

# PANDEMIC-ERA POLICYMAKING AND THE FUTURE OF UNITED STATES- CHINA RELATIONS

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**About Senator Marsha Blackburn:** Senator Blackburn has always taken a holistic view of the threat from China. Throughout her career in the United States Congress, she has consistently raised concerns about China's outsized role in 21<sup>st</sup> century international politics, even as our nation's outlook has shifted toward an era of Great Power Competition. Whether related to human rights and value systems, accountability for the opioid crisis, maintaining a military edge, supply chain security, Beijing's manipulation of Big Tech, or the importance of intellectual property rights, Senator Blackburn has been a strong voice on behalf of democratic values.

Even before establishing formal diplomatic relations with Beijing, American policymakers grappled with the unlikely rise of Chinese influence on the international stage; but conflict in the Soviet Union and the Korean Peninsula, Southeast Asia, and eventually the Middle East deflected attention from Beijing and enabled the Chinese Communist Party's quiet incursion into conversations normally commanded by Western powers.

But with greater visibility came greater scrutiny. In 2005, then-Congresswoman Blackburn built upon her work on behalf of songwriters and pushed Chinese officials to establish initial royalty rates for U.S. copyright owners whose sound recordings are broadcast in China. Her efforts directed sunlight on Beijing's now-notorious disregard for intellectual property rights, and teed up future pieces of legislation directly targeting Chinese IP theft. That same year, she cosponsored legislation exposing Beijing's currency manipulation schemes.

Throughout her career, Senator Blackburn has viewed Chinese aggression through many lenses, not the least of which that of a human rights advocate. She has repeatedly sponsored legislation exposing Beijing's use of political violence, speech suppression, and torture to silence dissent and concentrate power in the hands of the Chinese Communist Party, as well as legislation directly targeting the complicity of the United Nations Human Rights Council.

As the world advanced, so did China advance in its ability to exploit weaknesses in developing technology. In 2019, Senator Blackburn took advantage of growing international unease with Chinese aggression in the digital space to call out high profile Chinese-based corporations like Huawei and ByteDance for building security vulnerabilities into their products. In the wake of the COVID-19 pandemic, Senator Blackburn pushed back against Chinese propaganda blaming American interests for the spread of the novel coronavirus, and in May of 2020, she filed the Stop COVID Act, which once passed will allow American victims of the pandemic to sue Chinese officials in U.S. court.

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## **Executive Summary**

2019 was a significant year in U.S.-China relations, marking the fortieth anniversary of bilateral diplomatic relations and the finalization of a Phase One Trade Deal—both positive steps in a relationship between great powers. But 2019 also marked seventy years since Mao Zedong’s ascendancy to the Chairmanship of the Chinese Communist Party (CCP), and thirty years since that same party massacred its own citizens on a clear June day in Tiananmen Square. In December 2019, it seemed inconceivable that 2020 would become an even more momentous year.

Since 1979, the United States has maintained a complex diplomatic relationship with China that has become increasingly fraught with conflict. In spite of these difficulties, many experts would argue that these relations have been beneficial; however, a close look at the history of U.S.-China relations shows that for every benefit gained, American companies, families, and every branch of the government became increasingly vulnerable to manipulation by Chinese interests.

### **From Outbreak to Pandemic**

On December 31, 2019, government officials in Wuhan, China confirmed they were monitoring the spread of a pneumonia of unknown cause. Just days later, they confirmed the pneumonia was caused by a novel virus that had infected dozens of people. It wasn’t until January 23, 2020, however, that authorities shut off Wuhan from the rest of the country; they canceled all flights and trains leaving the city, and suspended public transportation services within. By that time, though, the virus had spread like wildfire throughout and beyond Asia, infecting people in Thailand, Japan, Taiwan, South Korea, and the United States.

That 23 day gap alone would have proved crucial to stopping the spread of the disease; but credible watchdog reports revealed that officials in Hubei Province and in Beijing held back from global health officials for much longer. These advocates are unanimous in their allegations that the CCP knew for weeks that COVID-19 was spreading, that it was highly contagious and dangerous, and still chose to lie about it. The world would later discover that CCP officials waited 51 days before alerting the public to what had become a novel coronavirus epidemic.

This deception, executed in the name of controlling a narrative that has since spiraled, allowed a regional outbreak to morph into a global pandemic. As of July 20, 2020, the United States alone has lost more than 140,000 people to COVID-19, and over 3.7 million innocent American men, women, and children have suffered from the infection.

### **Ripple Effects**

As the novel coronavirus spread beyond China’s borders, Western political forces drew their battle lines. Discussions in the media and on popular digital platforms were influenced by hyperpolitical public sentiment. In the background, however, government officials were moving quickly to assess public preparedness and map out potential security concerns. What they found confirmed more than two decades’ worth of whistleblowing on the part of experts and legislators—that the United States’ entanglement with China had perpetuated a series of serious economic, health care delivery, diplomatic, and national security vulnerabilities.

The effects of the COVID-19 pandemic on the American economy are already catastrophic. In the month of July, the Department of Labor (DOL) reported that the nation's unemployment rate rests at 11.1%. Mandatory lockdowns and the resulting economic slowdown destroyed millions of jobs. The Congressional Budget Office is predicting the national deficit will reach its highest level since World War II.

For many Americans, the first few months of 2020 came with the shock of shortages of common household goods, medications, and personal protective equipment (PPE). Supply chain hawks were quick to point out that, not only are America's supply chains for these items vulnerable, many of them function at the mercy of Beijing. This lack of control, the American people discovered, had the potential to affect much more than the local supermarket's supply of latex gloves. They learned that economically beneficial relationships between American companies and Beijing had shifted a power balance most assumed would always tilt in the U.S.'s favor, and created a perfect storm of risk and dependency.

### **The Tipping Point**

As the effects of the pandemic escalated, so did tensions between warring political factions seeking to define what "pandemic-era policy" should look like. Efforts to frame positions critical of China as reactionary and xenophobic were overwhelmed by reports from doctors, journalists, and lawyers in China who had been intimidated by CCP officials into staying silent about the outbreak, and then imprisoned, tortured, or expelled from the country when they refused. Human rights advocates compared this uptick in political violence to tactics already in use by the CCP to silence dissent in Tibet, in the Xinjiang Uyghur Autonomous Region (XUAR) in far western China, and in Hong Kong and Taiwan.

Thusly the opaque lens through which most of the world views modern day China was exposed, if not yet acknowledged in mainstream culture. Propaganda can only do so much to disguise authoritarianism masquerading as capitalism, but for the time being, those ancient tactics remain effective at persuading the easily duped, even in the developed world. Buzzwords, however, do nothing to repair the utter brokenness of Beijing's relationship with the West, particularly the United States.

### **Conclusion**

Both the East and the West argue that the COVID-19 pandemic has created a global governance vacuum that can be filled either only by a democratic society, or only by an autocratic one. While U.S. COVID-19 response has been imperfect, Chinese missteps—both willful and otherwise—are demonstrative of the internal and external challenges precipitated by Beijing's governance choices at home and abroad. In an era of Great Power Competition, a global crisis provides the nexus to shape a new world order. This report intends to examine the state of play and put forth a set of recommendations to ensure U.S. preeminence when the COVID-19 crisis recedes.

The broad categories used in this report encompass many of the fronts on which U.S.-China relations turn, but is not exhaustive or predictive of future crises.

## Key Recommendations

- ❖ The United States should maintain its participation in international organizations, and work multilaterally to reshape Beijing's participation in those organizations as China pursues a new model for intergovernmental institutions shaped by self-interest.
- ❖ Congress should lead a whole-of-government approach to secure U.S. supply chains across sectors and bring critical manufacturing and technologies back to America.
- ❖ The United States should address Chinese academic, research, and economic espionage, and intellectual property theft, through the introduction of new, responsibly stringent regulations and consistent implementation of existing regulations.
- ❖ The United States should lead in international standards-setting for network security, emerging technologies, internet access and freedom, and other key policy areas. Key allies and partners should be encouraged to participate in the development and implementation of these standards.
- ❖ Congress should continue to provide robust support for Taiwan and Hong Kong, while supporting universal human rights standards across the Indo-Pacific and within China and its territories.
- ❖ The United States should prioritize building a constellation of allies and partners across the Indo-Pacific in support of a rules-based order to deter aggression and foster stable economic growth.
- ❖ Congress should promote increasing defense investment in U.S. Indo-Pacific Command (USINDOPACOM) while building human capital enterprise-wide, to augment regional deterrence and bolster arenas in which the U.S. possesses an asymmetric advantage.

## Historical Context

To understand any real-world application of communist ideology, one must look beyond manifestos and the modern era's trendy socialist politicking. The various manifestations of Marxism in Bolshevik Russia, in Stalin's Soviet hellscape, and later in Mao's China were all rooted in the same theories of state, class, and revolution. Only differences in history, culture, and the global politics of the day determined how their evolution translated into revolution and, ultimately, the systemic killing of tens of millions of people. The death toll surpasses 100 million lives lost, if we count not just Stalin's victims, but those victims who perished under Communist rule in Eastern Europe, China, Cuba, North Korea, Vietnam and Cambodia.<sup>1</sup>

### Communism's Roots

Any abbreviated discussion of communism, or, *Marxism-Leninism*, must begin in 1848 with the publishing of the Manifesto of the Communist Party. Karl Marx and Friedrich Engels' vision of a true progressive society sought new balance between two main classes of people: the *bourgeois* (businesspeople and other "capitalists") and the *proletarians* (those who sell their labor in order to live.) Marx insisted that the interactions between these people, or "relations of production," form the foundation of society, and that all social, intellectual, and political life depends on the resulting dynamic.<sup>2</sup> That dynamic, in turn, gives rise to institutions and a system of governance.

What most Western thinkers consider the "state," then, was to Marx (and Engels, and later Vladimir Lenin) no more than an instrument of class rule, born of class struggle. The state could be weakened, collapsed, and rebuilt through revolutionary change, allowing a new class to seize political control, and control of society's means of production.<sup>3</sup>

How that revolution plays out, however, depends in equal part on those doing the revolting, and the role that global politics has played in shaping the national political consciousness. For example, Lenin's approach to revolution in Russia was informed by the 1871 failure of the Paris Commune.<sup>4</sup> Looking through Marx's eyes, Lenin saw the Communards' failure to destroy existing institutions as the fatal flaw in their revolutionary scheme. Their utter collapse completely changed the mechanics of Lenin's approach to revolution, which would prove to be disastrous as he and his successor, Joseph Stalin, attempted to transform Russia into a Communist utopia.<sup>5</sup>

### Common Villains and the Role of Political Violence

The early Marxists harbored no illusions about the possibility of peaceful transitions of power between themselves and the bourgeoisie. Indeed, Marx and Engels asserted in their *Manifesto's* closing argument that the Communists "openly declare[d] that their ends can be attained only by the forcible overthrow of all existing social conditions."<sup>6</sup>

#### *Lenin*

Even before Lenin came out of exile and led the Bolsheviks in their bid for power, he had reevaluated Marx's delineations between worker and bourgeois capitalist. He refused to wax philosophical on the worker's desire for revolution; instead, he vilified kulaks (or, landowning peasants whose prosperity, Lenin argued, had given rise to dangerously bourgeois tendencies)

and argued for the need of a professional revolutionary class to prevent others from gaining political power.<sup>7</sup>

This evolution in philosophy would prove deadly, because Lenin's imposed divide between true workers and the exploitative upper class delineated more than just a flashpoint for redistribution of power. It defined a new *enemy* class that, much like the Paris Commune's appropriated institutions, had to be obliterated before the Communists could bring Russia out of the capitalist mire and into a progressive golden era. The Communists used political violence to repress the very people they purported to represent because, according to their own dogma, it was necessary to achieve their ends. Thus, repression and violence were not only justified, but a requirement of success.

### ***Stalin***

The systemic terror and violence that defined Stalinism, however, extracted a toll that far exceeded anything managed by the likes of Lenin. For Joseph Stalin, political violence was the ultimate tool, and he wielded it against man and beast, friend and foe, and even the land itself. As they prepared to implement the now-infamous Soviet collectivization campaigns of the early 1930s, the high-ranking Bolsheviks surrounding Stalin were of one mind: control over the peasantry and the means of extracting value from their land was critical to success.<sup>8</sup> They needed a new era of socialist industrialization and tightly controlled markets to revitalize their movement. But in order to gain the momentum they needed, they (again, according to their own logic) had to reignite Lenin's "us vs. them" narrative.<sup>9</sup>

The horrific consequences of this strategy are now well-known. Between 1932 and 1933, Stalin deliberately starved more than three million people in Soviet Ukraine. Rampant paranoia and sanctioned purging doomed another 700,000 souls during the "Great Terror" of 1936–1938.<sup>10</sup> Stalin's politburo sentenced over 18 million kulaks and out-of-favor party officials and their families to slave labor in the Gulag, where between 1.5 and 3 million prisoners would eventually die.<sup>11</sup>

Stalin's legacy is one defined by utter barbarity, but it is crucial to accept that his *motivations* lived on as valid representations of Marxism's reliance on cyclical class struggle to seize power and define policy. Even as the countryside devolved into chaos, Stalin's confidence in his revitalized revolution only grew deeper.

Years later, another tyrant would unleash upon his own people a similarly disastrous application of Marxism-Leninism, this time fueled by both philosophy, and the near-mystical power of the written word.

### ***Mao***

Although he has not enjoyed the level of notoriety bestowed upon Lenin and Stalin, Mao Zedong's crimes were so severe, so devastating in terms of loss of life and livelihood, that after his death, the CCP all but abandoned his breakneck pursuit of Soviet-style prosperity.

Founded in 1921, the CCP survived brutal civil war with the nationalist Kuomintang party (KMT), outright war with Japan, and renewed conflict with the KMT before finally seizing

political power. Their victory cost China nearly 25 years of progress and millions of lives, and in 1949, the Party rallied behind Mao and his vision for a fully industrialized China. What the CCP didn't count on, however, was how quickly their new leader was prepared to upend Chinese life to follow in Stalin's footsteps. In 1955, against the advice of his advisors, Mao propelled the countryside into rapid collectivization facilitated by ferocious, manufactured class warfare. At best estimate, over 800,000 people perished between the time of initial land reform efforts in 1949, and through the first year of collectivization.<sup>12</sup> By 1957, enthusiasm for Mao's drastic reforms had subsided. Troubled by backlash against other communist experiments in Hungary and Poland, Mao loosened his grip and performed an experiment of his own: allowing his people to criticize CCP policy. This move backfired spectacularly, and prompted subsequent, panicked repression of those who chose to speak against the regime.<sup>13</sup>

In Mao's mind, success could only be achieved via ideological struggle during which the superiority of Marxism-Leninism would manifest as good fortune for everyday Chinese. In truth, however, China's fate was sealed even before the implementation of the draconian crackdowns, seizures, and famine that defined Mao's failed "Great Leap" (1958–1962) and later, his Cultural Revolution (1966–1976). Mao subscribed to the same anti-peasant maxims that devastated Russia and Ukraine. China's "petty" bourgeois were not just a problem to be managed—they were an enemy to be destroyed.<sup>14</sup> His belief in the necessity of class struggle to prevent insurrection, and of the inherent degeneracy of even moderately prosperous peasant families, allowed him to justify policies that led to mass starvation, disease, and economic collapse.

### **Parallels in Modern China**

The People's Republic of China (PRC) has never officially released a death toll from Mao's great famine. Statistical analyses of population trends put the number of excess deaths from 1958 until 1961 alone at around 30 million.<sup>15</sup> The party purges and devastation of the Cultural Revolution claimed perhaps millions more.<sup>16</sup> Deng Xiaoping's reversal of Mao's most damaging policies would eventually ease the people and the economy back into a productive rhythm, but the CCP's comfort with centralized control was set in stone.

Although Deng's reforms were liberal in comparison, the true nature of the CCP's regime once again revealed itself the moment their driving principles came under fire. The 1989 massacre in Tiananmen Square was the result of an affirmative choice made by Party officials to diverge from the paths taken by failing communist regimes in Hungary, Poland, and Czechoslovakia. For the CCP, protecting their hold on political power—with absolute prejudice—was far more important than any other result that an honest cost-benefit analysis could provide.

### ***From Mao to Xi***

When Xi Jinping ascended to the head of the CCP in 2012, many analysts and journalists erroneously touted the new leader as a modern day Deng. Xi's rise was peppered with calls, many from within Xi's own inner circle, to implement more liberal economic policies and transparency within the Party as a counterweight to decades of corrupt, top-down administration.<sup>17</sup> As Xi's first term in office wore on, however, honest analysis trended away from comparisons to Deng and toward revealing parallels between Xi's rise to power, and Mao's.

Miserable though he was as a leader, Mao understood the importance of words and symbols in Chinese culture. Much like that of Tsarist Russia, Chinese culture attaches great importance to the power of the written word. Art, music, and storytelling are more than just outlets for learning or enjoyment; they are tools that can be used to control both behavior and belief.<sup>18</sup> A master propagandist, Mao harnessed that power, and used it to ingrain himself in the flow of everyday life.

Xi updated these doctrinal tactics, and has gone further than anyone since Deng in mythologizing his own heroism.<sup>19</sup> Xi followed in Mao's footsteps by embedding his name and ideals in Chinese law. In 2017, the CCP elevated Xi as a caretaker of Chinese Communist philosophy when they voted, without objection, to incorporate "Xi Jinping Thought on Socialism with Chinese Characteristics for the New Era" into the Communist Party Constitution of China.<sup>20</sup> The significance of this decision cannot be overstated, for it equated attacks by rivals on Xi with attacks on the legitimacy of Party rule. A 2018 change in law eliminating term limits—ensuring Xi could rule for life—is further proof that for the "People's Leader," establishing a cult of personality and leveraging it in favor of the CCP is part of a longer game.<sup>21</sup>

Centralized power is a recipe for disaster, especially in the hands of a figurehead so insulated from criticism. According to Deng, the fatal flaw in Mao's vision for China was his accumulation and wielding of absolute power over every aspect of Chinese life. In Xi's hands, that renewed level of control has given rise to a new era of impunity in China, raising alarms with experts monitoring global supply chains, technological advancements, spectrum policy, and the provision of basic human rights.

## **Regional Issues**

According to a 2019 Pew Research Center survey, more people around the globe hold favorable impressions of the U.S. than of China. Notably, the top four countries with the largest disparity in opinion between their favorable views of the U.S. and China are in the Indo-Pacific—with the starkest gap in Japan.<sup>22</sup> As a constellation of allies and partners is necessary to achieve military deterrence in USINDOPACOM, a network of bilateral and multilateral relations in the Indo-Pacific is necessary to counter Chinese malign influence in the region.

### **Human Rights**

Under Xi Jinping's predecessor Hu Jintao, the CCP allowed limited public criticism of state policies and human rights advocacy around certain non-threatening issues. Since Xi's 2013 ascension, the budding network of Chinese rights activists has been a prime target for surveillance, repression, and detention. Methods used to execute this policy utilize sophisticated technologies, including data aggregation on citizens' "trustworthiness" through a social credit system.

### ***Ideological Conformity***

A 2016 "Sinicization" policy directive requires ethnic minorities, and those of all religions, to conform to Chinese culture and "core socialist values." Three major laws instituted in 2017

further constrict the environment, including a National Intelligence Law obliging individuals, organizations, and institutions to assist and cooperate with state intelligence efforts.

While the PRC's human rights violations remain relatively unpunished, passive reinforcement across the international community allows the PRC to export a model of its human rights system to developing nations as near as Southeast Asia, and as far as Latin America. In the 2017 Beijing Declaration, adopted by the First South-South Human Rights Forum, the PRC asserted that human rights are conditional, can be so applied by regional context, and can be restricted as seen fit.<sup>23</sup> African nations such as Ethiopia, South Sudan, and Namibia, are readily absorbing the dimensions of Chinese ideological frameworks through "political party training" that may have a long-term impact on the landscape of African politics.<sup>24</sup> These examples of systematic and institutionalized efforts to undermine global norms are a sliver of the full scope of the PRC's desire to break up internationally accepted human rights norms.

### ***Freedom of Speech***

Among the most draconian of the PRC's 2017 anti-human rights laws, the Cybersecurity Law gives the government broad powers to control and restrict internet traffic, and places greater burdens upon private internet service providers to monitor online content and assist state security organs. Since 2013, China has dropped three places to 177 (out of 180 countries) on the Reporters Without Borders' World Press Freedom Index.<sup>25</sup> The government blocks access to 8 of the 25 busiest global sites and heavily censors content posted to social media platforms.

The Chinese government's response to the COVID-19 outbreak highlights the PRC's expansive social control apparatus, and in particular its restrictions on freedom of expression. The case of "whistleblower doctor" Li Wenliang, who was reprimanded by Wuhan authorities after he communicated on social media his concerns about COVID-19, three weeks before government media acknowledged it, elicited calls online for free speech.<sup>26</sup> Li contracted COVID-19 from a patient and died on February 7, 2020. The government further censored unauthorized online discussion about COVID-19 and the government's response, and detained independent reporters.

The PRC's aggressive censorship and surveillance efforts are unlikely to subside in the wake of the COVID-19 pandemic, but instead will likely be exported to other illiberal regimes. Thailand, the Philippines, Cambodia, and others have restricted the ability of journalists and other individuals to distribute or publish information related to COVID-19, including imposing criminal penalties, in efforts to suppress free speech and freedom of the press.

### ***Tibetans***

The Tibet Autonomous Region (TAR) was established as a province-level ethnic minority region by the CCP in 1965 following a failed 1959 Tibetan uprising against Chinese rule. In response to 2008's anti-government protests, Chinese authorities imposed new sets of controls on Tibetan religious life, language, and culture, including arbitrary detention and imprisonment of Tibetans and ideological reeducation of Tibetan Buddhist monks and nuns. The PRC goes to great lengths to impose Chinese laws in place of Tibetan Buddhist religious traditions. They caused the disappearance of Gedhun Choekyi Nyima, the child identified in Tibetan Buddhist tradition as the 11<sup>th</sup> Panchen Lama, at the age of six. They also assert that the Chinese state has the right to choose the 15<sup>th</sup> Dalai Lama when the current Dalai Lama, Tenzin Gyatso, passes, despite

branding him as a “dangerous separatist.” Freedom House lists Tibet as the second-least free region in the world, surpassed only by Syria, in its 2019 Freedom in the World report.<sup>27</sup>

The Congressional-Executive Commission on China identifies 273 Tibetan political prisoners believed to be currently detained or imprisoned in the PRC.<sup>28</sup> Since 2009, 156 Tibetans in China have self-immolated, many in peaceful protest of PRC policies.<sup>29</sup>

The tens of thousands of glaciers on the Tibetan plateau serve as the source of the 10 major Asian river systems, supporting the livelihood of an estimated 1.8 billion people in the region. With control of the TAR, the PRC controls the water supply for some of the most populous nations in the world. The PRC has constructed a complex series of over 87,000 dams—ostensibly to meet its hydropower targets.<sup>30</sup> But a recent study shows that Beijing intentionally limited the flow of the Mekong River, thus preserving itself from a drought whilst destroying the livelihoods of Laotian fishers.<sup>31</sup>

### *Uyghurs*

Uyghurs are a Sunni Muslim ethnic group living in the mineral-rich XUAR in the northwest of China. Established in its current form in 1955, Beijing hopes to promote the XUAR as a key link in the Belt and Road Initiative (BRI). In keeping with the policy of “Sinicization,” XUAR authorities instituted measures to assimilate Uyghurs into Han Chinese society and eliminate the influence of indigenous culture. The PRC enacted a law in 2017 that prohibits “expressions of extremism,” and placed restrictions upon traditional Uyghur customs. Thousands of mosques in Xinjiang reportedly have been demolished or “Sinicized,” and traditional burial grounds replaced by parking lots.<sup>32</sup>

Xinjiang authorities have detained over 1.5 million Uyghurs in “reeducation camps” without formal charges, trials, hearings, or release dates. Reasons for arrest can include downloading messaging applications like the popular WhatsApp, possessing the phone numbers of Uyghur scholars, or simply “suspicious involvement in terrorist activities in the region.”<sup>33</sup> Many detainees have little or no contact with their families and, in some cases, are young children. Those in the camps are “reeducated” through chanting and writing about their love for the CCP and Xi Jinping, as well as the forced rejection of religious beliefs, customs, and self-criticisms. Guards are reported to deprive detainees of food, physically abuse them, and in some cases force detainees to work in factories that produce goods for export.

Many experts attribute the surveillance state in Xinjiang to counterterrorism laws instituted under the leadership of Chen Quanguo, the former Party Secretary of Tibet, who was appointed Party Secretary of the XUAR in 2016. Xinjiang, through some lenses, reflects the TAR sixty years later, with advanced equipment. Today’s state control of Xinjiang features biometric data collection, forced installation of mobile phone applications that allow authorities to monitor online activities, predictive policing platforms, and facial recognition-enabled cameras.<sup>34</sup> The dystopian surveillance state extends to foreigners within its borders as well. In 2019, it was discovered that anyone crossing borders into Xinjiang was forced to install data-collecting malware on their cell phones.<sup>35</sup>

The following actions will target the CCP's efforts to defy international norms protecting human rights:

- Congress should fully fund institutions such as the National Endowment for Democracy (NED) and the U.S. Agency for Global Media (USAGM), which promote human rights and democracy in China through grant making and broadcasting, respectively.
- Congress should expand its internet freedom efforts to address the PRC's violations of human rights online, to include passing the Open Technology Fund (OTF) Authorization Act (S. 3820)<sup>36</sup> which would augment the OTF's capacity to advance internet freedom in repressive environments overseas.
- The President should continue to exercise his authority through the Global Magnitsky Human Rights Accountability Act (P.L. 114–328 §§ 1261–1265)<sup>37</sup> to impose economic sanctions and visa denials or revocations against individuals responsible for “gross violations of internationally recognized human rights.”
- The International Olympic Committee (IOC) should rebid and award host status for the 2022 Winter Olympic Games to a country that recognizes and respects human rights. The IOC should also revise its Host City Contract timeline so that all future Games occur in nations that respect the universal basic rights of citizens.
- Congress should pass the Protecting Human Rights During Pandemic Act (S.3819)<sup>38</sup> which would require the Department of State (DOS) to consistently report on, and create a plan to combat, any human rights-violating emergency measures that China and other nations have instituted under the guise of combatting the COVID-19 pandemic.
- The Department of Commerce (DOC) is undergoing a rulemaking process to determine which emerging dual-use technologies should be subject to export controls. Any sophisticated surveillance technologies should be included on the Commerce Control List, and their sale restricted from countries rated Partly Free or Not Free by any Freedom House publication.
- Businesses exporting dual-use technologies to China should also be required to report annually on the impacts of their exports, including a summary of pre-export due diligence undertaken by businesses to ensure their products are not misused.
- The administration should immediately fill the position of Special Coordinator for Tibetan Issues within DOS, as directed by the Tibetan Policy Act (P.L. 107–228 § 621; TPA).<sup>39</sup>
- Congress should pass the Tibetan Policy and Support Act (S.2539),<sup>40</sup> which would direct DOS to seek to establish a U.S. consulate in Lhasa, and sanction Chinese officials responsible for interfering in the process of selection of a future Dalai Lama.

- The United States should prioritize water security in multilateral fora including the Lower Mekong Initiative (LMI), while also encouraging states affected by Beijing’s control of its water supply—including India, Vietnam, Cambodia, Laos, Thailand, Burma, Nepal, Bangladesh, Bhutan, and Pakistan—to raise the issue with their Chinese counterparts.
- DOC should continue to add PRC entities to its Bureau of Industry and Security (BIS) “entity list” under the Export Administration Regulations (EAR) if it is determined that they contribute to or support human rights abuses in Xinjiang.
- Customs and Border Protection (CBP) continue robust enforcement of Section 1307 of the Tariff Act of 1930 (19 U.S.C. § 1307)<sup>41</sup> blocking the import of items produced by Chinese companies believed to have used forced labor in XUAR.
- Congress should pass the Uyghur Forced Labor Prevention Act (S.3471)<sup>42</sup> to ensure that goods made with forced labor in the XUAR do not enter the U.S. market.
- The Secretary of State should provide to Congress a detailed strategy to address products in the global supply chain produced by forced labor in the XUAR, to include a strategy for engagement with nations in the Organization of Islamic Cooperation.
- Senior U.S. officials should visit the XUAR and investigate its “reeducation camps.” DOS should provide to Congress a list of all travel requested, approved, or denied by the Chinese government.

## **Taiwan**

The United States has not maintained formal relations with the island democracy of Taiwan since Washington’s establishment of a diplomatic relationship with Beijing forty years ago. However, as a counterbalance to this Presidential decision, the U.S. Congress in the same year passed the Taiwan Relations Act (22 U.S.C. § 3301 et seq.),<sup>43</sup> providing a legal basis for the unofficial Washington-Taipei bilateral relationship.

In January 2020, President Tsai Ing-wen clinched a second four-year term, and her Democratic Progressive Party (DPP) retained control of the legislature. Upon her reelection, Tsai stated that Taipei deserved “respect from China,” empowering her to move forward with a progressive agenda.<sup>44</sup> Meanwhile, PRC Foreign Minister Wang Yi dismissed the “local election in Taiwan,” asserting, “the rejuvenation of the Chinese nation and reunification across the Taiwan Strait is an invincible trend of history.”<sup>45</sup> Still, the People’s Liberation Army (PLA) “continues to develop and deploy advanced military capabilities needed for a potential military campaign,” should Taiwan pursue independence.<sup>46</sup>

The Trump Administration has notified Congress five times of proposed major Foreign Military Sales (FMS) cases for Taiwan (11 cases with a combined value of about \$11.76 billion), and in 2019, the U.S. Navy conducted 10 transits of the Taiwan Strait. However, the People’s Liberation Army Navy (PLAN) is taking advantage of the pandemic’s domination of headlines, and the temporary absence of U.S. or French Naval presence, to transit the *Liaoning* Aircraft

Carrier and its five-ship flotilla through the Taiwan Strait in April 2020.<sup>47</sup> In contrast to the U.S. and allied presence in the Strait that seeks to maintain freedom of maritime access, Chinese carriers steaming in such close proximity to Taiwan is a deliberate show of force.

One of Beijing's consistent and successful policies across all international organizations is blocking Taiwanese participation or membership, even in an observer capacity. The PRC's fierce claims to Taiwan as an "inalienable part of China" enable the communist state to shield against any recognition by international bodies.<sup>48</sup> For example, in 1971, Taiwan was replaced by China as a member of the United Nations (UN).<sup>49</sup> Despite Taiwan being a founding member, the UN succumbed to continued pressure from the PRC and the premise that only one sovereign state could act as representative.

The World Health Organization (WHO) continues to allow itself to be used as a blunt tool by the Chinese to isolate Taiwan. This practice has potentially deadly consequences: at the outset of the COVID-19 pandemic, the Taiwanese government alerted the WHO to indications of human-to-human transmission, and requested that the body share with Taipei any relevant information on the outbreak.<sup>50</sup> The WHO did not share the Taiwanese-sourced information with its members, or any other country through its online platforms, relinquishing the opportunity for the global community to take heightened precautions. Similarly, the International Civil Aviation Organization (ICAO) refused to share information regarding COVID-19 with Taipei. Therefore, "civil-aviation authorities for one of busiest regional airports [did] not receive up-to-date info on any potential ICAO-WHO efforts. This is how a virus spreads."<sup>51</sup>

The following actions will target the CCP's efforts to provoke conflict and eliminate dissent in the region:

- Congress should pass the Taiwan Symbols of Sovereignty Act (S.3310)<sup>52</sup> to direct the Secretary of Defense to permit government and military representatives from Taiwan to display their representative symbols, including the Flag of Taiwan, while in the U.S. on official business.
- As directed in the Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act (P.L. 116–135),<sup>53</sup> the administration should support Taiwan in strengthening its official diplomatic relationships, as well as other partnerships with countries in the Indo-Pacific region and worldwide. Efforts such as the Global Cooperation and Training Framework, Indo-Pacific Democratic Governance Consultations, and the Pacific Island Dialogue should be prioritized and expanded.
- Freedom of Navigation Operations (FONOPs) conducted by the U.S. in the Asia-Pacific region are part of a multi-prong effort to dissuade conflict, ensure free access to common domains, and encourage the peaceful adherence to international law.<sup>54</sup> The Department of Defense (DoD) should encourage regional stakeholders in the Indo-Pacific to follow suit in unilateral and combined FONOPs and overflight missions where military capabilities allow. FONOPs are, and should continue to be, a critical component to United States deterrence strategy.<sup>55</sup>

- Congress should direct the Office of the Director of National Intelligence (ODNI) to conduct a study on the impact of a Taiwan Strait contingency on the supply of high-technology products to the United States from Taiwan, China, Japan, and South Korea.
- Congress should pass the Taiwan Assurance Act (S.878),<sup>56</sup> which affirms Taiwan’s right to inclusion in international organizations. The Secretary of State should actively support Taiwan’s participation in international organizations engaged in addressing transnational threats and challenges, such as those related to health, aviation security, crime, and terrorism.
- Members of Congress should participate in congressional delegations to Taiwan and Hong Kong, and meet with officials, legislators, civil society, and business representatives in the territory and when they visit the United States.

### **Domestic Chinese Issues**

The COVID-19 pandemic is the most significant crisis that Xi Jinping has faced since his ascension to power. The global legitimacy of the CCP is damaged due to both its early fumbling of COVID-19 response, and subsequent crackdown and disinformation campaigns. Because China has grown its economy more than twenty-fourfold since 1994, and reduced extreme poverty to below 1%, continued economic growth is a key pillar of Xi’s demonstration to both his people and the world that China’s model works.<sup>57</sup> In the absence of continued economic growth, Xi will need to rely upon nationalism and coalescence against outside enemies.

#### ***China’s Center for Disease Control and Prevention (CDC)***

The CDC in the U.S. is a government entity with administrative power. By contrast, China’s CDC is largely empowered to collect data, but not to interpret that data, or even report it directly to the CCP or issue public health warnings. As the Chinese CDC chief epidemiologist Zhong Nanshan admits, the Chinese CDC “has only the right to work,” not the right to make decisions.<sup>58</sup> Meanwhile, recent research suggests that early detection and isolation of COVID-19 cases within China would have reduced infections by 66% (if conducted one week earlier), 86% (if conducted two weeks earlier), or even 95% (if conducted three weeks earlier).<sup>59</sup>

#### ***Wildlife Wet Markets***

COVID-19 is caused by a novel virus, the Severe Acute Respiratory Syndrome Coronavirus-2 (SARS-CoV-2). SARS-CoV-2 is a zoonotic virus, meaning it is derived from pathogens transmitted between animals and humans.<sup>60</sup> Several studies identify considerable genetic similarities between SARS-CoV-2 and coronaviruses found in bat species sold in China’s wildlife “wet markets”—markets that sell wild animals and perishable goods without standardized sanitary or health inspection processes.<sup>61</sup> Chinese wildlife wet markets are largely supported by illegal wildlife trafficking because demand for products like traditional medicines, animal hides, and exotic foods exceeds legal supply. The close proximity of shoppers, vendors, and wildlife makes Chinese wet markets a prime location for zoonotic disease transmission.<sup>62</sup> In fact, Gao Fu, the director of China’s CDC, recognized that “the origin of the new coronavirus is the wildlife sold legally in a Wuhan seafood market.”<sup>63</sup>

### *China's Traditional Partners*

North Korea's state media characterizes COVID-19 response as "an important political issue related to national survival."<sup>64</sup> As China's only treaty ally, the Democratic People's Republic of Korea (DPRK) was the first country to close its northern border at the start of the outbreak, despite Beijing's objections to international travel bans. Russia quickly followed. Even Iranian officials have criticized the PRC for hiding the extent of the outbreak. North Korea's security forces reportedly warned their counterparts in neighboring China that they were ready to use weapons to keep their shared border sealed. Smuggling—the DPRK's lifeblood in the era of international sanctions, long and quietly tolerated by global officials—has been completely banned. A North Korean official reportedly has been executed for attempting to break quarantine.<sup>65</sup>

According to the most recent Worldwide Threat Assessment, "China and Russia are more aligned than at any point since the mid-1950s" and continue to strengthen their ties.<sup>66</sup> Putin and Xi are bonded in their shared disdain for U.S. unilateralism and collaborate to counter the United States' objectives. But in some regions, like the Arctic, dynamics may shift the two from partners to competitors. Still, in spite of deepening Sino-Russian security, economic, and energy relations, the nations' respective responses to COVID-19 have exposed lingering mistrust between Beijing and Moscow. The two can trust the controlled COVID-19 statistics exported under Putin and Xi as much as the rest of the world, and as neighbors, trusting the others' misinformation may lead to dire public health consequences. With border closures presenting an immediate relationship strain, the current health environment may create a rift between Moscow and Beijing, yet may not be enough to fracture their structural ties, and ultimate goal of exerting political and economic influence.

The following actions will lessen the likelihood that China's failed domestic policies will pose a threat to the United States:

- The U.S. should restore a stronger U.S. CDC presence in China, to include an embedded U.S. presence in the Chinese CDC, and demand unimpeded international access to identify the origins of COVID-19.
- The U.S. Food and Drug Administration (FDA) should conduct mandatory, unannounced, and frequent risk-based inspections of Chinese manufacturing facilities to ensure transparency in inspection outcomes as long as components of vaccines and drugs utilized in the United States are manufactured in China.
- The U.S. should collaborate with allies and partners to create a global system of surveillance, detection testing, pharmacological response, and inspection policies. This system should allow for seamless information-sharing between participating nations and international standards of excellence.
- Given the strong link between illegal wildlife sold in wet markets and zoonotic diseases, the U.S. should join with allies and partner governments to urge the PRC to shut down wildlife wet markets that pose a risk of zoonotic disease transmission.

- The United States should encourage international organizations to take aggressive action to ban international trade of wildlife not intended for conservation purposes.

## **Military Issues**

Complex territorial disputes and evolving maritime security challenges threaten the international vision for a free and open Indo-Pacific. The PRC's bullying behavior remains at the forefront of transboundary challenges. Through hostile military maneuvers, economic pressures, and perversion of recognized international waters, the PRC's aggression in the Indo-Pacific threatens regional security and stability. If left unrestricted, the PRC's maritime claims will infringe on regional and international parties' freedom, rights, and lawful use of the sea.

### **Pacific Deterrence**

According to the 2018 National Defense Strategy (NDS), the Indo-Pacific is the DoD's priority theater and presents the greatest strategic and operational challenges.<sup>67</sup> Yet, despite the existence of an effective model, DoD has not adopted any comprehensive approach to counter Chinese aggression in the USINDOPACOM theater. Although the National Defense Authorization Act for Fiscal Year 2018 (P.L. 115–91; NDAA)<sup>68</sup> established the Indo-Asia-Pacific Stability Initiative (IPSI), DoD has never requested funds for this program activity in any subsequent budget proposal.

#### ***Pacific Deterrence Initiative***

The framework for a strategy in USINDOPACOM has been effectively demonstrated across the U.S. European Command (USEUCOM) theater for several years. In response to Russia's illegal annexation of Crimea in 2014, DoD moved swiftly to plan and execute a strategic approach to counter increasing Russian aggression in Europe. This approach, the European Deterrence Initiative (EDI), enables the United States and its partners and allies to deter Russian destabilizing activities throughout the region. EDI supports a robust U.S. military rotational presence across the European theater that is capable of deterring, and if required, responding to regional threats. EDI also increases the responsiveness of U.S. forces to reinforce the North Atlantic Treaty Organization (NATO) across the theater; build the defense and security capacity of allies and partners in Europe; increase bilateral and multilateral exercises and training; and improve infrastructure throughout the theater that will support U.S. military requirements.<sup>69</sup> Announced only months after the Russian seizure in Ukraine took place, EDI has been consistently funded in DoD's Overseas Contingency Operations (OCO) budget since the passage of the NDAA for Fiscal Year 2015 (P.L. 113–291).<sup>70</sup>

A March 2020 USINDOPACOM independent report for FY 2022–2026 warns that “the greatest danger for the United States is the erosion of conventional deterrence.”<sup>71</sup> The Section 1253 assessment details the resources and necessary capabilities required to fully implement the NDS in the Indo-Pacific, which will supplement the long-term investments the Pentagon is making into military platforms and high-end technologies. Drawing on the EDI model, the report

outlines an approach to regain the advantage in USINDOPACOM through a comprehensive strategy of deterrence.

The National Defense Authorization Act for Fiscal Year 2021 (S.4049) would authorize the PDI, aligning programs, weapons, and technologies under one focused budget activity for a total of \$1.4 billion. The FY21 NDAA would also authorize \$5.5 billion to carry out PDI in FY22. Within PDI, significant investments include a strategically necessary integrated air defense capability in Guam, as well as investments in information operations. By weaponizing information, both state and non-state actors continue to undermine U.S. relationships with partners and allies across the Indo-Pacific. Therefore, this program activity encourages the resurgence of various counter-propaganda tools designed to offset Chinese malign influence. Other notable areas of investment include the Maritime Security Initiative (MSI), which is foundational in building partner capacity to continue theater security cooperation, and the Mission Partner Environment (MPE) that provides multinational command and control.

Lastly, the Senate-drafted FY21 NDAA calls special attention to the importance of multilateral fusion centers that serve the critical function of enhancing intelligence support, promoting practical information sharing, and facilitating logistics cooperation to enable allied and partner nations in confronting the PRC's hostile takeover of the East and South China Seas. Fortifying the institutional bonds with allies and partners across INDOPACOM is not only an important contribution to NDS implementation, but a necessary function of preserving a free and open Indo-Pacific.

### ***Blue Water Force Projection***

Over the last two decades, the PRC has committed to the buildup of the PLAN, now the largest navy in the Asia-Pacific.<sup>72</sup> In 2019, the PLAN established a naval logistics support base in Djibouti—Beijing's first overseas naval base—and commissioned China's first domestically-built aircraft carrier, the *Shandong*. These major milestones, in addition to the ongoing modernization of naval platforms and expansion from near-sea to open-water operations, demonstrate the PRC's global strategy for projecting power and influence abroad.

The PRC's long-term focus on modernizing its fleet to challenge deep waters has not distracted the nation from carrying out hostile activities within its unlawfully declared "Nine-Dash Line." The South China Sea accounts for over 10% of the world's fisheries, with greater than 50% of the world's fishing vessels reportedly operating in these disputed waters, and through which approximately one-third of global shipping must traverse.<sup>73</sup> Leveraging a fleet of maritime militias known as the People's Armed Forces Maritime Militia (PAFMM), Chinese forces saturate the South and East China Seas conducting illicit gray zone activities to coerce and harass vessels that abide by international law. The paramilitary force and the China Coast Guard (CCG) are known to regularly extort fisherman, confiscate their catch, and even conduct kidnappings.<sup>74</sup>

Despite the 2016 declaration by The Hague that ruled China's claims to the regional waters have "no legal basis," the PRC frequently proves it will not follow a rules-based approach to maritime law. In April 2020, Vietnam issued a formal protest with the PRC over the sinking of a Vietnamese fishing vessel near the disputed Parcel Islands.<sup>75</sup> Capitalizing on the world's distraction by the COVID-19 pandemic, Chinese vessels continue to harass Indonesian fisherman

and tail Malaysian state oil ships. More egregiously, the PRC announced the establishment of new districts within the boundaries of the Philippines exclusive economic zone.<sup>76</sup> As global communities are forced to face inward to protect domestic infrastructure and contain COVID-19, the PRC will not miss a single opportunity to advance its self-interest.

The following actions will allow the United States to counter Chinese aggression in the Indo-Pacific:

- Congress should legislate, and DoD act, on the primary recommendations of the Section 1253 assessment to establish a PDI. A formal PDI would allow DoD an opportunity to invest in a strategy that would increase joint force lethality, reassert the United States' commitment to regional allies and partners, and rebalance its budgetary sight picture with its stated defense priorities and objectives.
- Congress should pass the South China Sea and East China Sea Sanctions Act (S.1634)<sup>77</sup> to impose sanctions on Chinese persons and entities that contribute to development projects in parts of the South China Sea contested by a member of the Association of Southeast Economic Nations (ASEAN).
- Sanctions should be authorized on Chinese persons who engage in actions or policies that threaten peace or stability in disputed South China Sea areas or East China Sea areas administered by Japan or South Korea.
- DoD should continue to conduct Freedom of Navigation and overflight operations in the East and South China Sea to promote freedom, stability and economic prosperity. The operational presence of the United States Armed Forces in the Indo-Pacific demonstrates America's commitment to allies' and partners' right to sail, fly, and operate wherever international law permits.
- The binational cooperation between the U.S. and Canada to enhance the North American Aerospace Defense Command's (NORAD) efforts to deter Russia should serve as a model for interoperability enterprises.<sup>78</sup> Interoperability between allies remains paramount to effectively deterring the PRC's destabilizing activities in the Indo-Pacific.
- The U.S. and Royal Australian Navies should continue to exploit joint opportunities like command and control integration, and small- and large-scale operations that strengthen combat capabilities and promote stability in the Indo-Pacific. Both nations should exploit all opportunities presented by the Quadrilateral Security Dialogue, or "Quad," comprised of the United States, Australia, Japan, and India.

### **Constellation of Allies and Partners**

The 2018 NDS states that through a unified approach with allies and partners, "we amass the greatest possible strength for the long-term advancement of our interests, maintaining favorable balances of power that deter aggression and support the stability that generates economic growth."<sup>79</sup> In particular, the NDS calls for an expansion of Indo-Pacific alliances and partnerships. In FY 2018 and 2019, the United States conducted nearly 50,000 individual

military training events with 155 participating countries, of which over 40 were nations in the Asia-Pacific region.<sup>80</sup> These training events offer U.S. humanitarian assistance, build partner capacity, combat terrorism, project power, and strengthen global relationships.

According to a 2019 report from the U.S.-China Economic and Security Review Commission, the PLA has greatly increased its participation in humanitarian aid/disaster relief (HA/DR) missions overseas.<sup>81</sup> Consequently, the Chinese government uses these instances of perceived goodwill to project the image of a non-threatening “responsible stakeholder,” and exercise its soft power charm offensive on vulnerable audiences.

Doctrinally, HA/DR activities, as well as United Nations Peace Keeping Operations (UNPKO), allow the PLA to exercise operational proficiencies in challenging environments and gain practical real-world experience.<sup>82</sup> HA/DR and PKOs entice the prospects for future security cooperation agreements with the PLA, and may lead to deepened economic and diplomatic ties with affected countries that strengthen the PRC’s broader national security objectives. When the United States has been unwilling or unable to provide needed assistance, particularly in Africa, the PLA has been eagerly postured to “actively participate in global governance [and] establish a positive image of a great power.”<sup>83</sup>

### ***International Military Education and Training***

Fortifying the institutional linkages between allies and partner nations is a significant pillar of building partner capacity and bilateral and multilateral alliances. In particular, the International Military Education and Training (IMET) program is a success story in achieving meaningful relationship goals. Established to help professionalize foreign militaries through expert military education, technical training, and exposure to U.S. democracy, IMET has resulted in self-sufficiency of, and enhanced cooperation between, many U.S. partners and allies. These programs strengthen the internal defense of U.S. partners and allies, in turn safeguarding American national security, and provide an alternative to China’s influence—and military—operations in the Indo-Pacific.

However, as demonstrated in Sri Lanka, Cambodia, and other Asia and Pacific countries, where the U.S. is limited in its ability to accommodate, the PRC stands ready to offer parallel military training programs and partnerships. Cambodia’s PLA-run Army Institute, for example, provides the PRC a mechanism to extend regional influence and cultivate a long-term strategy of dependence and control, as well as intimate insight into the foreign military leaders it is deliberately shaping. Characterizing this influence, the Chinese International Military Education Exchange Center (IMEEC) in 2019 quoted a Cameroonian military officer stating that he previously held “a Western version of China [...] [and will] come back with the Chinese philosophy of war [...] [and] recommend many colleagues to come to China.”<sup>84</sup>

The following actions will allow the United States to better coalesce with allies and partners in the region:

- The topography of the Asia-Pacific makes the region prone to a variety of natural disasters. The U.S. should use collaborative efforts to foster AI-enabled HA/DR capabilities like DoD’s Joint Artificial Intelligence Center (JAIC) and Singapore’s

Defense Science and Technology Agency (DSTA) as a model to deliver necessary enhanced capabilities and strengthen U.S. bilateral relationships.

- DoD should continue to invest in the Maritime Security Initiative, as well as small- and large-scale multilateral exercises like Balikitan, Malabar, and RIMPAC,<sup>85</sup> to establish a common maritime operating picture among partners and enhance overall maritime domain awareness.
- Congress should fund the Mission Partner Environment to enhance interoperability and secure command, control, and communications with allies and partners. Development of multilateral Fusion Centers should also be prioritized by the DoD in future budget requests.
- The Quad and other multilateral regional organizations should continue to enhance strategic cooperation in support of regional disaster response, maritime security, counterterrorism, nonproliferation, and other areas that contribute to a rules-based approach to transboundary challenges.
- The U.S., Australia, and New Zealand should consider within the Five Eyes framework the expansion of interoperability exercises and intelligence sharing, where applicable, with partner nations in the Indo-Pacific.
- The DOS, in consultation with DoD, should increase the breadth and depth of IMET programs. These programs increase partner capacity, amplify foreign military sales, and deepen interoperability during joint exercises.
- It is U.S. policy to provide for exchanges between senior officials of the United States and Taiwan. The Secretary of Defense should consider providing senior U.S. military officers to provide educational training at the National Defense University of Taiwan as authorized by the FY2021 Senate-passed NDAA.
- Professional Military Exchange programs that provide exchanges between senior military officers of the United States Indo-Pacific partners should be expanded through the reservation of an increased number of positions at professional military schools for these students.

### **Human Capital**

While China has long been a manufacturing powerhouse, is rich in natural resources, and has invested heavily in military platforms, research and technologies, the U.S. retains its strategic advantage over China via the American ability to resource human talent. The professionalization of the U.S. military is unrivaled by Beijing, but over the last few decades, the PLA has refined its personnel structure, and more recently, began to reform its training and doctrine to improve combat readiness.<sup>86</sup> Approximately 2 million personnel strong, the PLA is a politicized “Party army” of the CCP.

Xi Jinping's 2019 defense white paper, "China's National Defense in the New Era," argues that maintaining combat readiness is a strategic goal for the modernization of China's national defense and military in this "new era" of Chinese socialism.<sup>87</sup> Prioritizing real combat conditions, targeted evaluation-oriented exercises, and standardized order, Xi has mobilized the PLA's personnel readiness framework to enhance combat effectiveness while indoctrinating the force with "Xi Jinping thinking."<sup>88</sup>

The following actions will strengthen U.S. human capital military advantage over China:

- DoD should pursue agile policies that encourage optimal utilization of critical skill sets and allow for seamless transfer between the service branches to reinforce below-target specialties and meet demand for critical skills. For the National Guard and Reserve in particular, DoD must implement a system that better identifies, incentivizes, and pairs servicemembers with critical skill sets in the civilian sector to those in high demand within the services.
- A healthy and robust organic industrial base (OIB) is critical to maintaining U.S. national security. Challenges to the OIB, such as the inability to hire and retain critical personnel skills, can lead to delays in the maintenance of complex weapon systems and platforms that yield dangerous fractures in defense readiness.<sup>89</sup> DoD should encourage and expand cross-service collaboration, apprenticeship programs, and lessons learned among depots while leveraging commercial best practices to fortify the OIB and military readiness.

## **Transnational Issues**

As Beijing has self-assuredly become a great power in the 21<sup>st</sup> century, it has less confidently attempted to shape the transnational order. Its engagement comes in fits and starts—China forges strategic partnerships, but maintains a formal non-alliance policy; builds its economic growth around the U.S. dollar, but launches a state-run digital currency; takes steps to stem the flow of fentanyl from its borders across the world, but turns a blind eye to other smuggling activities including that of illegal wildlife.

### **International Organizations**

Beijing's entry into international organizations was prohibited for the first two decades after the establishment of the PRC both because of its role in the Sino-Soviet alliance in the 1950s, and the general opposition of the United States following the Korean War. The PRC gained entry into the UN in 1971; by the 1980s, the PRC had joined the ranks of the World Bank and International Monetary Fund (IMF). Accession to membership in institutions from the International Atomic Energy Agency (IAEA) to the International Olympic Committee (IOC) rapidly followed.<sup>90</sup> World leaders, academics, and policy experts alike overwhelmingly agreed that exposure to these organizations would transform the PRC into a responsible actor and compel its leadership to operate within the international rules-based order.

But as China developed economically and emerged as a great power, its politics and policies did not develop in parallel. As a member state of more than 50 intergovernmental organizations and

1,275 international non-governmental organizations by 2000, the PRC's Marxist-driven domestic politics did not look radically different from when it belonged to none.<sup>91</sup> Instead of improving these international organizations, there is increasing evidence that the PRC is exploiting them to promote its own self-interests and hinder transparency between member states. The CCP itself acknowledges that its true purpose in participating in global governance is to “create a favorable environment” for the rise of a “great modern socialist country.”<sup>92</sup>

### ***COVID and the International Community***

The COVID-19 pandemic puts into sharp relief how important it is for the United States and its partners to consider how Chinese influence in international organizations has shaped the world order—and, on a multilateral basis, to reconsider Beijing's membership in them. But the U.S. should not abandon its multilateral obligations. The CCP seeks to “unite friends [...] and isolate enemies.”<sup>93</sup> One danger of American retreat is the potential for the PRC to create its own organizations—leading to a bifurcated world order.

For example, the Shanghai Cooperation Organization (SCO) is comprised of eight member nations—China, Russia, Pakistan, India, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan—and recently agreed to a roadmap of investment and trade relations in order to exclude and weaken the U.S. dollar.<sup>94</sup> The SCO is an arm for the PRC to diverge from shared democratic values and exert its domestic priorities under the guise of a mutual agenda, having been an observer in the United Nations General Assembly for fifteen years.

The following actions will target the CCP's efforts to subvert global cooperation in international organizations:

- The International Telecomm Union (ITU) should consider the degree to which its Director General, Chinese telecommunications engineer Houlin Zhao, is exerting his influence to promote BRI infrastructure projects, especially those that disproportionately benefit Huawei.<sup>95</sup>
- ICAO Twitter blocked all accounts that criticized its rejection of Taiwan's bids to join the organization in January 2020. The ICAO should review the anti-Taiwan bias of its two-term Director General Fang Liu.
- The Food and Agriculture Organization (FAO) should investigate claims that the PRC “forgave tens of millions of dollars of debt to an African state in exchange for withdrawing its candidate from the race and threatened economic retaliation against smaller and more developing countries if they opposed China's plan.”<sup>96</sup>
- The UN should investigate reports that the Chinese head of the United Nations Department of Economic and Social Affairs abused his role to discriminate against individuals and organizations criticizing Chinese oppression of the Uyghurs in Xinjiang.<sup>97</sup>

- The UN should uphold the integrity of the assembly and its commitment to strengthening human rights by blocking the PRC's appointment to the United Nations Human Rights Council (UNHRC) Consultative Group.
- Congress should pass S.2528,<sup>98</sup> which would require the Director of National Intelligence to submit to Congress a report on the purpose, scope, and means of expanded Chinese influence in international organizations.
- The United States should bolster its participation in international and multilateral organizations, especially as the PRC pursues a new model for intergovernmental institutions shaped by self-interest.
- The United States should continue to appoint representatives to leadership roles in international organizations to prevent a void that can be filled by Beijing, which holds leadership positions in 31 multilateral organizations.<sup>99</sup>
- The U.S. should lead a cooperative, multilateral initiative on COVID-19 in the model of President George W. Bush's International Partnership on Avian and Pandemic Influenza.<sup>100</sup> The initiative should also focus on global readiness and capacity, and on creating a monitoring mechanism to detect global health threats early, provide objective information, and coordinate national efforts.

### **Belt and Road Initiative**

Chinese Foreign Minister Wang Yi stated in 2015 that his ministry's single "key focus" in 2015 would be "making all-around progress in the 'Belt and Road' initiative."<sup>101</sup> Launched two years prior, the BRI is a grand strategy by Xi Jinping to stretch Beijing's influence across Asia, Africa, and Europe through interlinked investment initiatives along a land route, given the term "Silk Road Economic Belt," and a sea route, called the "21<sup>st</sup> Century Maritime Silk Road." In addition to the development of energy and transportation infrastructure, the BRI incorporates efforts to reduce investment and trade barriers, but often serves as a metaphorical Trojan horse for military, economic, and political inroads into nations.

China's growing economic influence in developing countries as facilitated by the BRI could provide, by some estimates, anywhere from \$1 trillion to \$8 trillion in Chinese investments. The BRI financing model lacks transparency and employs questionable low-interest loans instead of aid grants, often leading to unsustainable debt burdens and leading countries to fall into China's "debt trap." Overall debt to China surpasses 20% of some countries' GDPs,<sup>102</sup> while at least eight nations are currently vulnerable to debt crises.<sup>103</sup>

### ***Digital Silk Road***

While some physical infrastructure projects have halted during the COVID-19 pandemic, the BRI's extension into the grey zone, known as the "Digital Silk Road," has only grown. Even while China remained largely in lockdown, the Politburo's Standing Committee called for "accelerating the construction of new infrastructure such as 5<sup>th</sup> Generation Mobile Technologies (5G) networks and data centers."<sup>104</sup> China's three largest state-owned enterprises (SOEs) are

together planning on building 550,000 5G base stations just in 2020, as well as a 5G messaging service competitive with WeChat.<sup>105</sup>

Interestingly, the economic impact of 5G investments on China's overall economy will likely account for just 5% of the nation's total planned infrastructure projects for 2020.<sup>106</sup> The Digital Silk Road expansion is most likely aimed less at economic gains and more at gaining influence, especially at the expense of U.S. global technological preeminence.

The following actions will target the CCP's efforts to export their influence to vulnerable and developing nations:

- While the U.S. likely will not—and should not—compete “dollar-for-dollar” with China's development finance activity, the U.S. should support these developing nations, especially through partnerships with European and regional allies.
- Congress should continue to provide robust funding to the U.S. International Development Finance Corporation (DFC, formerly OPIC), which partners with the private sector to invest responsibly in development projects abroad.
- The U.S. should support international efforts to offer debt restructuring assistance to developing nations caught in China's “debt trap” that have been further depressed by the economic crisis caused by COVID-19.
- Congress should continue to seek commitments from trusted allies and partners to collaboratively secure 5G systems. Partners should facilitate augmented risk and threat information sharing; invest in domestic telecommunications supply chains; and devise a strategy to remove high-risk vendors, such as Huawei, from network infrastructure.
- As global norms for networking are shaped, the United States should maintain an active presence within the international standard-setting bodies.<sup>107</sup> 5G will enable virtualized networking that was never fully realized in any prior generation, presenting a broader attack surface for adversaries.<sup>108</sup>

## **Crime**

According to the Federal Bureau of Investigation (FBI), China poses the greatest threat worldwide to U.S. law enforcement. Currently the FBI has 1,000 open Chinese espionage cases, a clear sign that Beijing seeks to steal American technology by “any means necessary.”<sup>109</sup> China was linked to 90% of economic espionage episodes between 2011 and 2018.<sup>110</sup> Likewise, more than two-thirds of cases involving trade secret theft are connected to China.<sup>111</sup>

Chinese state agents infiltrate American universities, research centers, labs, and businesses, along with those controlled by allies and partners, to covertly gain access and steal U.S.-made technology.<sup>112</sup> In 2020, Chinese military officials were charged with hacking into Equifax computer systems and stealing the personal data of 145 million Americans.<sup>113</sup> Huawei Technologies now faces federal criminal indictments for illegally stealing trade secrets from six American firms,<sup>114</sup> including T-Mobile, Cisco Systems and Motorola Solutions.<sup>115</sup>

### ***Intellectual Property Theft***

One in five North American companies reported IP theft by China in 2019. China's intellectual property (IP) theft harms American businesses and global competitiveness, costing the U.S. economy upwards of an estimated \$600 billion annually.<sup>116</sup> As the world's leading offenders of trade secret and patented technology misappropriation, Chinese companies routinely refuse to pay licensing fees to U.S. developers of standards-based technology.<sup>117</sup> Such licensing violations diminish incentives for standards-based research and strengthen China's unfair advantage over law-abiding companies.

Moreover, China seeks to outpace U.S. technological development through acts of state-sponsored IP theft, such as "physical theft, cyber-enabled espionage and theft, evasion of U.S. export control laws, and counterfeiting and piracy."<sup>118</sup> China's disregard for IP protections has led Chinese entities to steal trade secrets ranging "from seed corn to electronic brains behind wind turbines," to Apple's driverless car technology and T-Mobile's robot arm.<sup>119</sup>

### ***Money Laundering***

Cryptocurrency crime costs victims billions of dollars worldwide. In March 2020, two Chinese nationals were charged with laundering over \$100 million worth of cryptocurrency previously stolen by North Korean hackers.<sup>120</sup> To target such criminal activity, the Department of the Treasury (TREAS)-led Financial Crimes Enforcement Network (FinCEN) announced plans to enforce an anti-money laundering rule that requires cryptocurrency firms engaged in money service businesses to share vital customer information for transfers of \$3,000 or higher.<sup>121</sup>

In 2019, China assumed presidency of the Financial Action Task Force (FATF), the intergovernmental standard-setting body for money laundering and illicit finance. Eric Lorber, a former U.S. Treasury official, warned of China's failure to "prevent shell companies from being used to launder money or finance terrorism; prevent terrorist organizations from raising and moving funds; [...] and impose measures to target proliferators of weapons of mass destruction."<sup>122</sup>

The following actions will target the CCP's efforts at espionage:

- The Department of Education (DOE) and the DOC should pressure academia and businesses to assist federal prosecutors with investigations into Chinese state-backed efforts to steal intellectual property.<sup>123</sup>
- The United States should progress beyond "name and shame" criminal indictment policy. Instead, the U.S. should implement greater regulatory scrutiny of American businesses, banks, lobbyists, law firms, and consulting companies linked to Huawei that conduct any federal or state government contracting, financial advisory, legal, lobbying or consulting work. This list should be expanded to include Chinese firms such as ZTE, ByteDance, and China Telecom that do not operate independently from the Chinese government.
- Congress should fund U.S. Department of Homeland Security (DHS) research programs that help businesses build stronger cybersecurity systems.

- Congress should authorize funding for federal agency-wide incentive programs for U.S. government contractors to remove and replace Chinese-made computer parts and technology in equipment used by U.S. government employees.
- The United States and its partners should enlist cooperative efforts throughout multinational investigations to counter Beijing’s increasingly brazen espionage operations and compare, review, and implement best practices. Five Eyes intelligence agencies should leverage the full extent of resources authorized by information sharing agreements across the alliance, and non-Five Eyes countries as appropriate, to combat malign Chinese actions.
- To address China’s attempts to co-opt U.S. dual-use technology, the TREAS should enact more stringent regulations that will strengthen the Committee on Foreign Investment in the United States’ (CFIUS) investment and partnership review mechanisms.<sup>124</sup>
- The United States should blacklist Chinese companies that violate U.S. copyright and patent laws and place them on the DOC’s “entity list,” thus making it difficult to operate in the U.S. absent a special license.<sup>125</sup>
- In March 2020, U.S. intervention derailed a PRC attempt to install a Chinese director general of the World Intellectual Property Organization (WIPO). The U.S. should continue to block Chinese bids for WIPO leadership.
- Congress should encourage FinCEN’s anti-money laundering efforts, and all other activities that build global cooperation and safeguard the international financial system.
- The Department of Justice (DOJ) should enforce strict anti-money laundering rules on cryptocurrency exchanges and ensure an optimal regulatory environment to promote transparency, reduce financial crimes, and minimize trading risks.
- The U.S. should challenge China’s FATF presidency absent a full review of the nation’s implementation of anti-money laundering and terrorism financing measures.

## **Economic Issues**

In response to the COVID-19 pandemic, the Chinese government imposed quarantines and stringent restrictions on economic activity. China’s containment measures have crushed consumer demand, causing a 6.8% contraction in first quarter GDP growth in 2020. But China’s economic shutdown has also caused major disruptions in international supply chains that have only been exacerbated as other countries respond to the pandemic. Some nations like Japan are addressing this issue head-on. For example, Japan has earmarked about \$2.28 billion to aid its manufacturers in shifting production out of China.<sup>126</sup>

The United States must develop a unified strategy to maintain leadership in extant and emerging technologies, secure global supply chains, and recover restitution from China for the financial damage the pandemic has inflicted.

### **Supply Chain**

Various restrictions on movement in Hubei Province and elsewhere in China, informed by strict contagion containment measures, affected intercity travel, transportation, and logistics across China. Reduced passenger traffic and curtailed domestic transportation links left many Chinese companies with insufficient staff and manufacturing inputs to run supply lines. With 45% of companies reporting labor disruptions, industrial output plummeted to its lowest level since the 2008 financial crisis.

The halt in production in China upended global transportation and shipping, disrupting global supply chains. Component shortages and increased production costs arising from scrambled supply networks have caused output delays for manufacturers outside of China, and have left the electronics, pharmaceuticals, and automotive sectors vulnerable. Additionally, U.S. small businesses—due to thinner inventories, less cash on hand, and narrower supply networks—are particularly at risk due to China’s supply shortfalls.

### ***Pharmaceutical***

Prior to the COVID-19 pandemic, Dr. Janet Woodcock, the director of the Center for Drug Evaluation and Research (CDER) at the U.S. Food and Drug Administration (FDA), warned of the need to safeguard the pharmaceutical supply chain.<sup>127</sup> Dr. Woodcock identified the cessation of American manufacturing of active pharmaceutical ingredients (APIs), the basic building blocks of medications, as a key health and security concern. 72% of API manufacturing takes place outside the U.S., and the number of facilities making APIs in China has more than doubled since 2010.<sup>128</sup> Further, the U.S.-China Economic and Security Review Commission assessed that there are “serious deficiencies in health and safety standards in China’s pharmaceutical sector” due to a poorly regulated industry, Beijing’s refusal to cooperate with routine inspections, and outright fraud in Chinese manufacturing.<sup>129</sup>

The COVID-19 pandemic exposed two major vulnerabilities baked into the United States’ current pharmaceutical supply chain: an overall susceptibility to drug shortages, and a lack of control over supply so severe as to constitute a national security risk.

The FDA “asked manufacturers to evaluate their entire supply chain, including active pharmaceutical ingredients, finished dose forms, and any components that may be impacted in any area of the supply chain due to the COVID-19 outbreak.”<sup>130</sup> Three antimicrobial drugs that are in clinical trials for efficacy against COVID-19 have recently been placed on the FDA’s drug shortage list: azithromycin, chloroquine, and hydroxychloroquine. Because the U.S. remains dependent on foreign sources of API, these and other critical drugs could easily move from a shortage situation into nonexistence.

According to a Defense Health Agency (DHA) senior official, the agency remains “concerned about any situation where foreign actors, such as China, control substantial access to critical warfighting materiel and potential serious risk of interruptions in the supply chain or posed by

contaminated APIs.” Even today, “there is no required registry for API sources, making it extremely difficult to gauge the extent of the risk.”<sup>131</sup>

### ***Medical Devices***

As early as February 2020, the developing COVID-19 pandemic raised concerns about shortages of PPE.<sup>132</sup> PPE includes masks, gowns, goggles and other items meant to reduce the transmission of an infection. By mid-March, shortages of PPE, and testing components, had reached critical levels.<sup>133</sup> Like swabs and test kits, PPE are considered medical devices and are FDA-regulated. In addition, some PPE, such as the N95 respirator, is further regulated by the CDC National Institute for Occupational Safety and Health (NIOSH).

The Trump Administration has addressed the PPE shortages with a whole-of-government methodology. The Federal Emergency Management Agency (FEMA) leads a four-pronged effort<sup>134</sup> focused on preservation, allocation, acceleration, and expansion.<sup>135</sup> However, much more can be done to secure our supply of PPE.

### ***Natural Resources***

Since the early 2000s, China has sought to control the world’s supply of 17 metallic elements known collectively as “rare earth elements” (REEs). While most REEs are not actually rare in terms of general quantity in the earth’s crust, they are seldom found in sufficient abundance in one location for their mining to be economically viable. This makes their supply chains vulnerable to disruption.<sup>136</sup> REEs are necessary components of more than 200 products across a wide range of applications—especially high-tech consumer products such as cellular telephones, computer hard drives, electric and hybrid vehicles, and flat-screen monitors and televisions.<sup>137</sup> Significant defense applications include lasers, electronic displays, guidance systems, and radar and sonar systems.<sup>138</sup> From Apple’s iPhone-series to Lockheed Martin’s fifth-generation F-35 fighter jet, many U.S.-based companies rely on Chinese REEs to manufacture components in high-demand consumer and defense articles.<sup>139</sup>

China has been the leading producer of REEs for decades; since the late 1990s, it has accounted for more than 90% of global production, on average.<sup>140</sup> In the early 2000s, the PRC took several steps to consolidate control of domestic REE industries and implemented restrictions through export quotas, which decreased exports by more than half, and “temporary” export taxes, which ranged from 10% to 25%.<sup>141</sup>

The PRC may have also used export restrictions to force foreign companies reliant on its REEs to relocate production to China and share technology with Chinese partners—a widely used IP theft tactic. Between 2008 and 2011, the price tag on REE imports from China increased from \$6,969 to \$170,760 per metric ton, a 2,359% jump.<sup>142</sup> China’s domination of the global REE supply could enable it to disrupt American supply chains, presenting a significant security threat to the U.S.<sup>143</sup>

### ***Unmanned Aerial Systems (UAS)***

DJI, a Chinese drone enterprise that has brutally undercut U.S. competition, openly states that utilization of a wide range of features with their unmanned aircraft systems may result in information being collected by their servers. This information includes telemetry data, as well as

personnel tracking, and is collected using, among other means, GPS location histories, cell tower locations, or IP addresses. DJI also states this collected information may be transferred and accessed by DJI affiliates globally, and that they will disclose it if required to do so by law.<sup>144</sup> In the user agreement for their supporting software (the “DJI Go App”), DJI specifically states that they may transfer users’ personal information from the U.S. to servers in other countries, including those housed in China.<sup>145</sup> This information combined with China’s cybersecurity and intelligence laws creates a significant surveillance concern with respect to the use of DJI’s products on U.S. soil.<sup>146</sup>

### ***U.S. National Laboratory System***

The U.S. national laboratory system is investing heavily in next-generation advanced manufacturing technology. For example, the Manufacturing Demonstration Facility (MDF) at Oak Ridge National Laboratory (ORNL) performs early-stage research and development (R&D) to improve American manufacturing capabilities. Few manufacturing companies possess the research capacity to remain competitive in a global marketplace, especially when their competition is government-subsidized. Innovative manufacturing techniques from national labs will assist U.S. companies in ramping up efficient production of a competitive, superior unmanned aircraft system.

The following actions will protect American supply chains from Chinese aggression or influence:

- The United States must end over-dependence on China for APIs and pharmaceuticals by creating incentives that will bring pharmaceutical and API manufacturing back to the U.S. Congress’ first step should be to pass the Securing America’s Medicine Cabinet (SAM-C) Act (S.3432).<sup>147</sup>
- The FDA should identify and actively monitor an inventory of the most critical medicines or medical countermeasures that are supplied solely by China. The inventory should include critical medicines with API solely sourced from China, excipients that are solely sourced from China, and finished drug products solely manufactured in China. The FDA should also require manufacturers to submit reports detailing on-hand API supply levels.
- The United States must invest in and develop a workforce of chemical engineers, pharmacists, and highly trained line technicians to support a self-sufficient pharmaceutical supply chain.
- The United States should restore medical device production from overseas to reduce critical vulnerabilities to the supply chain and risks to national security. Congress should also explore innovative mechanisms to incentivize manufacturers to repurpose production lines during declared emergencies.
- The United States must develop a surge capacity of PPE and medical devices required during emergencies.

- Federal agencies should initiate a dialogue to eliminate duplicative regulations and ease existing regulations that create barriers during emergency situations. The FDA should use as a deregulatory model its move to allow the sterilization and reuse of N95 respirators.
- The United States should explore codifying relevant Emergency Use Authorities that have been implemented to diagnose, treat, or prevent serious or life-threatening diseases or conditions during the COVID-19 response.
- The United States should seek to strengthen its REE supply chains by rolling back Department of the Interior (DOI), Environmental Protection Agency (EPA), and DOL regulatory barriers that add to the prohibitively high cost of domestic REE development.
- The DOI, in consultation with the U.S. Forest Service (USFS), should improve access to U.S. critical mineral resources on federal lands, and reduce federal permitting timeframes.
- Congress should authorize programs to develop critical mineral recycling and reprocessing technologies; create innovative alternatives to critical minerals; and improve processes for critical mineral extraction, separation, purification, and alloying.
- The United States Geological Survey should augment geological mapping efforts to better understand U.S. REE reserves.
- Congress should pass the American Security Drone Act (S.2502)<sup>148</sup> to ban federal purchases of any drones or drone-related equipment either fully or partially made with components from China.
- The Department of Justice (DOJ) drone policy document, *Guidance Regarding Department Activities to Protect Certain Facilities or Assets from Unmanned Aircraft and Unmanned Aircraft Systems*, which requires cybersecurity evaluations for drones and drone components, should be extended to apply across all U.S. government agency acquisitions.<sup>149</sup>
- DoD should take additional steps to grow the domestic drone industry. Reducing burdensome requirements for commercial UAS companies, among other changes, will make it easier for small UAS providers to work with the Department. DoD should also consider use of rapid contracting vehicles for proven commercial off-the-shelf (COTS) technologies.
- The Department of Transportation (DOT) and the Federal Aviation Administration (FAA) should report to Congress on the status of Chinese drones being used in their Unmanned Aircraft System Integration Pilot Program (UAS IPP).
- A cooperative research and development agreement (CRADA) should be considered with ORNL to transfer national lab-based technology to the private sector. These agreements are tailored to facilitate technology transfers to private industry. They provide a flexible

method companies can use to collaboratively access the powerful R&D expertise and technology available within the U.S. national lab complex. A CRADA may also be used in conjunction with other methods above to develop a U.S.-based, globally competitive company for small-design unmanned aircraft systems.

- Secures American supply chains by requiring a certain percentage of critical technologies to be manufactured and assembled in the United States or a cooperating country.
- Increases demand for American-made products by expanding DoD's procurement authority, which gives preference to domestically produced and manufactured products and promotes increased development of the domestic unmanned aircraft systems industry, including small UAS providers in Tennessee. This helps small and medium size businesses identify solutions to secure their platforms and enable their participation in the defense industrial base.

### **Telecommunications**

The U.S. is in a long-term strategic technological competition with foreign rivals. Investigations have revealed sufficient evidence that certain foreign entities want to insert vulnerabilities into global communications networks, commandeer consensus-driven standards-setting organizations, create choke points in the manufacturing of Information and Communications Technology (ICT) systems, and manipulate the global marketplace to drive out competition from trusted suppliers.<sup>150</sup>

### **5G**

Realization of the benefits of 5G is only possible if the United States and like-minded allies and partners have a secure supply chain of ICT components, equipment, and ongoing services. Companies like Huawei and ZTE are a significant threat to the national security of the United States and its allies.<sup>151</sup> Huawei's 30% market share dwarfs that of their global competitors.<sup>152</sup> Banning their equipment from inclusion in American telecommunications networks was an important first step in this process.<sup>153</sup> However, the U.S. cannot sustain its reliance on Chinese-manufactured equipment.

### ***Data Collection and Network Security***

For every large-scale strategic maneuver, there are myriad smaller-scale intrusions. The rise of social media has instigated a new global battle in which the attacker's target audience is not a sophisticated group of investors or executives, but teenagers and young people. For example, the mobile application TikTok is owned by ByteDance, a Chinese corporation, meaning that it is subject to foreign laws that allow the PRC to seize its information and technology.<sup>154</sup> As the world struggled to adapt to working remotely during the COVID-19 pandemic, a relatively small player was thrust into the spotlight: Zoom. Zoom maintains research and development presence in China, and until recently, data flowed back and forth to China—to include screen captures or video recordings.

### *Artificial Intelligence*

As Chinese AI and blockchain investments set the stage for more authoritarian control via a social credit system, the U.S. must not let China take the primary leadership role in setting world standards in privacy, encryption, and network security. To neglect this duty would be to leave other countries at the mercy of Chinese standards that can be exported overseas or exploited for further oppression and control.<sup>155</sup> Leading the drive to set global industry standards is key to maintaining American technological competitiveness.

The following actions will target the CCP's efforts to subvert global network security efforts:

- Congress should pass the Sharing Urgent, Potentially Problematic Locations that Yield Communications Hazards in American Internet Networks (SUPPLY CHAIN) Act (S.1457).<sup>156</sup> The bill would direct the Secretary of Commerce to coordinate with the heads of appropriate federal entities and conduct ongoing reviews of the ICT marketplace and its supply chain. Long-term scenario and strategic planning between the government and the private sector would help assess the severity of marketplace risks, and lead to appropriate mitigation steps.<sup>157</sup>
- As directed in the Secure 5G and Beyond Act (P.L. 116–129),<sup>158</sup> the administration should develop a strategy to ensure the security of next generation mobile telecommunications systems and infrastructure in the United States. This strategy should include assisting allies and strategic partners in maximizing the security of next generation mobile telecommunications systems, infrastructure, and software.<sup>159</sup>
- The United States should increase federal oversight of foreign participation in the U.S. telecommunications services sector. Efforts such as the Executive Order on Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector should identify national security risks and mitigation measures in foreign telecommunications transactions.<sup>160</sup>
- The U.S. should block Chinese-linked efforts to collect data from American children. Congress should continue to place pressure on private companies based in China and other foreign countries that target and harvest underage user data. Congress must leverage the full power of its investigative authority to hold companies accountable to their users.
- The Federal Communications Commission (FCC) should continue its stringent oversight of Chinese companies. The Commission recently demanded that four Chinese companies, China Telecom Americas, China Unicom Americas, Pacific Networks, and ComNet, prove that they are not ultimately subject to the ownership and control of the Chinese government. If they are unable to meet the necessary burden of proof, their license to operate in the United States will be revoked.<sup>161</sup>
- Team Telecom should exercise its authority to enact a risk-mitigation agreement with China Unicom in order to provide appropriate oversight of companies which may present

national security threats. Team Telecom, led by the DOJ and inclusive of the DoD and the Department of Homeland Security (DHS), still has no such agreement.

- Congress should pass federal privacy legislation as well as cryptocurrency-friendly domestic regulation to ensure the U.S. provides an optimal regulatory environment for digital currency trading markets.
- The administration should find novel ways to empower U.S. firms to lead global efforts to write industry standards on data sharing, platform access, and network security. The U.S. should also establish strong domestic encryption standards, while leading global efforts to build consensus on encryption rules.
- Congress should authorize funding for AI R&D, to include public-private partnerships at federal, state, and local level to promote AI technology.
- The U.S. Trade Representative (USTR) should report to Congress findings regarding China's Corporate Social Credit System. This report should include information on China's actions to compel the sharing of research and development, coerce technology transfer, steal IP, and pressure American companies to support the PRC's industrial and foreign policies.

### **COVID-19 Compensation**

The human cost of the COVID-19 pandemic is incalculable. However, second-order economic effects caused by lockdowns were estimated to cost the Group of Seven (G7) \$4 trillion as of early April 2020.<sup>162</sup> Momentum is building to make China face financial consequences for its role in spreading COVID-19.

The following actions will allow the U.S. to lead global efforts to hold China accountable for the spread of COVID-19:

- Congress should pass legislation that will eliminate sovereign immunity for states that spread viruses such as COVID-19, which are considered biological agents under 18 U.S.C. § 178.<sup>163</sup> This legislation would give Americans the legal tools to sue China in the U.S. federal court system and could include measures from the Stop China-Originated Viral Infectious Diseases (COVID) Act (S.3592),<sup>164</sup> the Holding the Chinese Communist Party Accountable for Infecting Americans Act (S.3662),<sup>165</sup> and the Justice for Victims of Coronavirus Act (S.3588).<sup>166</sup>
- The United States and like-minded nations should support viable claims made against the PRC at the International Court of Justice and the Permanent Court of Arbitration, or actions taken under World Trade Organization (WTO) rules.
- DOS and the TREAS should support offering debt restructuring programs through the International Monetary Fund (IMF) and World Bank to economies struggling to manage BRI loans, if those debtors provide a guarantee of transparency on all financial and legal obligations. The Secretaries of these Departments should also raise the issue of

renegotiation of the underlying debt of developing countries bilaterally with their Chinese counterparts.

## **United States Domestic Issues**

The U.S. is globally respected for transparency, reciprocity, integrity, and freedom of inquiry. Some countries, however, seek to exploit America's openness to advance their own national interests. The most aggressive of them is China.

### **Education and Research**

Currently over 360,000 Chinese students are studying and researching at U.S. colleges and universities.<sup>167</sup> Given the PRC's campaign to infiltrate American classrooms, stifle free inquiry, and steal intellectual capital, the U.S. must defend educational and research institutions against the PRC's attempts to exploit them.

### ***Educational Espionage***

Since 2007, China's PLA has sponsored more than 2,500 military scientists and engineers to study abroad.<sup>168</sup> Because the PLA is a Party military, and not a national military, its National University of Defense Technology (NUDT) sponsors only CCP members for overseas study. Additionally, some members travelling overseas actively use cover to disguise their military affiliations, often claiming to be from non-existent academic institutions.<sup>169</sup> PLA researchers, especially those not forthcoming about their military affiliations, have also engaged in espionage and stolen intellectual property while overseas.<sup>170</sup> In one recent instance of educational espionage, the University of Texas System is being investigated over faulty financial disclosures associated with the Wuhan Institute of Virology, a potential origin of the COVID-19 pandemic.<sup>171</sup>

### ***Confucius Institutes***

Confucius Institutes (CIs) operate at 66 American colleges and universities, and Confucius Classrooms operate at 519 American K–12 schools, ostensibly to promote the study of Chinese language and culture.<sup>172</sup> CIs are overseen and primarily funded by *Hanban*, which is headquartered in Beijing and affiliated with the PRC Ministry of Education, and are instructed to only teach versions of Chinese history, culture, or current events that are explicitly approved by the CCP.<sup>173</sup>

Various studies provide examples of PRC officials pressuring faculty at U.S. universities that host CIs to avoid making statements or holding events on topics that PRC officials consider politically sensitive.<sup>174</sup> Chinese teachers at CIs sign contracts with the Chinese government pledging not to damage the PRC's national interests.<sup>175</sup> Consequently, topics such as the status of Tibet and Taiwan, the fourth of June 1989 at Tiananmen Square, and universal human rights are off-limits at CIs.<sup>176</sup> Such limitations export China's censorship of political debate and intimidate students into withholding opinions not acceptable to the CCP.

Recent legislation, including the National Defense Authorization Act for Fiscal Year 2020 (P.L. 116–92; NDAA)<sup>177</sup> has resulted in the closure of some CIs by prohibiting the use of DoD funds for Chinese language instruction at an institution of higher education that hosts a CI.

### ***Grantmaking Agencies***

American taxpayers contribute over \$150 billion each year to U.S. research programs that drive our country’s economic competitiveness and bolster national defense.<sup>178</sup> China, however, exploits the openness of America’s research community by using more than 200 “talent recruitment programs” to aggressively recruit U.S.-based researchers to transfer taxpayer-funded research and intellectual property to China.<sup>179</sup>

The most prominent of these recruitment programs, the Thousand Talents Plan (TTP), incentivizes researchers to transmit the knowledge and research they gain in the U.S. to China in exchange for salaries, research funding, lab space, and other incentives.<sup>180</sup> In recent years, federal agencies uncovered evidence showing that TTP members have, on numerous occasions, downloaded sensitive electronic research files before leaving to return to China, submitted false information when applying for grant funds, and willfully failed to disclose receiving money from the Chinese government on U.S. grant applications.<sup>181</sup> These failures undermine the integrity of the U.S. research enterprise and endanger our national security.

### ***Foreign Funding in Think Tanks***

Xi Jinping has encouraged China’s think tank-related efforts to establish a presence within the U.S. and other countries to “advance the Chinese narrative.”<sup>182</sup> The Chinese government and SOEs regularly contribute money to U.S. think tanks in deliberate efforts to manage U.S. perceptions in ways that are favorable to the CCP. Content produced by American think tanks receiving these funds may potentially be subject to *de facto* self-censorship covering entire areas of scholarship. While current law requires American think tanks, as tax-exempt organizations, to disclose to the Internal Revenue Service (IRS) all substantial contributions, it does not require them to disclose their donors’ names or addresses for public inspection.<sup>183</sup>

The following actions will target the CCP’s efforts to infiltrate academic and research entities:

- The DOS should continue to limit the number of visas for Chinese students studying science and engineering, and impose a one-year cap on Chinese graduate students in science, technology, engineering, and mathematics (STEM) fields.<sup>184</sup>
- Congress should direct the DOJ to establish a higher education advisory board under the FBI. This board would review the adequacy of protections for sensitive technologies and research, identify patterns and early warning signs of academic espionage, and assess the training needs of universities securing their systems against unauthorized information transfer.
- DOS should reevaluate its visa screening mechanisms to mitigate the risk of inappropriate technology transfer to China. These mechanisms should ultimately identify students, researchers, and research entities receiving funding from the Chinese government or an intermediary entity acting in support of the Chinese government.

- Congress should direct the Government Accountability Office (GAO) to conduct an assessment of the risks posed by Beijing’s efforts to co-opt foreign researchers or students at U.S. universities for the benefit of the government, companies, or interests of the PRC.
- Congress should pass the U.S.-China Economic and Security Review Act (S.987).<sup>185</sup> This legislation would direct the Comptroller General to provide Congress with an assessment of the collaborative initiatives between the U.S. and the PRC relating to technical cooperation.
- Congress should pass the People’s Liberation Army (PLA) Visa Security Act (S.1451)<sup>186</sup> to bar individuals affiliated with the Chinese military from entering the U.S. on visas for students (F visas) or work-and-study exchange (J visas).
- Congress should pass the Stop Higher Education Espionage and Theft Act (S.1701)<sup>187</sup> to require the Director of the FBI to designate a foreign actor as an intelligence threat to higher education if the actor has committed, attempted to commit, or conspired to commit espionage, fraud, theft, or related crimes in connection with an institution of higher education.
- Congress should pass the Transparency for Confucius Institutes Act (S.3453)<sup>188</sup> to require program participation agreements between *Hanban* and American institutions that host CIs on their campuses.
- Congress should pass the Countering the Chinese Government and Communist Party’s Political Influence Operations Act (S.480)<sup>189</sup> to require CIs to register under the Foreign Agents Registration Act (22 U.S.C. §§ 611–621; FARA).<sup>190</sup>
- Congress should establish in the Office of Management and Budget (OMB) a Federal Research Security Council to ensure the federal grantmaking process prioritizes U.S. economic and national security interests, and institute a formalized grant application process.
- Congress should encourage federal agencies to develop a comprehensive strategy to combat both illegal and extralegal transfers of U.S. intellectual capital.
- ED should encourage grantmaking agencies to work with research institutions to ensure they have the necessary cybersecurity practices in place to reduce the risk of research data misappropriation.

### **Immigration**

Debates over future U.S. immigration policy present a unique opportunity to introduce policies that will help prevent the spread of infectious diseases like COVID-19, more closely regulate educational visas for Chinese students in sensitive fields, and crack down on birth tourism.

The following actions will target the CCP's efforts to manipulate U.S. immigration policies:

- China-focused travel restrictions should stay in effect for the duration of the COVID-19 pandemic. President Trump's January 31, 2020, proclamation blocking entry into the U.S. from anyone who has been in China in the last 14 days should continue for at least another year.<sup>191</sup>
- Congress should legislatively codify the DOS rule to render birth tourism situations inappropriate for the B visa. Proposed legislation would amend 8 U.S.C. § 1101(a)(15)(B)<sup>192</sup> to explicitly exclude birth tourism in its definition of pleasure. In recent years, birth tourism from China has more than doubled, from 4,200 Chinese women giving birth in the U.S. in 2008, to 10,000 in 2012.<sup>193</sup>
- Congress should direct DOS to reexamine ten-year visa reciprocity with China and adjust validity periods for multiple-entry visas to better enforce the new birth tourism rule.<sup>194</sup>

### **Foreign Assistance**

Comprising about 1% of the total U.S. federal budget, foreign assistance is a key instrument of American national security, commercial interests, and value promotion abroad. The PRC has taken notice and slowly seeks to supplant American influence via provision of foreign assistance to promote its own global interests. However, while only about 2% of U.S. aid flows as direct budget support, Chinese aid is often short-term—and comes with strings attached. One recent example is Beijing's "Mask Diplomacy" campaign, conducted across the world to shift the narrative from the CCP's mishandling of COVID-19 at its inception. However, the soft power value of this campaign remains to be seen given complaints about substandard or faulty equipment and heavy propaganda associated with these donations.<sup>195</sup>

The following actions will target the CCP's efforts to use foreign assistance to supplant U.S. and western influence in developing regions:

- The United States does not fund programs that provide assistance to PRC entities, or to Chinese non-governmental organizations (NGOs). However, Congress should continue to fully fund DOS programs that support human rights, democracy, rule of law, civil society, and internet freedom in China, and that are administered by U.S.-based NGOs and academic institutions.
- The U.S. should continue to diversify its aid partners, even when the COVID-19 pandemic subsides. On April 22, the U.S. Agency for International Development (USAID) Acting Administrator Barsa announced \$270 million in additional foreign assistance to combat the COVID-19 pandemic.<sup>196</sup> The administration is considering using community-based and faith-based organizations to administer some of this aid.
- Congress should consider innovative models for country selection and partnering for the Millennium Challenge Corporation (MCC), such as the recent authorization of multicounty compacts. These compacts link economic development support to developing nations' commitment to free market economic and democratic principles.

- To mitigate the PRC’s economic statecraft of aid-charm and debt diplomacy, the Peace Corps should expand its presence in the Asia-Pacific, where it is currently active in 13 nations. Countries of particular U.S. interest, like the Republic of the Marshall Islands, should be prioritized for Peace Corps development support.

### **Disinformation**

As news of the COVID-19 outbreak spread, Chinese disinformation spread just as rapidly. While Chinese disinformation tactics usually uphold a single immutable narrative to cast the CCP in a positive light, in this crisis officials are instead publically pushing multiple conflicting conspiracy theories through verified government Twitter accounts and state-backed media—all while amplifying “gray sites,” or, third-party sites that lack funding transparency. This playbook comes straight from Moscow.

Amplification efforts via text messages direct to American phones spreading panic-inducing messages have been traced back to Chinese operatives, a worrying evolution of technique that is much more difficult to track.<sup>197</sup> China has also flagrantly generated and shared U.S.-targeted disinformation about the origins of COVID-19. On March 17, 2020, a new video was published on China’s official Arabic-language television station “confirming” that COVID-19 came from the U.S. military.<sup>198</sup> This false narrative has been further amplified by Chinese state-run media and diplomats that “patient zero” is a U.S. Army Reservist who participated in the 2019 Military World Games in Wuhan, China.<sup>199</sup>

The following actions will target the CCP’s efforts to spread disinformation:

- The administration should implement section 1043 of the NDAA for Fiscal Year 2019 (P.L. 115–232)<sup>200</sup> to designate an employee of the National Security Council responsible for the coordination of interagency processes for combatting foreign malign influence operations and campaigns.
- The administration should implement section 5322 of the NDAA for Fiscal Year 2020 (P.L. 116–92)<sup>201</sup> to establish within the ODNI a Foreign Malign Influence Response Center. This center would synchronize the intelligence community’s efforts to counter foreign malign influence campaigns and operations.
- Congress should encourage formal and robust coordination between the public and private sectors to combat foreign malign influence through strategic engagement efforts. These efforts should include creating a shared database to identify disinformation, voluntarily co-locating analysts to facilitate information sharing, and collaborating to create innovative deterrents to malign activity.

## **Practical Applications**

Responding to modern communist and socialist regimes is impossible without first understanding the global, historical, and cultural context supporting their hold on power. These regimes do not exist in a vacuum; neither should the pieces of legislation we draft in hopes of containing their influence. A purely Westernized response to Chinese aggression will resonate best with an ideologically “Western” audience. But our modern day audience is not purely Western, and the consequences of potential Chinese aggression are not purely philosophical.

Practitioners of the pop socialism that defines much of this decade’s political discourse have normalized communist terminology and applied it to policies that Marx would no more recognize than he would a smartphone. Uttering “communist” as a pejorative no longer invokes visions of firing squads in Katyn or cannibalism in Gansu. Therefore, understanding similarities in how Lenin, Stalin, and Mao centralized power will be key to rallying support for a more hawkish posture toward Xi’s “new” China. Those men did not target the peasants because they were peasants, but because peasants were capable of sustaining their own communities, and then using that stability to build political power. Communist leaders in both Russia and China knew how unlikely it was that any political party could swell its official ranks to sufficiently overwhelm the body politic, so they eliminated any need to do so. The modern-day CCP no longer openly turns to political mass murder as a tool of governance. However, Beijing’s utter disdain for norms governing the observance of sovereignty and human rights should give any serious mind pause when pressed to accept modernization as ideological evolution.

The PRC has done an excellent job of leveraging the trappings of capitalism to conceal its totalitarian nature. The façade crumbles when and only when criticism of the regime manages to break through. Every moment of clarity is a destabilizing event.

American lawmakers should make a point to emphasize the obvious lack of transparency concerning Chinese global influence. This will be a far more effective tactic than expecting audiences (who are used to achieving instant expertise with minimal effort) to make the connection between philosophy and practical execution. Policymakers and communicators should study CCP propaganda in the media and in official government statements to better understand how words and actions are weaponized against Western powers and the collective psyche of the Chinese people.

This marriage of historical and political fluency with the U.S.’s existing influence will give American officials an advantage as they attempt to multilaterally reshape Beijing’s participation in international organizations. In this new era of Great Power Competition, understanding what motivates an adversary is just as important as being able to effectively respond to aggression. For example, the driving principles behind Chinese “debt diplomacy” are not only applicable to the developing world. Western lawmakers would do well to understand that China’s efforts to supply the technology and infrastructure necessary for developed nations to pull ahead in the “race to 5G” are not merely attempts at widespread espionage: they are a challenge and a threat to the West’s global political influence.

The United States wields considerable influence over global posture towards the PRC, but lawmakers and other officials should not assume that influence will translate into victory. The economic and social fallout from the COVID-19 pandemic will undoubtedly contribute to policy

vacuums as various nations decide how their relationships with the PRC will change. However, the temptation of cheap equipment, labor, and other contributions to global supply chains will not simply disappear. American lawmakers must be able to effectively explain the PRC's motivations, and describe how compliance with their demands—whether economically, militarily, or socially—will necessarily cause a regression in the prominence of democratic norms.

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<sup>200</sup> *John S. McCain National Defense Authorization Act for Fiscal Year 2019*, Public Law 115–232, U.S. Statutes at Large 132 (2018): 1043, <https://www.congress.gov/115/plaws/publ232/PLAW-115publ232.pdf>.

<sup>201</sup> *National Defense Authorization Act for Fiscal Year 2020*, Public Law 116–92 (2019): 5322, <https://www.congress.gov/116/bills/s1790/BILLS-116s1790enr.pdf>.