

118TH CONGRESS
2D SESSION

S. 4703

To enhance the partnership between the United States and the Philippines,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 11 (legislative day, JULY 10), 2024

Mr. RUBIO introduced the following bill; which was read twice and referred
to the Committee on Foreign Relations

A BILL

To enhance the partnership between the United States and
the Philippines, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “United States-Philippines Partnership Act of 2024”.

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

Sec. 1. Short title; table of contents.

TITLE I—ECONOMIC MEASURES

Sec. 101. Definitions.

Sec. 102. Negotiation of critical minerals agreement with the Philippines.

Sec. 103. Prioritization of support by United States International Development Finance Corporation for projects in the Philippines in critical minerals and fossil fuels.

Sec. 104. Interagency plan for infrastructure development in the Philippines to support military and disaster recovery operations.

TITLE II—DIPLOMATIC MEASURES

Sec. 201. Statement of policy regarding China’s illegal, coercive, aggressive, and deceptive tactics in the South China Sea.

Sec. 202. Multilateral agreement between the United States, the Philippines, the Republic of Korea, and Japan.

TITLE III—MILITARY MEASURES

Sec. 301. United States-Philippines Security Consultative Committee.

Sec. 302. Report on domain awareness gaps of the Philippines.

Sec. 303. Assessment of and report on improvements in Second Thomas Shoal region of the Philippines.

1 **TITLE I—ECONOMIC MEASURES**

2 **SEC. 101. DEFINITIONS.**

3 In this title:

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

7 (A) the Committee on Foreign Relations,
8 the Committee on Finance, and the Committee
9 on Energy and Natural Resources of the Sen-
10 ate; and

11 (B) the Committee on Foreign Affairs, the
12 Committee on Ways and Means, and the Com-
13 mittee on Energy and Commerce of the House
14 of Representatives.

15 (2) **CRITICAL MINERAL.**—The term “critical
16 mineral” has the meaning given that term in section

1 7002(a) of the Energy Act of 2020 (30 U.S.C.
2 1606(a)).

3 (3) FOREIGN ENTITY OF CONCERN.—The term
4 “foreign entity of concern” means an entity orga-
5 nized under the laws of or otherwise subject to the
6 jurisdiction of—

7 (A) the People’s Republic of China;

8 (B) the Russian Federation;

9 (C) the Islamic Republic of Iran; or

10 (D) the Democratic People’s Republic of
11 Korea.

12 **SEC. 102. NEGOTIATION OF CRITICAL MINERALS AGREE-**
13 **MENT WITH THE PHILIPPINES.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act, the Secretary of State
16 shall seek to enter into negotiations with the Philippines
17 for an executive agreement relating to critical minerals
18 that—

19 (1) requires that duties not be imposed on the
20 export of on critical minerals;

21 (2) provides for domestic measures to address
22 nonmarket policies and practices of other countries
23 affecting trade in critical minerals;

1 (3) implements best practices for reviewing in-
2 vestments within the critical mineral sector of the
3 Philippines by foreign entities of concern;

4 (4) promotes more efficient methods of extrac-
5 tion of critical minerals that reduces the demand for
6 the extractions of virgin materials;

7 (5) establishes engagement, information-shar-
8 ing, and enforcement processes to address concerns
9 relating to the use of forced labor in the critical min-
10 eral industry; and

11 (6) promotes the neutrality of employers in the
12 organization and operations of labor organizations.

13 (b) BRIEFINGS REQUIRED.—Not later than 1 year
14 after the date of the enactment of this Act, and every 180
15 days thereafter until an agreement described in subsection
16 (a) enters into force, the Secretary of State, the United
17 States Trade Representative, and the heads of other rel-
18 evant Federal agencies, shall brief the appropriate con-
19 gressional committees on progress in negotiating such an
20 agreement.

1 **SEC. 103. PRIORITIZATION OF SUPPORT BY UNITED STATES**
2 **INTERNATIONAL DEVELOPMENT FINANCE**
3 **CORPORATION FOR PROJECTS IN THE PHIL-**
4 **IPPINES IN CRITICAL MINERALS AND FOSSIL**
5 **FUELS.**

6 (a) IN GENERAL.—In providing support under title
7 II of the Better Utilization of Investments Leading to De-
8 velopment Act of 2018 (22 U.S.C. 9621 et seq.), the
9 United States International Development Finance Cor-
10 poration (in this section referred to as the “Corporation”)
11 shall prioritize the provision of support to projects in the
12 Philippines in sectors the Government of the Philippines
13 is seeking to develop, including the mining of critical min-
14 erals and fossil fuels.

15 (b) REPORT REQUIRED.—Not later than 1 year after
16 the date of the enactment of this Act, and annually there-
17 after until the date that is 5 years after such date of en-
18 actment, the Chief Executive Officer of the Corporation
19 shall submit to the appropriate congressional committees
20 a report that—

21 (1) lists all the critical mineral and fossil fuel
22 projects in the Philippines for which the Corporation
23 provided support in the one-year period preceding
24 submission of the report;

25 (2) lists all the applications for support for such
26 projects that the Corporation rejected; and

1 (3) provides a justification for rejecting such
2 applications.

3 **SEC. 104. INTERAGENCY PLAN FOR INFRASTRUCTURE DE-**
4 **VELOPMENT IN THE PHILIPPINES TO SUP-**
5 **PORT MILITARY AND DISASTER RECOVERY**
6 **OPERATIONS.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Secretary of State
9 shall—

10 (1) lead an interagency effort to assess invest-
11 ments of the United States in the Philippines; and

12 (2) develop a plan for how such investments can
13 better enable efficient transportation during a con-
14 flict or other emergency scenario.

15 (b) IDENTIFICATION OF INFRASTRUCTURE REQUIR-
16 ING ADDITIONAL INVESTMENT.—The plan required by
17 subsection (a)(2) shall—

18 (1) identify—

19 (A) infrastructure in the Philippines that
20 the Secretary determines is insufficient to sup-
21 port military and disaster recovery operations;
22 and

23 (B) any asset that would assist the mili-
24 tary of the Philippines in the event of an attack
25 on the Philippines; and

1 (2) assess whether any of such assets require
 2 additional investment by the United States to assist
 3 the military of the Philippines in the event of an at-
 4 tack.

5 (c) IDENTIFICATION OF ADDITIONAL UNITED
 6 STATES AGENCIES TO MAKE INVESTMENTS.—The plan
 7 required by subsection (a)(2) shall identify United States
 8 Government agencies, such as the Office of Strategic Cap-
 9 ital of the Department of Defense, that—

10 (1) are not involved, as of the date of the enact-
 11 ment of this Act, in infrastructure investment in the
 12 Philippines; and

13 (2) could make investments that could assist
 14 the Government of the Philippines respond to an at-
 15 tack on the Philippines.

16 **TITLE II—DIPLOMATIC** 17 **MEASURES**

18 **SEC. 201. STATEMENT OF POLICY REGARDING CHINA’S IL-** 19 **LEGAL, COERCIVE, AGGRESSIVE, AND DECEP-** 20 **TIVE TACTICS IN THE SOUTH CHINA SEA.**

21 (a) IN GENERAL.—It is the policy of the United
 22 States that the actions of the People’s Republic of China
 23 in the South China Sea constitute illegal, coercive, aggres-
 24 sive, and deceptive (ICAD) tactics.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should describe actions of the People’s Republic of China in the South China Sea as ICAD tactics and that doing so would help the diplomatic efforts of the Government of the Philippines.

SEC. 202. MULTILATERAL AGREEMENT BETWEEN THE UNITED STATES, THE PHILIPPINES, THE REPUBLIC OF KOREA, AND JAPAN.

There is authorized to be appropriated \$5,000,000 for the Department of State and the United States Agency for International Development for fiscal year 2025 to support activities related to entering into and implementing a multilateral agreement with the Philippines, the Republic of Korea, and Japan for purposes of responding to actions of the People’s Republic of China in the South China Sea.

TITLE III—MILITARY MEASURES

SEC. 301. UNITED STATES-PHILIPPINES SECURITY CONSULTATIVE COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall establish a consultative committee (to be known as the “United States-Philippines Security Consultative Committee”) to include

1 the Minister of Foreign Affairs and the Minister of De-
 2 fense of the Philippines in the development of a strategy
 3 for jointly strengthening the national security and defense
 4 institutions of the Philippines and the capacity of such in-
 5 stitutions to carry out operations across the Philippines
 6 (including inland and maritime areas) relating to—

7 (1) counterterrorism and counterinsurgency;

8 (2) counternarcotics and countering other forms
 9 of illicit trafficking;

10 (3) cyber defense and prevention of cyber
 11 crimes; and

12 (4) border and maritime security and air de-
 13 fense.

14 (b) ADDITIONAL ELEMENTS.—The United States-
 15 Philippines Security Consultative Committee shall evalu-
 16 ate—

17 (1) existing technologies, equipment, and weap-
 18 ons systems of the national security and defense in-
 19 stitutions of the Philippines; and

20 (2) the upgrades to such technologies, equip-
 21 ment, and systems necessary to ensure the continued
 22 defense of the national sovereignty and national ter-
 23 ritory of the Philippines.

24 (c) BILATERAL SECURITY AND DEFENSE COOPERA-
 25 TION.—Not later than 180 days after the establishment

1 of the United States-Philippines Security Consultative
2 Committee, the Secretary of State, in coordination with
3 the Secretary of Defense, may enter into consultations
4 with the Government of Philippines to strengthen existing,
5 or establish new, bilateral security and defense cooperation
6 agreements or lines of effort to address capacity-building
7 and resource needs identified by the consultative com-
8 mittee.

9 (d) BRIEFINGS.—

10 (1) CONSULTATIVE COMMITTEE.—Not later
11 than 30 days after the date on which the United
12 States-Philippines Security Consultative Committee
13 is established, and not later than 15 days after any
14 meeting of the United States-Philippines Security
15 Consultative Committee thereafter, the Secretary of
16 State and the Secretary of Defense shall, on request
17 by any of the appropriate committees of Congress,
18 jointly brief the appropriate committees of Congress
19 on progress made by the consultative committee.

20 (2) BILATERAL SECURITY AND DEFENSE CO-
21 OPERATION.—Not later than 30 days after the com-
22 pletion of any consultation with the Government of
23 Philippines under subsection (c), the Secretary of
24 State and the Secretary of Defense shall brief the
25 appropriate committees of Congress on the imple-

1 mentation of agreed upon areas of cooperation or
2 lines of effort.

3 (3) APPROPRIATE COMMITTEES OF CONGRESS
4 DEFINED.—In this subsection, the term “appro-
5 priate committees of Congress” means—

6 (A) the Committee on Foreign Relations
7 and the Committee on Armed Services of the
8 Senate; and

9 (B) the Committee on Foreign Affairs and
10 the Committee on Armed Services of the House
11 of Representatives.

12 **SEC. 302. REPORT ON DOMAIN AWARENESS GAPS OF THE**
13 **PHILIPPINES.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Secretary of Defense shall submit
16 to Congress a report on gaps in the domain awareness
17 of the Philippines that may be filled by broader Depart-
18 ment of Defense resourcing of new capabilities.

19 **SEC. 303. ASSESSMENT OF AND REPORT ON IMPROVE-**
20 **MENTS IN SECOND THOMAS SHOAL REGION**
21 **OF THE PHILIPPINES.**

22 (a) ASSESSMENT.—The Secretary of Defense shall
23 assess the feasibility of improving the force posture of the
24 United States Armed Forces capable of deterring, in co-
25 operation with the military forces of the Philippines, hos-

1 tile acts against the Philippines with respect to the Second
2 Thomas Shoal, including an assessment of potential fund-
3 ing sources to execute the planning for and design of im-
4 provements to the position of the BRP Sierra Madre. The
5 Secretary shall carry out such assessment not later than
6 180 days after enactment of this Act, and produce a re-
7 port to Congress on joint efforts between the Department
8 of Defense and the Philippines to harden positions near
9 the Second Thomas Shoal.

10 (b) REPORT.—Not later than 180 days after the date
11 of the enactment of this Act, the Secretary of Defense
12 shall submit to the Congress a report on the assessment
13 carried out under subsection (a) and joint efforts between
14 the Department of Defense and the Philippines to harden
15 positions near the Second Thomas Shoal.

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