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S. 1824

To provide for the development and implementation of economic defense response teams.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2021

Mr. PORTMAN (for himself, Mr. RISCH, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide for the development and implementation of economic defense response teams.

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

3 **SECTION 1. ECONOMIC DEFENSE RESPONSE TEAMS.**

4 (a) PILOT PROGRAM.—Not later than 180 days after
5 the date of the enactment of this Act, the President, act-
6 ing through the Secretary of State, shall develop and im-
7 plement a pilot program for the creation of deployable eco-
8 nomic defense response teams to help provide emergency
9 technical assistance and support to a country subjected
10 to the threat or use of coercive economic measures and

1 to play a liaison role between the legitimate government
2 of that country and the United States Government. Such
3 assistance and support may include the following activi-
4 ties:

5 (1) Reducing the partner country's vulnerability
6 to coercive economic measures.

7 (2) Minimizing the damage that such measures
8 by an adversary could cause to that country.

9 (3) Implementing any bilateral or multilateral
10 contingency plans that may exist for responding to
11 the threat or use of such measures.

12 (4) In coordination with the partner country,
13 developing or improving plans and strategies by the
14 country for reducing vulnerabilities and improving
15 responses to such measures in the future.

16 (5) Assisting the partner country in dealing
17 with foreign sovereign investment in infrastructure
18 or related projects that may undermine the partner
19 country's sovereignty.

20 (6) Assisting the partner country in responding
21 to specific efforts from an adversary attempting to
22 employ economic coercion that undermines the part-
23 ner country's sovereignty, including efforts in the
24 cyber domain, such as efforts that undermine cyber-
25 security or digital security of the partner country or

1 initiatives that introduce digital technologies in a
2 manner that undermines freedom, security, and sov-
3 ereignty of the partner country.

4 (7) Otherwise providing direct and relevant
5 short-to-medium term economic or other assistance
6 from the United States and marshalling other re-
7 sources in support of effective responses to such
8 measures.

9 (b) INSTITUTIONAL SUPPORT.—The pilot program
10 required by subsection (a) should include the following ele-
11 ments:

12 (1) Identification and designation of relevant
13 personnel within the United States Government with
14 expertise relevant to the objectives specified in sub-
15 section (a), including personnel in—

16 (A) the Department of State, for over-
17 seeing the economic defense response team’s ac-
18 tivities, engaging with the partner country gov-
19 ernment and other stakeholders, and other pur-
20 poses relevant to advancing the success of the
21 mission of the economic defense response team;

22 (B) the United States Agency for Inter-
23 national Development, for the purposes of pro-
24 viding technical, humanitarian, and other as-
25 sistance, generally;

1 (C) the Department of the Treasury, for
2 the purposes of providing advisory support and
3 assistance on all financial matters and fiscal
4 implications of the crisis at hand;

5 (D) the Department of Commerce, for the
6 purposes of providing economic analysis and as-
7 sistance in market development relevant to the
8 partner country's response to the crisis at hand,
9 technology security as appropriate, and other
10 matters that may be relevant;

11 (E) the Department of Energy, for the
12 purposes of providing advisory services and
13 technical assistance with respect to energy
14 needs as affected by the crisis at hand;

15 (F) the Department of Homeland Security,
16 for the purposes of providing assistance with re-
17 spect to digital and cybersecurity matters, and
18 assisting in the development of any contingency
19 plans referred to in paragraphs (3) and (6) of
20 subsection (a) as appropriate;

21 (G) the Department of Agriculture, for
22 providing advisory and other assistance with re-
23 spect to responding to coercive measures such
24 as arbitrary market closures that affect the
25 partner country's agricultural sector;

1 (H) the Office of the United States Trade
2 Representative with respect to providing sup-
3 port and guidance on trade and investment
4 matters; and

5 (I) other Federal departments and agen-
6 cies as determined by the President.

7 (2) Negotiation of memoranda of under-
8 standing, where appropriate, with other United
9 States Government components for the provision of
10 any relevant participating or detailed non-Depart-
11 ment of State personnel identified under paragraph
12 (1).

13 (3) Negotiation of contracts, as appropriate,
14 with private sector representatives or other individ-
15 uals with relevant expertise to advance the objectives
16 specified in subsection (a).

17 (4) Development within the United States Gov-
18 ernment of—

19 (A) appropriate training curricula for rel-
20 evant experts identified under paragraph (1)
21 and for United States diplomatic personnel in a
22 country actually or potentially threatened by co-
23 ercive economic measures;

24 (B) operational procedures and appropriate
25 protocols for the rapid assembly of such experts

1 into one or more teams for deployment to a
2 country actually or potentially threatened by co-
3 ercive economic measures; and

4 (C) procedures for ensuring appropriate
5 support for such teams when serving in a coun-
6 try actually or potentially threatened by coer-
7 cive economic measures, including, as applica-
8 ble, logistical assistance, office space, informa-
9 tion support, and communications.

10 (5) Negotiation with relevant potential host
11 countries of procedures and methods for ensuring
12 the rapid and effective deployment of such teams,
13 and the establishment of appropriate liaison relation-
14 ships with local public and private sector officials
15 and entities.

16 (c) REPORTS REQUIRED.—

17 (1) REPORT ON ESTABLISHMENT.—Upon estab-
18 lishment of the pilot program required by subsection
19 (a), the Secretary of State shall provide the Com-
20 mittee on Foreign Relations of the Senate and the
21 Committee on Foreign Affairs of the House of Rep-
22 resentatives with a detailed report and briefing de-
23 scribing the pilot program, the major elements of the
24 program, the personnel and institutions involved,

1 and the degree to which the program incorporates
2 the elements described in subsection (a).

3 (2) FOLLOW-UP REPORT.—Not later than one
4 year after the report required by paragraph (1), the
5 Secretary of State shall provide the Committee on
6 Foreign Relations of the Senate and the Committee
7 on Foreign Affairs of the House of Representatives
8 with a detailed report and briefing describing the op-
9 erations over the previous year of the pilot program
10 established pursuant to subsection (a), as well as the
11 Secretary’s assessment of its performance and suit-
12 ability for becoming a permanent program.

13 (3) FORM.—Each report required under this
14 subsection shall be submitted in unclassified form,
15 but may include a classified annex.

16 (d) DECLARATION OF AN ECONOMIC CRISIS RE-
17 QUIRED.—

18 (1) NOTIFICATION.—The President may acti-
19 vate an economic defense response team for a period
20 of 180 days under the authorities of this section to
21 assist a partner country in responding to an unusual
22 and extraordinary economic coercive threat by an
23 adversary of the United States upon the declaration
24 of a coercive economic emergency, together with no-
25 tification to the Committee on Foreign Relations of

1 the Senate and the Committee on Foreign Affairs of
2 the House of Representatives.

3 (2) EXTENSION AUTHORITY.—The President
4 may activate the response team for an additional
5 180 days upon the submission of a detailed analysis
6 to the committees described in paragraph (1) justifying why the continued deployment of the economic
7 defense response team in response to the economic
8 emergency is in the national security interest of the
9 United States.

11 (e) SUNSET.—The authorities provided under this
12 section shall expire on December 31, 2026.

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