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

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

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

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

“(E) REPORTING.—

“(i) IN GENERAL.—The Unit shall—

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

“(II) protect all restricted per-
sonal information (as that term is de-
fined in section 119 of title 18,
United States Code) collected under
clause (ii).
“(ii) COLLECTION OF INFORMATION.—The Corporation shall carry out clause (i) by collecting information with respect to each such grant, including—

“(I) the beneficiary of the grant;
“(II) the amount;
“(III) the location of activities funded by the grant;
“(IV) a description of the activities funded by the grant;
“(V) a justification for approving the grant;
“(VI) the amount of funds provided for an activity by the beneficiary of the grant;
“(VII) a description of any other financial support from the Unit;
“(VIII) a description of how awarding the grant is anticipated to combat the influence of the People’s Republic of China in the Western Hemisphere; and
“(IX) a description of how the grant overlaps with any other finan-
rical support provided by persons other than the Unit.

“(4) LOANS AND GUARANTIES.—

“(A) IN GENERAL.—The Unit may make loans or guaranties in accordance with the guidelines in subparagraph (B) and upon such other terms and conditions as the Deputy Assistant Secretary for the Americas Partnership may determine.

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

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

“(I) program managers may approve loans and guaranties of not more than $4,999,999;

“(II) the Deputy Chief may approve loans and guaranties of not less than $5,000,000 and not more than $49,999,999; and

“(III) the Deputy Assistant Secretary for the Americas Partnership may approve loans and guaranties of not less than $50,000,000.

“(ii) LOAN AVAILABILITY.—
“(I) IN GENERAL.—Any loan made or guaranteed under this paragraph may be issued to—

“(aa) a United States business;

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

“(cc) a government of an Americas partner country (including a local government).

“(II) EXCEPTION.—Notwithstanding subclause (I), a loan may be made or guaranteed by the Unit to a country that is not an Americas partner country if the purpose of the loan is to support near-shoring of strategic supply chains under section 254 of the Americas Act.

“(III) LINES OF CREDIT.—The Unit may provide a line of credit of not more than $50,000,000 to a United States business that meets such requirements as the Deputy Assistant Secretary for the Americas Partnership may determine.
“(iii) Interest rates.—

“(I) In general.—A loan made or guaranteed under this paragraph may bear an interest rate lower than the rate for an equivalent loan available in the local market.

“(II) Variable interest rates.—For each loan made or guaranteed under this paragraph, the Secretary of the Treasury shall make available to the Unit, at a variable interest rate that is not less than zero percent, funds from the amounts authorized under section 212(a)(2) of the Americas Act.

“(III) Deposits to Treasury.—For each direct loan made by the Unit to a covered entity, the Unit shall remit—

“(aa) any repayment on the principal amount, including the final repayment and liquidation of the loan, and any amount of interest required by the Secretary of the Treasury in accordance
with subclause (II) to the Secretary of the Treasury, who shall use such amounts to replenish the amounts authorized under section 212(a)(2) of the Americas Act; and

“(bb) any profit made from interest above the amount required by rate of interest established by the Secretary of the Treasury under subclause (II) to the Secretary of the Treasury, who shall deposit such amounts into the Re-shoring and Near-shoring Account established under section 301 of the Americas Act.

“(iv) DENOMINATION.—Loans and guaranties made under this paragraph may be denominated and repayable in United States dollars or foreign currencies. Foreign currency denominated loans and guaranties should only be provided if the Deputy Assistant Secretary for the Americas Partnership determines there is a sub-
stantive policy rationale for such loans and guaranties.

“(v) GUARANTIES BY TREASURY.—

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

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

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

“(5) EQUITY INVESTMENTS.—

“(A) SENSE OF CONGRESS.—It is the sense of Congress that—
“(i) equity is essential, particularly with respect to transformational technology in the energy and technology sectors; and
“(ii) firms engaged in complex, advanced manufacturing production require greater capital and more time than non-production firms.

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

“(C) FUNDING.—
“(i) IN GENERAL.—For the purpose of investments under subparagraph (B), the Unit shall use the amounts authorized under section 212(a)(2) of the Americas Act.
“(ii) ESCROW.—For any investment under this paragraph, the Unit shall hold
in an escrow account funds, which shall be
taken from the Re-shoring and Near-shor-
ing Account established under section 301
of the Americas Act, in an amount that is
equal to 5 percent of the amount of funds
invested.

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

“(I) the principal amount and
any amount of interest required by
the Secretary for the use of such prin-
cipal amount of such investment to
the Secretary of the Treasury who
shall use such amounts to replenish
the amounts authorized under section
212(a)(2) of the Americas Act; and

“(II) any profit gained from and
the amount held in escrow in accord-
ance with clause (ii) for such invest-
ment to the Secretary of the Treasury
who shall deposit such funds in the
Re-Shoring and Near-Shoring Ac-
count established under section 301 of
that Act.
“(D) LIMITATIONS ON EQUITY INVESTMENTS.—

“(i) CONTRIBUTIONS BY PARTNERS.—Any investment made by the Unit under this paragraph shall be accompanied by an investment of not less than 51 percent by the United States business or entity or government of an Americas partner country.

“(ii) PER PROJECT LIMIT.—The aggregate amount of equity investment by the Unit with respect to any project shall not exceed 49 percent.

“(6) JOINT INVESTMENT PARTNERSHIPS.—

“(A) IN GENERAL.—The Unit may enter into joint investment partnerships with international financial institutions or other similar institutions, including the World Bank and the Andean Development Corporation-Development Bank of Latin America.

“(B) LIMITATION.—Notwithstanding subparagraph (A), the Unit may not enter into any partnership with any person, including any financial institution, business, organization, or individual, that is headquartered in, has a prin-
principal place of business in, or is otherwise directly or indirectly owned or controlled by of the government of the Russian Federation, the People’s Republic of China, or any member country of the Bolivarian Alliance for the Peoples of Our America (ALBA).

“(C) INTERNATIONAL FINANCIAL INSTITUTIONS DEFINED.—In this paragraph, the term ‘international financial institutions’ has the meaning given that term in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

“(7) INSURANCE AND REINSURANCE.—

“(A) IN GENERAL.—In order to ensure the protection of the investments of United States businesses, in whole or in part, against any political risks, such as currency inconvertibility and transfer restrictions, expropriation, war, terrorism, civil disturbance, breach of contract, and nonhonoring of financial obligations, the Unit may issue to United States businesses that invest in Americas partner countries insurance or reinsurance—

“(i) upon such terms and conditions as the Unit may determine; and
“(ii) at 100 percent of the value of
the insured investment.

“(B) Escrow.—For any insurance or re-
insurance described in subparagraph (A), the
Unit shall hold in an escrow account at a com-
mmercial bank funds, which shall be taken from
the Re-shoring and Near-shoring Account es-
tablished under section 301 of the Americas
Act, in an amount that is equal to 5 percent of
the insurance amount.

“(C) Rates.—Any insurance or reinsur-
ance described in subparagraph (A) may be
issued at a lower rate than the lowest available
rate for equivalent insurance or reinsurance in
the local market.”.

SEC. 253. AMERICAS PARTNERSHIP ENTERPRISE FUND.

(a) Designation.—The President, after consulta-
tion with the Speaker of the House of Representa-
tives, the Minority Leader of the House of Representa-
tives, the Majority Leader of the Senate, the Minority Leader of the
Senate, the Secretary of State, the Secretary of Com-
merce, the Secretary of the Treasury, and the Adminis-
trator of the United States Agency for International De-
velopment, may designate a private, nonprofit organiza-
tion registered in an Americas partner country that is es-
established to carry out the purposes set forth in subsection (b) as the “Americas Partnership Enterprise Fund” (referred to in this section as the “Fund”).

(b) PURPOSES.—The purposes of the Fund are—

(1) to support the development of ecosystems for critical supply chains in the Americas partner countries;

(2) to support the development of private sector responses to migration;

(3) to promote near-shoring strategic industry and supply chains from the People’s Republic of China; and

(4) to support policies and practices conducive to private sector development in Americas partner countries through loans, grants, equity investments, feasibility studies, technical assistance, training, insurance, guarantees, and other measures.

(c) GOVERNANCE.—

(1) BOARD OF DIRECTORS.—

(A) IN GENERAL.—The Fund shall be governed by a Board of Directors, consisting of 3, 4, or 5 individuals described in subparagraph (C).
(B) APPOINTMENTS.—Not later than 90 days after the date of the enactment of this Act, the President shall—

(i) appoint the initial members of the Board of Directors, subject to the advice and consent of the Senate; and

(ii) submit the names of such appointees to the Chair and Ranking Member of the Subcommittee on International Trade, Customs, and Global Competitiveness of the Committee on Finance of the Senate.

(C) QUALIFICATIONS.—Each member of the Board of Directors—

(i) shall be a citizen of an Americas partner country;

(ii) may not be closely affiliated with any government, civil society organization, academic institution, think tank, or any other not-for-profit entity; and

(iii) shall have demonstrated experience and expertise in the areas of private sector development in which the Fund is to be involved.
(D) Term.—Each member of the Board of Directors shall serve for a term of 5 years.

(E) Chairperson.—At its first meeting, the Board of Directors shall elect a Chairperson, who may only serve in such position for a single term.

(F) Meetings.—The Board of Directors shall meet not less frequently than quarterly.

(G) Appointment of Executive Director.—The Board of Directors shall unanimously appoint a qualified individual to serve as Executive Director of the Fund. The Executive Director shall be compensated at a rate equivalent to level V of the Executive Schedule under section 5316 of title 5, United States Code.

(H) Vacancies.—If a vacancy occurs before the expiration of the term of a member of the Board of Directors, the President shall appoint an individual with the qualifications described in subparagraph (C) to fill the remainder of such term, in the manner described in subparagraph (B).

(2) Staffing.—

(A) In General.—The Fund shall hire sufficient host country nationals to staff the
central office to ensure that Fund resources are managed appropriately and to carry out the day-to-day operations of the central office, including—

(i) program managers, who—

(I) shall head the core management unit;

(II) may approve program expenditures of up to $150,000; and

(III) shall be evaluated primarily on the success of their respective portfolios; and

(ii) additional support staff, provided that not more than 25 percent of the Fund’s annual expenditures are used for staffing and administration.

(B) ETHICS OFFICER.—The Fund shall have an ethics officer, who—

(i) shall be responsible for oversight of the host country nationals;

(ii) shall develop ethical standards for the management of the Fund;

(iii) shall facilitate the mainstreaming of ethics with respect to the staff of the Fund;
(iv) may evaluate individual activities, as needed; and

(v) should develop standard investment procedures that do not affect the flexibility and speed of the investment activities.

(C) PARTNERS.—The Fund shall partner with local entities, wholly-owned subsidiaries, and other instruments, as appropriate, to carry out investment activities in Americas partner countries, under the supervision of the central office.

(3) LIMITATION ON COMPENSATION.—None of the amounts managed by the Fund may be used to provide any benefit to any member of the Board of Directors or to any officer or employee of the Fund, other than a reasonable salary as compensation for services rendered.

(d) ELIGIBLE PROGRAMS AND PROJECTS.—

(1) DEFINED TERM.—In this subsection, the term “qualified private sector entity” means a business organization that is duly registered in the United States or in an Americas partner country.

(2) IN GENERAL.—The Fund may provide grants, loans, technical assistance, goods, and serv-
ices to qualified private sector entities, in accordance with paragraphs (3) through (7), for programs and projects that are consistent with the purposes described in subsection (b).

(3) GRANTS.—

(A) IN GENERAL.—The Fund shall establish a process for awarding grants to qualified private sector entities to carry out activities that are consistent with the purposes described in subsection (b).

(B) SELECTION OF GRANTEES.—Not later than 20 working days after receiving an application for a grant under this paragraph, the Fund shall complete its review and evaluation of the application, using anticipated return on investment as the sole criterion for determining whether a grant will be awarded to the applicant.

(4) LOANS.—

(A) IN GENERAL.—The Fund shall establish a process for providing low-interest loans to qualified private sector entities to carry out activities that are consistent with the purposes described in subsection (b). Loans authorized under this paragraph may be offered in the
form of equity if the Fund determines that such form is appropriate.

(B) SELECTION OF LOAN RECIPIENTS.—Not later than 20 working days after receiving an application for a loan under this paragraph, the Fund shall complete its review and evaluation of the application, using anticipated return on investment as the sole criterion for determining whether a loan will be awarded to the applicant.

(C) PARTNERSHIPS WITH COMMERCIAL BANKS.—The Fund may enter into partnerships with commercial banks to manage loan portfolios under this paragraph.

(5) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—The Fund, with support from United States entities, such as the United States Trade and Development Agency and other agencies or offices based in the United States, may hire or contract with individuals and entities capable of providing technical assistance in support of the purposes described in subsection (b).

(B) SELECTION OF TECHNICAL ASSISTANCE RECIPIENTS.—Not later than 20 working
days after receiving an application for technical assistance under this paragraph, the Fund shall complete its review and evaluation of the application, using anticipated return on investment as the sole criterion for determining whether the requested technical assistance will be awarded to the applicant.

(C) Eligible partner countries.—Notwithstanding any other provision of law, the United States Trade and Development Agency may work in any Americas partner country regardless of income status designation.

(D) Authorization of appropriations.—There is authorized to be appropriated to the United States Trade and Development Agency $10,000,000, which shall be expended on activities related to partnership agreements entered into under section 201.

(6) Goods and services.—

(A) In general.—The Fund may directly procure and deploy goods and services to the extent required to support the purposes described in subsection (b).

(B) Selection of goods and services recipients.—Not later than 20 working days
after receiving an application for goods or services under this paragraph, the Fund shall complete its review and evaluation of the application, using anticipated return on investment as the sole criterion for determining whether the requested goods or services will be provided to the applicant.

(7) GOVERNMENT SUPPORT.—

(A) IN GENERAL.—The Fund may provide cash and in-kind goods or services to foreign governmental entities in order to advance the purposes described in subsection (b).

(B) SELECTION OF GOVERNMENT RECIPIENTS.—Not later than 20 working days after receiving an application from a foreign government for cash or in-kind goods or services under this paragraph, the Fund shall complete its review and evaluation of such application.

(c) FUNDING.—

(1) AUTHORIZATION.—During the first fiscal year beginning after the date of the enactment of this Act, the Fund shall receive $1,000,000,000 from the Re-shoring and Near-shoring Account established under section 301 for initial capitalization.
The Fund may be recapitalized in accordance with paragraph (4).

(2) FINANCIAL INSTRUMENTS.—In order to maximize the resources available to carry out the activities authorized under this Act, the Fund should establish financial instruments that enable private businesses in Americas partner countries with a commercial nexus in the United States to effectively multiply the impact of United States grants awarded by the Fund.

(3) DISTRIBUTION OF RETURN ON INVESTMENTS.—

(A) IN GENERAL.—The Fund may distribute financial returns on Fund investments, include private venture capital, equity, or loan repayments, at such times and in such amounts as the Board of Directors may determine, to the central account of the Fund.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the return on investment described in subparagraph (A) should—

(1) recapitalize the central account of the Fund;

(2) guarantee the sustainability of the Fund;
(iii) limit the need for additional appropriations to the Fund;
(iv) spur additional investment;
(v) promote small and medium-sized enterprises;
(vi) advance good governance and transparency; and
(vii) promote job creation.

(4) ADDITIONAL REVENUE.—After 80 percent of the initial capital in the Fund has been expended pursuant to paragraph (1), the Board of Directors may request additional capital for the Fund by—
(A) submitting a request to the Re-shoring and Near-shoring Account that identifies the additional amount needed for the Fund; and
(B) submitting a report to Congress that details the Fund’s activities and justifies the need for the additional capital.

(5) NONAPPLICABILITY OF OTHER LAWS.—Notwithstanding any other provision of law, amounts appropriated pursuant to this subsection may be made available to the Fund and used for the purposes set forth in this section.

(f) LIMITATIONS ON ASSISTANCE.—
(1) MAJOR EXPENDITURES.—The Fund may not provide any grant, loan, technical assistance, or government support valued in excess of $499,999 unless the Board of Directors approves such action in advance.

(2) RECORDKEEPING.—The Fund shall use the e-governance platform to maintain a database containing relevant information, as established by the Secretary of Commerce, regarding activities of the Fund, which shall be accessible by any member of the Board of Directors at any time.

(3) MINOR EXPENDITURES.—A member of the Board of Directors may not approve, deny, or influence the approval or denial of an expenditure by the Fund valued at less than $500,000 unless the Board of Directors determines that the individual authorized to approve or deny such expenditure, subject to the thresholds under this section, has engaged in independently verified malfeasance.

(g) ANNUAL REPORTS.—

(1) IN GENERAL.—The Fund shall submit an annual report to the Board of Directors that—

(A) describes the status of the registration and management of the Fund;
(B) identifies the activities undertaken by the Fund, disaggregated by activity type, country, and strategic sector; and

(C) details the successes and failures of such activities.

(2) CONGRESS.—The Board of Directors shall annually submit—

(A) to Congress a copy of each report received pursuant to paragraph (1); and

(B) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a chapter within the comprehensive Department of Commerce report that identifies, for the reporting period—

(i) the number of grants, loans, instances of technical assistance, goods and services, and other Government support provided by the Fund;

(ii) the repayment rates for the loans and other support referred to in clause (i);

(iii) a summary of activities conducted by the Fund;

(iv) the countries in which the Fund is conducting such activities;
(v) success stories involving entities receiving assistance from the Fund;
(vi) lessons learned from the activities conducted by the Fund; and
(vii) any other information contained in other reports required under this Act that relates to the Fund.

(h) Audits.—

(1) In general.—Not less frequently than annually, the activities of the Fund shall be subject to an audit by an independent private entity selected by the Board of Directors.

(2) Report.—

(A) Findings.—Each independent private entity referred to in paragraph (1) shall submit a report to the Board of Directors that contains the findings of the audit conducted pursuant to such paragraph.

(B) Public accessibility.—The Board of Directors shall post the report received pursuant to subparagraph (A) on the Fund’s publicly accessible website.

(i) Duration.—The Fund shall remain operational indefinitely. Venture capital profits, equity, and loan inter-
(j) **NONAPPLICABILITY OF OTHER LAWS.**—Notwithstanding any other provision of law, executive branch agencies may conduct programs and activities and provide services in support of the activities of the Fund.

SEC. 254. **NEAR-SHORING OF STRATEGIC SUPPLY CHAINS AND TRANSFORMATIONAL ENERGY INVESTMENTS.**

(a) **STATEMENT OF POLICY.**—It is the policy of the United States—

(1) to advance United States national security goals and hemispheric foreign policy and development goals by assisting countries in the Western Hemisphere to establish the ecosystems necessary to host strategic industries in order to reduce vulnerabilities of the United States, in particular with respect to supply chains based, as of the date of the enactment of this Act, in the People’s Republic of China;

(2) to the maximum extent practicable, to seek to identify development opportunities and engage in early-stage project support to promote transformational energy projects to increase competitive-
ness in the energy sector in the Western Hemisphere; and

(3) to reduce the influence of the People’s Republic of China in the Western Hemisphere.

(b) Identification of Strategic Supply Chains, Products, and Entities and Transformational Energy Investment Opportunities.—

(1) Report required.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, through the Deputy Assistant Secretary of State for the Americas Partnership established under section 203(c)(1), and in coordination with the United States Trade Representative, the Secretary of Commerce, the Secretary of Energy, and other appropriate officials, shall submit to Congress a report identifying—

(A) supply chains identified under Executive Order 14017 (86 Fed. Reg. 11849; relating to America’s supply chains), as amended on or after the date of the enactment of this Act, located in the Western Hemisphere (in this section referred to as “strategic supply chains”);

(B) products produced by such supply chains;
(C) entities that are part of such supply chains; and

(D) opportunities for transformational energy investments in Americas partner countries.

(2) OPPORTUNITIES FOR NEAR-SHORING AND TRANSFORMATIONAL ENERGY INVESTMENTS.—

(A) IN GENERAL.—The report required by paragraph (1) shall list—

(i) opportunities for—

(I) near-shoring of products within strategic supply chains; and

(II) transformational energy investments in Americas partner countries; and

(ii) support for such near-shoring and energy investments identified under subsection (c).

(B) CONSULTATIONS.—In identifying opportunities for near-shoring and energy investments under this subsection, the Secretary—

(i) shall consult with United States industry to obtain feasibility studies, viability plans, and letters of commitment relating to such opportunities; and
(ii) may issue requests for information relating to such opportunities to determine the needs of industry with respect to near-shoring strategic supply chains.

(3) WORK PLAN.—The report required by paragraph (1) shall include a work plan setting forth a prioritization for the near-shoring of products within strategic supply chains and for transformational energy investments, including the tools to be used and the authorities to be exercised in the implementation of such near-shoring and energy investments as part of a special economic initiative under subsection (d).

(c) IDENTIFICATION AND SUPPORT FOR NEAR-SHORING OF PRODUCTS IN STRATEGIC SUPPLY CHAINS AND FOR TRANSFORMATIONAL ENERGY INVESTMENTS.—

(1) IN GENERAL.—The Secretary of Commerce, in consultation with the Secretary of State and the heads of other relevant Federal agencies—

(A) shall, in partnership with industry and stakeholders, identify opportunities that would be appropriate for near-shoring or for transformational energy investments; and

(B) may provide funding to support such opportunities as provided in this title.
(2) PREFERENCES.—In selecting among opportunities that will receive funding under paragraph (1), the Secretary of Commerce, in consultation with the Secretary of State and the heads of other relevant Federal agencies, shall give preference to opportunities that—

(A) have the support of the government of the country in which the production of the product or energy investment will take place; and

(B) can attract private investment.

(3) PRODUCTION IN NON-AMERICAS PARTNER COUNTRIES.—The Secretary of Commerce may provide funding under this subsection to near-shore the production of a product identified under subsection (b)(1)(B) to a country that is not an Americas partner country if the Secretary determines and certifies to Congress that there are no opportunities appropriate for re-shoring or near-shoring to Americas partner countries.

(4) ENERGY INVESTMENT IN NON-AMERICAS PARTNER COUNTRIES.—The Secretary of Commerce, in consultation with the Secretary of Energy, may provide funding for a transformational energy project in a country that is not an Americas partner
country if the Secretary notifies Congress of the intention of the Secretary to provide the funding before providing the funding.

(d) **Special Economic Initiative.**—

(1) **In general.**—The President shall establish a special economic initiative for strategic supply chains and transformational energy investments, to be administered by the Department of Commerce, under which the tools described in the provisions of and amendments made by this subtitle and subtitle D are made available to Americas partner countries and such other countries as the President considers appropriate.

(2) **Notification to Congress; plan.**—Not less than 15 days before exercising the authority provided by paragraph (1) to establish a special economic initiative with respect to a country, the President shall—

(A) notify Congress of the intention of the President to exercise that authority; and

(B) submit to Congress a plan for the initiative, which shall include a description of—

(i) the sector involved;

(ii) the projects involved;
(iii) an analysis, including environmental analysis, available with respect to the initiative;

(iv) the agreement with the government of the country with respect to the initiative; and

(v) the cost of the initiative.

(3) Authority to enter into agreements.—The President may enter into agreements using authorities of Federal agencies, including the Department of State, the United States Agency for International Development, the Department of Commerce, the Department of Defense, the Department of Energy, the Department of Agriculture, the Department of Health and Human Services, or any other authorities the President considers appropriate, to advance a special economic initiative under paragraph (1).

(4) Waiver of competition requirements.—

(A) In general.—The President may waive the requirements of title 41, United States Code, relating to competition in the awarding of Government contracts in the case of a contract related to the near-shoring of
strategic supply chains or transformational en-
ergy investments through a special economic
initiative under paragraph (1) if the ethics offi-
cer of the agency seeking to enter into the con-
tract evaluates the contract and the certifies
that there are no conflicts of interest.

(B) Timing of evaluation.—An ethics
officer shall have not less than 20 business days
to conduct an evaluation described in subpara-
graph (A).

(5) Additional support for near-shoring
and transformational energy investments
under special economic initiative.—

(A) In general.—The Secretary of Com-
merce, in coordination with the Secretary of
State and the heads of other agencies that op-
erate under the foreign policy guidance of the
Secretary of State, shall, as appropriate,
prioritize and expedite the efforts of the De-
partment of Commerce, the Department of
State, the Department of the Treasury, the De-
partment of Energy, and such other agencies in
supporting the efforts of the United States Gov-
ernment to incentivize near-shoring and trans-
formational energy investments through finan-
cial and nonfinancial methods, including methods described in this subsection, and Americas partner countries to support near-shoring and increase investment in entities identified under subsection (b)(1)(C) by—

(i) providing diplomatic, political, and economic support to such entities in Americas partner countries or other countries in the Western Hemisphere identified by the Secretary of Commerce as necessary;

(ii) facilitating negotiations concerning cross-border infrastructure, such as electric grids, ports, trains, or other infrastructure that crosses borders;

(iii) providing technical and grant assistance to enhance the regulatory and labor environments of Americas partner countries and other such other countries to facilitate United States business investments; and

(iv) facilitating both early-stage project support and late-stage project support to such entities with respect to near-shoring.

(B) EXPORT PROTECTION.—
(i) **IN GENERAL.**—An entity identified under subparagraph (C) of subsection (b)(1) that receives assistance with reshoring or near-shoring production of a product identified under subparagraph (B) of that subsection is eligible to receive export protection as described in clause (iii).

(ii) **REPORT TO DEPARTMENT OF COMMERCE.**—If the application of an entity submitted under clause (i) is approved, the entity shall submit to the Secretary of Commerce a report specifying the average production level of the product described in that clause in the United States for the 3 calendar years preceding submission of the report.

(iii) **AMOUNT OF EXPORTS PROVIDED EXPORT PROTECTION.**—If the quantity of production in the United States of a product described in clause (i) exceeds the level specified under clause (ii), the quantity in excess of that level may be exported without being subject to export controls or any other restrictions on exportation (subject to such exceptions as the President may
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declare are in the national security interests of the United States).

(6) SOURCE OF FUNDS.—Funding for a special economic initiative under paragraph (1) shall be taken from the Re-shoring and Near-shoring Account established under section 301.

(e) REGULATORY ALIGNMENT.—

(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Americas Partnership business advisory board established by the Americas Partnership Secretariat under section 202, and with support from appropriate officials of the United States Government, such as the Assistant United States Trade Representative for the Americas Partnership established under section 203(b) and the official of the Trade and Development Agency with lead responsibility for the implementation of this title, shall begin a process of regulatory alignment with respect to supply chains, energy investments, and products identified under subsection (b)(1) with—

(A) Americas partner countries; and

(B) any other country that benefits from the near-shoring of the production of a product
identified under subsection (b)(1)(B) to the

country or transformational energy investments.

(2) Prioritization of Pharmaceuticals.—
In carrying out the process described in paragraph
(1), the Secretary shall begin with regulatory align-
ment with respect to pharmaceuticals.

(3) Reports Required.—The Secretary shall
submit to Congress and make available to the public
reports on the success of efforts under paragraph
(1) on a continuous basis.

(f) Duties and Subsidies.—An entity organized
under the laws of an Americas partner country or another
country, as the President considers appropriate, that is
part of a strategic supply chain shall be treated not less
favorably than a United States person with respect to du-
ties, subsidies, and other related issues.

(g) Millennium Challenge Corporation.—The
Millennium Challenge Corporation may provide assistance
under the Millennium Challenge Act of 2003 (22 U.S.C.
7701 et seq.) to an Americas partner country or another
country, as the President considers appropriate, for pur-
poses of supporting the near-shoring of strategic supply
chains and transformational energy investments without
regard to—
any requirement of that Act relating to competitive procedures; or

(2) the requirement to enter into a Compact under section 609 of that Act (22 U.S.C. 7708).

(h) TRADE AND DEVELOPMENT AGENCY.—The Trade and Development Agency may provide assistance under the section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421) to all Americas partner countries, without regard to the limitation under subsection (a) of that section, for purposes of supporting the near-shoring of strategic supply chains.

(i) TECHNICAL ASSISTANCE.—The United States Agency for International Development, the United States International Development Finance Corporation, the Trade and Development Agency, and other relevant agencies shall provide technical assistance with respect to the near-shoring of strategic supply chains.

(j) DEFINITIONS.—In this section:

(1) EARLY-STAGE PROJECT SUPPORT.—The term “early-stage project support” includes the following:

(A) Feasibility studies.

(B) Long-term strategic supply chain planning.

(C) Resource evaluations.
(D) Project appraisal and costing.

(E) Pilot projects.

(F) Commercial support, such as trade missions, reverse trade missions, technical workshops, international buyer programs, and international partner searchers to link suppliers to projects.

(G) Technical assistance and other guidance to improve the local regulatory environment and market frameworks to encourage transparent competition.

(2) Late-stage Project Support.—The term “late-stage project support” includes support of the type provided by the BUILD Americas Unit.

Subtitle D—People-to-People Activities

Sec. 261. Humanitarian and Business Development Assistance.

(a) Sense of Congress.—It is the sense of Congress that—

(1) the promotion of human rights and democracy around the world is essential;

(2) such promotion should continue to be incorporated into ongoing programs, such as those of the Bureau of Democracy, Human Rights, and Labor of
the Department of State, the Office of Democracy and Governance of the United States Agency for International Development, the National Endowment for Democracy, the Commercial Law Development Program at the Department of Commerce, and other governmental and nongovernmental entities;

(3) the activities authorized under this subtitle should remain focused on the objectives of this subtitle; and

(4) any funds appropriated pursuant to this subtitle should be expended on such activities.

(b) PURPOSE.—The purposes of this section are—

(1) to deepen the cultural and people-to-people ties between the people of Americas partner countries;

(2) to facilitate the establishment of sustainable market solutions to increase the economic advancement interdependence of the countries in the Western Hemisphere; and

(3) to advance the objectives of this subtitle through support to businesses, which should remain focused on those endeavors.

(c) ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United
States Agency for International Development, the Director of the United States Trade and Development Agency, and the Secretary of Commerce, shall establish a people-to-people assistance program through which individuals in Americas partner countries may participate in programs funded by the United States Government.

(2) Program elements.—The programs established pursuant to paragraph (1) shall remain focused on achieving the objectives of the Americas Partnership Threshold Program established under section 223(a), and may include grants and contracts for—

(A) training programs related to public administration, such as the Global Procurement Initiative of the United States Trade and Development Agency, and good regulatory practices and practices of internal governance;

(B) technical assistance related to—

(i) improved service delivery for public services;

(ii) studies, reports, and other deliverables needed related to engineering, construction, maintenance of public or private infrastructure;
(iii) feasibility studies related to private sector investments; and

(iv) startup grants, venture capital, and equity for establishing and growing businesses; and

(v) other activities to support the Americas Partnership Threshold Program;

(C) other people-to-people assistance authorized by the Secretary of State.

(3) **IMPLEMENTATION.**—The Secretary of State is authorized to enter into contracts with for-profit private sector entities to implement the people-to-people assistance program authorized under this subsection.

(d) **AMERICAS PARTNERSHIP ACCELERATOR PROGRAM.**—

(1) **ESTABLISHMENT.**—There is established within the United States Agency for International Development a program to be known as the Americas Partnership Accelerator Program, which shall catalyze small and medium industries within Americas partner countries by providing short-term, tangible successes, which will help people recognize entrepreneurs in their communities who are benefiting from the Americas program.
(2) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated, from the Re-shoring and Near-shoring Account established under section 301, $15,000,000 to carry out the program established under paragraph (1).

(e) AMERICAS PARTNERSHIP FUND FOR NATURE.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Americas Partnership Fund for Nature, which shall be used by the United States Agency for International Development to assist Americas partner countries by catalyzing activities advancing conservation efforts through grants, technical assistance, and other tools.

(2) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated, from the Re-shoring and Near-shoring Account established under section 301, $10,000,000 to carry out the activities described in paragraph (1).

(f) FUNDING.—The Secretary of State may expend such sums as may be necessary from the Re-shoring and Near-shoring Account established under section 301 to carry out this section.
SEC. 262. DEPARTMENT OF STATE.

(a) CULTURAL AFFAIRS PROGRAMS.—The Secretary of State may provide Americas partner countries with additional cultural affairs programming, including—

(1) additional English language programming;

(2) additional scholarship slots for the J. William Fulbright Educational Exchange Program authorized under the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.);

(3) increased participation in the Fulbright-Hays Program authorized under section 102 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452);

(4) additional slots in exchange programs of the Bureau of Educational and Cultural Affairs that benefit outbound American citizens;

(5) additional cultural exchange programs in music and the arts;

(6) establishing additional “American Corners” or other outreach mechanisms; and

(7) the appropriation of additional amounts for the Ambassador’s Special Self-Help Fund authorized under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(b) EXISTING PROGRAMS.—The Secretary of State may build upon existing programs, such as the 100,000
1 Strong in the Americas Innovation Fund, the College Hor-
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.
(c) **Offsets.**—The cost of deploying additional Peace Corps volunteers to Americas partner countries under this section shall be paid for—

1. with offsets from Peace Corps deployments to other countries; or
2. from the Re-shoring and Near-shoring Account established under section 301.

**SEC. 264. AMERICAN UNIVERSITY OF THE AMERICAS.**

(a) **Sense of Congress.**—It is the sense of Congress that—

1. quality university education is essential for the advancement of free, prosperous societies;
2. there is not a Latin American university included among the top 100 global universities in the U.S. News and World Report’s 2022-2023 rankings;
3. there is a significant need for high-quality, nonideological, affordable university education in Latin America, especially education that is focused on science, technology, engineering, and math; and
4. it is essential to protect intellectual diversity on college campuses, while not attempting to limit freedom of speech.

(b) **Establishment.**—

1. **In General.**—During the 2-year period beginning on the date that is 1 year after the date of
the enactment of this Act, the Administrator of the United States Agency for International Development, in cooperation with American Schools and Hospitals Abroad, shall establish the American University of the Americas in up to 3 Americas partner countries selected by the Administrator, in consultation with the Secretary of Education.

(2) INDEPENDENCE.—The American University of the Americas—

(A) shall be modeled after similar institutions, such as the American University of Armenia, the American University of Dubai, the American University of Nigeria, and the American University of Cairo;

(B) shall remain independent of the United States Government; and

(C) shall be registered as a legal educational entity in the country in which its headquarters is located.

(3) FEDERAL GOVERNMENT SUPPORT.—Notwithstanding paragraph (2), the United States Government shall support the American University of the Americas by—

(A) facilitating its founding, including its registration as a legal educational entity;
(B) offering assistance with the development of academic programs;
(C) providing needed financial assistance;
(D) advising the Center of Excellence for Combating Corruption established pursuant to subsection (h); and
(E) retaining a seat on the Board for the Deputy Assistant Secretary of State for the Americas Partnership.

(4) AUTHORIZED CAMPUSES.—

(A) IN GENERAL.—Of the campuses of the American University of the Americas authorized to be established under paragraph (1)—

(i) 1 campus may be established in Central America;

(ii) 1 campus may be established in the Caribbean; and

(iii) 1 campus may be established in the Southern Cone.

(B) JOINT OPERATIONS.—The 3 campuses established pursuant to subparagraph (A) may share administrative, legal, and academic resources.

(c) HOST COUNTRY SELECTION.—
(1) **SOLICITATION OF PROPOSALS**.—The Administrator shall solicit proposals from Americas partner countries desiring to host the American University of the Americas.

(2) **PROPOSAL CONTENTS.**—Proposals submitted pursuant to paragraph (1) shall—

(A) identify the proposed location of the institution;

(B) evaluate the financial viability of the institution;

(C) describe the support that the host government is committed to provide to the institution;

(D) include a sustainability plan for the institution;

(E) identify possible private-sector, non-profit, and other partners who have committed to work with the institution;

(F) identify individuals who have agreed to serve on the institution’s board of directors, with letters of commitment; and

(G) identify any local legislation that will need to be enacted in order to establish the institution in the host country, along with a plan to enact such legislation.
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(3) GRANT.—

(A) IN GENERAL.—The Administrator shall award a grant to each country selected to host a campus of the American University of the Americas to provide startup funding.

(B) ELIGIBLE ENTITIES.—A grant authorized under subparagraph (A) may be given to a university, the ministry of higher education of the host country, or any other organization that is capable of facilitating the establishment of a campus of the American University of the Americas in accordance with this section.

(4) LEGAL REGISTRATION.—After a country is selected to host the American University of the Americas, the Administrator shall formally register the institution in such country.

(d) ACCREDITATION.—

(1) IN GENERAL.—Not later than 5 years after the date on which the American University of the Americas begins operations, the institution shall seek accreditation with an accrediting agency recognized by the Department of Education in accordance with subtitle B of title 34, Code of Federal Regulations.
(2) FOREIGN ACCREDITATION.—The representative of the United States in the Americas Partnership business advisory board established pursuant to section 202 shall encourage collaboration with Americas partner countries to ensure the accreditation of science, technology, engineering, math, and medicine degrees with the appropriate education ministries or departments of Americas partner country governments.

c) DEGREES; COURSEWORK.—

(1) STEM AND BUSINESS DEVELOPMENT DEGREES.—Federal funding for the American University of the Americas may only be used to subsidize courses leading to a degree in science, technology, engineering, math, medicine, business development, or management. Prerequisites may only be allowed for coursework related to such degrees.

(2) EXCHANGE PROGRAMS; VIRTUAL LEARNING.—The American University of the Americas shall offer exchange programs and virtual learning programs.

(3) LANGUAGES.—The languages of instruction for the American University of the Americas—

(A) shall be governed by local law and accompanying regulations of accreditation agen-
cies, with an effort to assure fully bilingual graduates; and

(B) shall include the English language.

(f) **FUNDING LIMITATION.**—The American University of the Americas may not accept any funding from the Government of the People’s Republic of China, the Government of the Republic of Cuba, the Government of the Bolivarian Republic of Venezuela, the Government of the Russian Federation, the Government of the Islamic Republic of Iran, or any individual or institution working on behalf of any such government. If any funding is accepted by the American University of the Americas in violation of this subsection, the relationship between the United States and the institution shall be immediately terminated.

(g) **CENTERS OF EXCELLENCE.**—The American University of the Americas shall include a Center of Excellence for Combating Corruption, Human, and Other Trafficking and Organized Crime that carries out research and public education related to corruption, money laundering (including trade-based money laundering), human trafficking, drug trafficking, and other related criminal activities in Americas partner countries and throughout the Americas.
(h) **FUNDING.**—The Secretary of State may expend such sums as may be necessary from the Re-shoring and Near-shoring Account established under section 301 to carry out this section.

**SEC. 265. UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT CARIBBEAN AND LATIN AMERICAN SCHOLARSHIP PROGRAM III.**

(a) **IN GENERAL.**—The Administrator of the United States Agency for International Development shall establish a scholarship program, which be known as the Caribbean and Latin American Scholarship Program III—

1. shall be modeled after the second phase of the Caribbean and Latin American Scholarship Program (commonly known as CLASP-II);
2. shall offer full ride scholarships (including tuition, fees, and reasonable accommodations) to qualifying students in partner countries;
3. shall offer bachelor’s and master’s degrees in science, technology, engineering, math, and the English language; and
4. shall require students—
   (A) to study outside of their respective countries of citizenship; and
(B) to commit to return to their respective
countries of origin following the completion of
their studies;
(b) Authorization of Appropriations.—There is
authorized to be appropriated, from the Re-shoring and
Near-shoring Account established under section 301,
$20,000,000 for fiscal year 2024 and each successive fis-
cal year to carry out the scholarship program authorized
under subsection (a) in Americas partner countries.

SEC. 266. CONCERN FOR ADVANCED RETIRED AND ELDER-
LY NONIMMIGRANT VISA PROGRAM FOR
ALIENS WHO PROVIDE DIRECT CARE FOR EL-
DERLY POPULATIONS.
(a) Findings.—Congress makes the following find-
ings:
(1) In 2015, there were an estimated
47,800,000 individuals in the United States who
were 65 years of age or older, and by 2030, it is ex-
pected that there will be nearly 73,000,000 individ-
uals in the United States who are 65 years of age
or older, which is approximately \( \frac{1}{5} \) of the popu-
lation.
(2) In 2020—
(A) 45 percent of individuals caring for an
elderly family member in the United States ex-
experienced financial hardship as a result of such caregiving, of whom 28 percent stopped saving and 22 percent exhausted their personal short-term savings;

(B) 15 percent of United States workers transitioned from full-time employment to part-time employment due to the need to provide care for an elderly family member;

(C) 6 percent of United States workers left the workforce entirely to care for an elderly loved one;

(D) 27 percent of United States workers reported finding affordable elder care services very difficult, and 33 percent of such workers reported finding such services moderately difficult.

(3) If working family caregivers aged 50 years and older are provided the support they need to care for their loved ones, the gross domestic product of the United States could grow by an additional $1,700,000,000,000 by 2030.

(4) In the United States, nursing assistants and home health aides—

(A) comprise the largest group of workers in the long-term care workforce; and
(B) are among the 10 occupations experiencing the highest levels of job growth.

(5) In 2014, there were approximately 1,220,000 nursing assistants and 704,500 home health aides in the United States.

(6) The need for workers providing direct care for elderly populations is expected to grow by 34 percent by 2030, which is significantly higher than the capacity of United States workers to fill the need.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the increasing care needs of the elderly population of the United States is of increasing significance, both in terms of cost and time, as United States family size decreases and the overall population ages; and

(2) the establishment of a nonimmigrant visa category to increase the availability of caregivers and lower the cost of caring for the elderly will allow the family members of the elderly, particularly women and single heads of household who historically have taken a greater role in caring for elderly parents, to continuing working rather than taking on a caregiving role.
(c) CONCERN FOR ADVANCED RETIRED AND ELDERLY NONIMMIGRANT VISA PROGRAM.—

(1) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) in subparagraph (T)(ii)(III), by striking the period at the end and inserting a semicolon;

(B) in subparagraph (U)(iii), by striking “or” at the end;

(C) in subparagraph (V)(ii)(II), by striking the period at the end and inserting “; or”; and

(D) by adding at the end the following:

“(W)(i) subject to section 214(s), an alien who seeks admission to the United States temporarily for the purpose of providing direct care, as a nursing assistant, a home health aide, a personal care aide, a psychiatric assistant or aide, a mobility assistant, or a child care provider, for 1 or more individuals who are—

“(I) retired or elderly;

“(II) receiving—

“(aa) disability insurance benefits under section 223 of the Social Security Act (42 U.S.C. 423) or monthly insurance
benefits under section 202 of such Act (42 U.S.C. 402) based on such individuals’ dis-

ability; or

“(bb) supplemental security income

benefits under title XVI of the Social Secu-

rity Act (42 U.S.C. 1381 et seq.) on the

basis of blindness or disability; or

“(III) too young to be eligible for a free

public education (as defined in section 8101 of

the No Child Left Behind Act of 2001 (20

U.S.C. 7801)) in the State or territory in which

such individuals are residing.

“(ii) the spouse or minor child of an alien de-
scribed in clause (i), if accompanying or following to

join such alien.”.

(2) REQUIREMENTS APPLICABLE TO THE CON-

CERN FOR ADVANCED RETIRED AND ELDERLY NON-

IMMIGRANT VISA PROGRAM.—Section 214 of the Im-

migration and Nationality Act (8 U.S.C. 1184) is

amended by adding at the end the following:

“(s) CONCERN FOR ADVANCED RETIRED AND EL-

DERLY (CARE) NONIMMIGRANT VISA PROGRAM.—

“(1) DEFINED TERM.—The term ‘CARE visa’

means a visa issued to an alien described in section
101(a)(15)(W) in accordance with the requirements under this section.

“(2) SELECTION OF APPLICANTS.—

“(A) IN GENERAL.—The Secretary of State, in coordination with the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and the Secretary of Health and Human Services, shall work with the Americas partner country (as defined in section 2 of the Americas Act) to identify, vet, train, and certify applicants for CARE visas.

“(B) APPLICATION PROCESS.—

“(i) IN GENERAL.—The Secretary of State, in coordination with the Americas partner country and private entities, shall establish a process by which an alien may apply to be considered for a CARE visa.

“(ii) CERTIFICATION REQUIRED.—

“(I) IN GENERAL.—The Secretary of State may not approve an application for a CARE visa unless the alien has first applied to the Secretary of Labor for, and obtained, a certification that—
“(aa) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services involved in the application; and

“(bb) the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

“(II) FEES.—The Secretary of Labor may require, by regulation, as a condition of issuing a certification under subclause (I), the payment of a fee to recover the reasonable costs of processing applications for certification.

“(C) TRAINING.—With respect to each alien selected to apply for a CARE visa, the Secretary of State shall coordinate with the Secretary of Labor and the applicable Americas partner country to provide training on direct
care of individuals described in section 101(a)(15)(W)(i)—

“(i) in the primary language of the Americas partner country, as applicable;

“(ii) with respect to the direct care of retired or elderly individuals, in accordance with the standards applicable to a nurse aide training and competency evaluation program under sections 483.152 and 483.154 of title 42, Code of Federal Regulations (or successor regulations); and

“(iii) for the purpose of serving temporarily as a nursing assistant, home health aide, personal care aide, psychiatric assistant, mobility assistant, or child care provider in the United States.

“(D) COMPETENCY EVALUATION AND CERTIFICATION.—

“(i) IN GENERAL.—On completion of the training provided under subparagraph (C), an alien seeking a CARE visa for the purpose of providing direct care for an individual described in section 101(a)(15)(W)(i)(I) shall be evaluated for competency in accordance with the stand-
ards applicable to a nurse aide training and competency evaluation program under sections 483.152 and 483.154 of title 42, Code of Federal Regulations (or successor regulations).

“(ii) Certification.—If the Secretary of State makes a determination that an alien seeking a CARE visa described in clause (i) has attained competency in accordance with the standards referred to in such clause, the Secretary may certify such individual for a CARE visa.

“(E) Numerical Limitation.—Not more than 50,000 CARE visas may be issued annually under this subsection.

“(3) Prohibition.—The Secretary of State may not issue a CARE visa to any individual who—

“(A) has not been certified under paragraph (2)(D)(ii) (unless such individual will only be providing direct care to an individual described in subclause (II) or (III) of section 101(a)(15)(W)(i)); or

“(B) has not completed security and law enforcement background checks to the satisfaction of the Secretary of Homeland Security.
“(4) English language not required.—

The issuance of a CARE visa or the admission of an alien to the United States pursuant to a CARE visa may not be conditioned on English-language competency.

“(5) Portability.—

“(A) In general.—A nonimmigrant described in subparagraph (B) who was previously issued a CARE visa may accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant. Employment authorization shall continue for such nonimmigrant until the new petition is adjudicated. If the new petition is denied, the employment authorization of the alien shall cease to have effect.

“(B) Nonimmigrant described.—A nonimmigrant described in this subparagraph is a nonimmigrant—

“(i) who has been admitted to the United States;

“(ii) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date on which the non-
immigrant’s period of authorized admission expires; and

“(iii) who, after such admission, has not been employed without authorization in the United States before the filing of such petition.

“(6) NONCOMPETE CLAUSES.—

“(A) IN GENERAL.—An agreement between an employer and a CARE visa holder may not include a noncompete clause.

“(B) NONCOMPETE CLAUSE DEFINED.—In this paragraph, the term ‘noncompete clause’ means a contractual term between an employer and a worker that prevents, or has the effect of prohibiting, the worker from seeking or accepting employment with a person after the conclusion of the worker’s employment with the employer.

“(7) PERIOD OF AUTHORIZED ADMISSION.—The period of authorized admission for a non-immigrant described in section 101(a)(15)(W) who has been issued a CARE visa shall be not more than 7 years and may not be renewed or extended for any reason.”.
(3) Protections for Victims of Trafficking.—Section 203 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1375c) is amended—

(A) in the section heading, by striking “AND G–5” and inserting “, G–5, AND CARE”;

(B) in subsection (a)—

(i) in the subsection heading, by striking “AND G–5” and inserting “, G–5, AND CARE”; and

(ii) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by striking “subsection (d)(2)” and inserting “subsection (b)(2)” ; and

(bb) by striking “; or” and inserting a semicolon;

(II) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

“(C) a CARE visa unless the applicant is employed, or has signed a contract to be employed to provide direct care, as a nursing as-
sistant, a home health aide, a personal care aide, a psychiatric assistant or aide, a mobility assistant, or a child care for individual described in section 101(a)(15)(W) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(W)).’’;

(C) in subsection (b)—

(i) in the subsection heading—

(I) by striking ‘‘AND G–5’’ and inserting ‘‘, G–5, AND CARE’’; and

(II) by striking ‘‘EMPLOYED BY DIPLOMATS AND STAFF OF INTERNATIONAL ORGANIZATIONS’’;

(ii) in paragraph (1), in the matter preceding subparagraph (A), by striking ‘‘or a G–5 visa’’ and inserting ‘‘, a G–5 visa, or a CARE visa’’; and

(iii) in paragraph (4)(A), by striking ‘‘or a G–5 visa’’ and inserting ‘‘, a G–5 visa, or a CARE visa’’;

(D) in subsection (c)(1)—

(i) in subparagraph (A), by striking ‘‘or a G–5 visa’’ and inserting ‘‘, a G–5 visa, or a CARE visa’’; and

(ii) in subparagraph (C)—
(I) by striking “or a G–5 visa” and inserting “, a G–5 visa, or a CARE visa”; and

(II) by striking “or G–5 non-immigrant” and inserting “, G–5, or CARE nonimmigrant”;

(E) in subsection (e), by striking “or a G–5 visa” and inserting “, a G–5 visa, or a CARE visa”; and

(F) in subsection (f), by adding at the end the following:

“(5) CARE VISA.—The term ‘CARE visa’ means a nonimmigrant visa issued pursuant to subparagraph (W) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).”.

(d) AUTHORIZATION TO HIRE ADDITIONAL EMBASSY PERSONNEL.—The Secretary of State may increase the number of foreign service officers stationed at United States embassies in order to ensure the efficient adjudication of visa applications associated with the Concern for Advanced Retired and Elderly nonimmigrant visa program.

(e) RULE OF CONSTRUCTION.—Nothing in this se-
strued to prevent an alien from changing from any non-
immigrant classification to any other nonimmigrant classi-
fication under section 248 of the Immigration and Nation-

SEC. 267. SENSE OF CONGRESS ON TN VISA PROGRAM.

It is the sense of Congress that the President should
incorporate into the periodic review of the USMCA for
2026 a discussion of the establishment of a TN visa cat-
egory for low-skill workers.

SEC. 268. ASSESSMENT OF VISA WAIVER PROGRAM ELIGI-
BILITY FOR URUGUAY AND COSTA RICA.

Not later than 90 days after the date of the enact-
ment of this Act, the Secretary of Homeland Security, in
consultation with the Secretary of State, shall submit to
Congress a report that includes—

(1) an assessment as to whether Uruguay meets
the eligibility criteria for designation as a program
country for purposes of the visa waiver program
under section 217 of the Immigration and Nation-
ality Act (8 U.S.C. 1187);

(2) an assessment as to whether Costa Rica
meets such eligibility criteria; and

(3) in the case of an assessment that Uruguay
or Costa Rica does not meet such eligibility criteria,
a description of the actions required of such country
in order to meet such criteria.

SEC. 269. RADIO FREE AMERICAS.

(a) AUTHORITY.—The Secretary of State, the Admin-
istrator of the United States Agency for International De-
velopment, the Secretary of Commerce, or the head of any
other relevant Federal department may award annual
grants to a country in Latin America or the Caribbean
for the purpose of carrying out a broadcasting service,
which—

(1) shall be known as “Radio Free Americas”;

(2) shall consist of radio, television, social
media, and other public communications efforts; and

(3) may not result in any curtailment of the on-
going work of Radio Martí.

(b) FUNCTIONS.—Radio Free Americas shall—

(1) provide accurate and timely information,
news, and commentary about events in the Americas
and in other places around the world; and

(2) be a forum for a variety of opinions and
voices from within nations in the Western Hemi-
sphere whose people do not fully enjoy freedom of
expression.

(c) GRANT AGREEMENT.—
(1) **IN GENERAL.**—Any grant awarded under this section shall be subject to the limitations and restrictions set forth in paragraphs (2) through (5).

(2) **LOCATION OF HEADQUARTERS.**—No grant may be awarded under this section unless the headquarters of Radio Free Americas and its senior administrative and managerial staff are in a location that ensures economy, operational effectiveness, and accountability to the United States Government.

(3) **OBLIGATIONS.**—Any agreement governing a grant awarded under this section shall require that any contract entered into by the grantee on behalf of Radio Free Americas specifies that all obligations related to the functions described in subsection (b) be assumed by Radio Free Americas and not by the United States Government.

(4) **LEASE AGREEMENTS.**—Any such grant agreement shall require that any lease agreements entered into by the grantee on behalf of Radio Free Americas be assignable to the United States Government, to the maximum extent possible.

(5) **LIMITATION ON ACTIVITIES; TERMINATIONS.**—Grants awarded under this section shall be made pursuant to a grant agreement—
(A) requiring that grant funds be used only for activities in accordance with this section; and

(B) specifying that failure to comply with the requirements under this section authorizes the termination of the agreement without fiscal obligation to the United States.

(d) Sense of Congress Regarding Administrative and Managerial Costs.—It is the sense of Congress that administrative and managerial costs for the operation of Radio Free Americas—

(1) should be kept to a minimum; and

(2) should not exceed the costs that would have been incurred if Radio Free Americas had been operated as a Federal entity rather than through a grantee.

(e) Assessment of the Effectiveness of Radio Free Americas.—Not later than 3 years after the date on which initial funding is provided for the purpose of operating Radio Free Americas, the Secretary of State shall submit a report to the appropriate congressional committees regarding—

(1) whether Radio Free Americas—

(A) is technically sound and cost-effective;
(B) consistently meets the standards for quality and objectivity established under this section; and

(C) is received by a sufficient audience to warrant its continued operations;

(2) the extent to which the information, news, and commentary provided by Radio Free Americas is also being received by the target audience from other credible sources; and

(3) the extent to which the interests of the United States are being served by maintaining the operations of Radio Free Americas.

(f) NOTIFICATION AND CONSULTATION REGARDING DISPLACEMENT OF VOICE OF AMERICA BROADCASTING.—The Chief Executive Officer of the United States Agency for Global Media shall notify the appropriate congressional committees before—

(1) entering into any agreement for the utilization of Voice of America transmitters, equipment, or other resources that will significantly reduce the broadcasting activities of the Voice of America in the Americas or in any other region in order to accommodate the broadcasting activities of Radio Free Americas; or
(2) entering into any agreements in regard to
the utilization of Radio Free Americas transmitters,
equipment, or other resources that will significantly
reduce the broadcasting activities of Radio Free
Americas.

(g) ALTERNATIVE GRANTEE.—If the Chief Executive
Officer of the United States Agency for Global Media de-
termines that Radio Free Americas is not carrying out the
functions described in subsection (b) in an effective and
economical manner, the Chief Executive Officer may
award the grant to carry out such functions to another
entity.

(h) FEDERAL STATUS.—Nothing in this section may
be construed to make Radio Free Americas a Federal
agency or instrumentality.

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

SEC. 270. BIENNIAL PRESIDENTIAL SUMMIT.

Not less frequently than biennially, the President, in
consultation with the Secretary of State, shall host a sum-
mit for Americas partner countries during which such
countries shall highlight and showcase successful invest-
ments, endeavors, and programs associated with activities authorized under this Act.

TITLE III—REVENUE AND FINANCIAL MANAGEMENT

SEC. 301. RE-SHORING AND NEAR-SHORING ACCOUNT.

(a) IN GENERAL.—There is established within the Treasury of the United States an account to be known as the “Re-shoring and Near-shoring Account” (in this section referred to as the “Account”), consisting of such amounts as are—

(1) appropriated pursuant to the authorization of appropriations under subsection (c);

(2) deposited into or transferred to the Account as specified in title II or subsection (e) of section 321 of Tariff Act of 1930, as added by section 302; and

(3) credited to the Account under subsection (d).

(b) USE OF AMOUNTS.—Amounts in the Account shall be available, without further appropriation, to carry out titles I and II.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $500,000,000 for fiscal year 2024 for initial capitalization of the Account.
(2) REIMBURSEMENT OF TREASURY.—Not later than 2 years after the date of the enactment of this Act, the Account shall reimburse the treasury for the amount appropriated pursuant to the authorization of appropriations under paragraph (1).

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Treasury shall invest such portion of the Account as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) AUTHORIZATION OF INVESTMENT IN OTHER INSTRUMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury may invest such portion of the Account as the Secretary anticipates will be held in the Account for not less than 2 years in equity securities or other securities through a commercial bank if the Secretary determines such investments are appropriate.

(B) DEFINITIONS.—In this paragraph, the terms “equity security” and “security” have the meanings given those terms in section 3(a) of

(3) INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Account shall be credited to and form a part of the Account.

SEC. 302. MODIFICATION OF TREATMENT OF DE MINIMIS ENTRIES OF ARTICLES.

(a) IN GENERAL.—Section 321 of Tariff Act of 1930 (19 U.S.C. 1321) is amended—

(1) by amending subsection (a)(2)(C) to read as follows:

“(C) in any other case, such amount as the Secretary establishes under subsection (c)(1).”;

and

(2) by adding at the end the following:

“(c) TREATMENT OF DE MINIMIS ENTRIES.—

“(1) Reciprocity with respect to De Minimis Entries.—

“(A) Establishment of thresholds.—

“(i) In general.—Not later than 180 days after the date of the enactment of the Americas Act, the Secretary of the Treasury shall prescribe regulations to establish dollar amount thresholds, which
may not exceed $800, for de minimis entries for purposes of subsection (a)(2)(C).

“(ii) REQUIREMENTS.—The Secretary shall establish a threshold under clause (i) for each country that is equal to the sum of—

“(I) the dollar amount threshold of that country for de minimis entries from the United States; and

“(II) any related thresholds of that country, such as a threshold relating to a value-added tax on imports.

“(iii) PUBLICATION; NOTIFICATION.—Not later than 180 days after the date of the enactment of the Americas Act, and annually thereafter, the Secretary shall—

“(I) publish the threshold established under clause (i) in the Federal Register; and

“(II) notify the governments of foreign countries of the threshold.

“(B) TRANSFER OF AMOUNTS ATTRIBUTABLE TO DE MINIMIS ENTRIES TO RE-SHORING AND NEAR-SHORING ACCOUNT.—
“(i) IN GENERAL.—The Secretary of the Treasury shall transfer to the Re-shoring and Near-shoring Account established under section 301 of the Americas Act from the general fund of the Treasury, for fiscal year 2024 and each fiscal year thereafter, an amount equivalent to the amount received into the general fund during that fiscal year that the Secretary determines is attributable to revenue received as a result of the dollar amount thresholds established under subparagraph (A).

“(ii) FREQUENCY OF TRANSFERS.—The Secretary shall transfer amounts required by clause (i) to be transferred to the Re-shoring and Near-shoring Account not less frequently than quarterly.

“(2) PROHIBITION ON DE MINIMIS ENTRIES FROM CERTAIN COUNTRIES.—

“(A) IN GENERAL.—Not later than one year after the date of the enactment of the Americas Act, and annually thereafter, the Secretary of the Treasury shall publish a list of countries the articles of which are not eligible for entry under subsection (a)(2)(C).
“(B) CRITERIA FOR INCLUSION.—

“(i) IN GENERAL.—Not later than 180 days after the date of the enactment of the Americas Act, the Secretary shall establish, and submit to Congress a report on, the conditions for including a country on the list required by subparagraph (A).

“(ii) CONSIDERATIONS.—In establishing under clause (i) conditions for including a country on the list required by subparagraph (A), the Secretary shall consider the following:

“(I) Violations by the country of the Act entitled ‘An Act to ensure that goods made with forced labor in the Xinjiang Autonomous Region of the People’s Republic of China do not enter the United States market, and for other purposes’, approved December 23, 2021 (Public Law 117–78; 135 Stat. 1525) (commonly referred to as the ‘Uyghur Forced Labor Prevention Act’).
“(II) Transshipment through the country of goods from countries on the list.

“(III) The exportation from the country of counterfeit goods.

“(IV) Whether the government of the country is committed to the fight against trafficking in persons, illegal narcotics, and terrorism, as demonstrated by—

“(aa) the government of the country not being listed under subparagraph (C) of section 110(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)(1)) (commonly referred to as ‘tier 3’) in the most recent report on trafficking in persons required under such section (commonly referred to as the ‘Trafficking in Persons Report’); and

“(bb) certification by the Department of State that the government is participating in
the fight against illegal narcotics
and terrorism.

“(V) Harm to industry in the
United States.

“(VI) Public safety risks posed
by imports from the country to United
States consumers.

“(VII) The flow of narcotics from
the country into the United States.

“(VIII) Such other issues as the
Secretary considers appropriate.

“(C) COUNTRIES REQUIRED TO BE IN-
CLUDED.—

“(i) IN GENERAL.—The following
countries shall be included on the list re-
quired by subparagraph (A), effective on
the date of the enactment of the Americas
Act:

“(I) The People’s Republic of
China.

“(II) The Russian Federation.

“(ii) REMOVAL FROM LIST.—A coun-
try specified in clause (i) may not be re-
moved from the list required by subpara-
graph (A) until the Secretary certifies to
Congress that the government of the country has made progress with respect to the considerations described in subparagraph (B)(ii).

“(D) REMOVAL.—

“(i) IN GENERAL.—The government of a country on the list required by subparagraph (A) may petition the Secretary for removal from the list.

“(ii) RESPONSE TIME.—The Secretary shall—

“(I) respond to a petition submitted under clause (i) not later than 90 days after receiving the petition; and

“(II) include in that response a description of any measures the government that submitted the petition is required to undertake to be removed from the list.

“(E) CONSULTATIONS WITH CONGRESS.—

The Secretary shall consult with Congress before adding a country to or removing a country from the list required by subparagraph (A).
“(3) LIMITATIONS ON ELIGIBILITY OF CARRIERS FOR IMPORTATION OF DE MINIMIS ENTRIES.—

“(A) IN GENERAL.—An article is eligible for entry under subsection (a)(2)(C) only if the article is transported to the United States by a contract carrier or customs broker.

“(B) DATA REQUIREMENTS.—A contract carrier or customs broker seeking to enter an article under subsection (a)(2)(C) shall provide the following data with respect to the article:

“(i) The heading or subheading of the Harmonized Tariff Schedule of the United States under which the article is classifiable.

“(ii) The country of origin of the article.

“(iii) The country of manufacture of the article (if different from the country of origin under clause (ii)).

“(iv) The shipper of record.

“(v) The importer of record.

“(vi) A description of the article.

“(vii) The fair market value in the United States of the article.
“(C) Collection of duties and taxes.—A contract carrier or customs broker transporting articles entering under subsection (a)(2)(C) shall be responsible for collecting the duties and taxes owed with respect to such articles and remitting those duties and taxes to U.S. Customs and Border Protection.

“(D) Definitions.—In this paragraph:

“(i) Contract carrier.—The term ‘contract carrier’ means a private entity that—

“(I) is organized under the laws of the United States or any jurisdiction within the United States; and

“(II) ships small packages into the United States by air or land.

“(ii) Customs broker.—The term ‘customs broker’ means a person holding a valid customs broker’s license issued under section 641(b) of the Tariff Act of 1930 (19 U.S.C. 1641(b)).

“(4) De minimis entry defined.—In this subsection, the term ‘de minimis entry’ means the entry of articles imported by one person on one day with a fair retail value that does not exceed—
“(A) in the case of articles entering the
United States, the applicable threshold estab-
lished under paragraph (1)(A); and
“(B) in the case of articles entering any
other country, an amount determined by the
government of that country to be de minimis.”.

(b) Eligibility for De Minimis Entry Proce-
dures of Articles Withdrawn From a United
States Foreign Trade Zone.—

(1) In general.—Section 321(a)(2) of the
Tariff Act of 1930 (19 U.S.C. 1321(a)(2)), as
amended by subsection (a), is further amended, in
the matter preceding subparagraph (A)—

(A) by inserting “or withdrawal from a
foreign trade zone and subsequent entry for
consumption” after “by reason of importation”; and

(B) by inserting “, or in a foreign trade
zone of articles withdrawn on one invoice or
order for one ultimate consignee on one day,”
after “one person on one day”; and

(2) Treatment of E-commerce Under For-

eign Trade Zones Act.—Section 15(d) of the For-
egn Trade Zones Act (19 U.S.C. 81o(d)) is amend-
ed—
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(A) by inserting “(1)” after “(d) and

(B) by adding at the end the following:

“(2)(A) In this subsection, the term ‘retail trade’ does not include any e-commerce transaction in which articles with a fair retail value of less than the applicable threshold established under section 321(c)(1)(A) of the Tariff Act of 1930 are withdrawn from a zone.

“(B) For purposes of subparagraph (A), the term ‘e-commerce’ means the buying or selling of articles over the internet or other electronic exchange network.”.

(3) CUSTOMS PROCEDURES.—

(A) ESTABLISHMENT OF PROCESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in coordination with the Secretary of Homeland Security with respect to trade facilitation and trade enforcement and the Secretary of Commerce with respect to matters relating to foreign trade zones, shall prescribe regulations to implement the amendments made by this subsection.
(B) Public Comment.—In prescribing regulations under subparagraph (A), the Secretary shall—

(i) publish a notice of proposed rule-making in the Federal Register;

(ii) provide for a period for public review and comment of not less than 30 days; and

(iii) issue final regulations not later than 90 days after the end of the period described in clause (ii) and not less than 60 days before the effective date of such regulations.

(C) Rule of Construction.—Nothing in this paragraph may be construed to affect the administration of section 484(i) of the Tariff Act of 1930 (19 U.S.C. 1484(i)) or section 15(d) of the Foreign Trade Zones Act (19 U.S.C. 81o(d)) other than to the extent necessary to make articles withdrawn from a foreign trade zone and entering for consumption eligible for the exemption from duties under section 321(a)(2)(C) of the Tariff Act of 1930 (19 U.S.C. 1321(a)(2)(C)).
(4) **Effective Date.**—The amendments made by this subsection shall apply with respect to articles withdrawn from a foreign trade zone and entered for consumption on or after the date that is 15 days after the date of the enactment of this Act.

(5) **Definitions.**—In this subsection:

(A) **Foreign Trade Zone.**—The term “foreign trade zone” means a zone activated pursuant to the Foreign Trade Zones Act on or before the date of the enactment of this Act.

(B) **Foreign Trade Zones Act.**—The term “Foreign Trade Zones Act” means the Act of June 18, 1934 (commonly known as the “Foreign Trade Zones Act”) (48 Stat. 998, chapter 590; 19 U.S.C. 81a et seq.).

**TITLE IV—REPORTING AND BRANDING**

**SEC. 401. ANNUAL REPORT ON AMERICAS PROGRAM.**

(a) **In General.**—Not later than December 31 of each year that begins after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the officials specified in subsection (b), shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a
report on activities carried out under the Americas program during the preceding fiscal year.

(b) OFFICIALS SPECIFIED.—The officials specified in this subsection are the following:

(1) The Administrator of the United States Agency for International Development.

(2) The United States Trade Representative.

(3) The Secretary of State.

(4) The Secretary of Homeland Security.

(5) Such other officials as the Secretary of Commerce considers appropriate.

(c) ASSESSMENT OF ACTIVITIES CONDUCTED IN PRECEDING YEAR.—Each report required by subsection (a) shall include the following for the fiscal year covered by the report:

(1) A statement of the number of Americas partner countries.

(2) An assessment of the effectiveness of loans and other incentives provided under section 212 with respect to re-shoring and near-shoring that includes an estimate of—

(A) the number of entities re-shored or near-shored; and
the number of jobs created in the United States and Americas partner countries as a result of such re-shoring and near-shoring.

(3) An assessment of the status of negotiations for the expansion of the USMCA under section 222 that includes—

(A) an identification of the countries participating in those negotiations;

(B) an estimate of the amount of trade between those countries and the United States; and

(C) an identification of any significant challenges relating to those negotiations.

(4) An assessment of the status of negotiations for the expansion of countries that are CBTPA beneficiary countries (as defined in section 213(b)(5) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)), as amended by section 224) that includes—

(A) an identification of the countries participating in those negotiations;

(B) an estimate of the amount of trade between those countries and the United States; and
(C) an identification of any significant challenges relating to those negotiations.

(5) An assessment of the activities of the BUILD Americas Unit that includes—

(A) a description of the financial instruments used under section 252 and the amounts issued under such instruments;

(B) an assessment of the repayment rates;

(C) a copy of each grant, loan, guaranty, or insurance agreement;

(D) a list of projects carried out using such grants, loans, guaranties, or insurance;

(E) a statement of the amount expended by the Corporation and the amount provided to the Re-shoring and Near-shoring Account established under section 301.

(6) An assessment of the activities of the Americas Partnership Enterprise Fund established under section 253 that includes—

(A) an identification of the country in which the Fund is registered;

(B) a copy of the registration documents for the Fund;

(C) a description of the grants, loans, and technical assistance provided by the Fund; and
(D) an assessment of the repayment rate of loans provided by the Fund.

(7) An assessment of activities carried out under section 254 relating to near-shoring of strategic supply chains or transformational energy investments.

(8) An assessment of humanitarian and business development assistance provided under section 261 that includes—

(A) a list of the recipients of such assistance; and

(B) a description of the assistance provided.

(9) A description of the cultural affairs programming provided under section 262.

(10) An assessment of efforts conducted under section 263 to increase the number of Peace Corps volunteers in Americas partner countries that includes an identification of the number of such volunteers and the countries to which such volunteers are assigned.

(11) An assessment of activities carried out under section 264 relating to the American University of the Americas that includes—

(A) a list of campus locations;
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    (B) the number of students attending each
    such campus; and

    (C) a list of degrees offered by the university.

    (12) An assessment of the programming pro-
vided by the United States Agency for Global Media
under section 269 that includes—

    (A) a list of programs provided; and

    (B) an assessment of the number and loca-
tions of listeners to such programs.

    (13) If a summit was conducted under section
270 in the year preceding the submission of the re-
port—

    (A) an assessment of the success of the
summit;

    (B) the location of the summit; and

    (C) an identification of the attendees of
the summit.

    (d) **FINANCIAL PROJECTIONS FOR UPCOMING
YEAR.**—Each report required by subsection (a) shall in-
clude a projection of the amount of funds required for the
fiscal year that begins after submission of the report,
disaggregated by agency and purpose.
SEC. 402. BRANDING AND MARKETING FOR AMERICAS PROGRAM.

Branding and marketing for the Americas program shall be conducted in a manner consistent with the Visibly American branding policies of the Department of State.