

119TH CONGRESS
1ST SESSION

S. _____

To direct the United States Trade Representative to prioritize North American alignment on foreign investment review during the next joint review conducted under the United States-Mexico-Canada Agreement.

IN THE SENATE OF THE UNITED STATES

Mr. McCORMICK (for himself and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To direct the United States Trade Representative to prioritize North American alignment on foreign investment review during the next joint review conducted under the United States-Mexico-Canada Agreement.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting the USMCA
5 from Harmful Chinese Investment Act”.

1 **SEC. 2. NORTH AMERICAN ALIGNMENT ON FOREIGN IN-**
2 **VESTMENT REVIEW.**

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

5 (1) Canada and Mexico are the two largest
6 trading partners of the United States, with bilateral
7 goods and services trade between the United States
8 and each such country reaching approximately
9 \$1,000,000,000,000 in 2024;

10 (2) the United States–Mexico–Canada Agree-
11 ment (USMCA) underpins much of the trade re-
12 ferred to in paragraph (1) and promotes a strong
13 North American supply chain that supports millions
14 of good-paying jobs in the United States;

15 (3) given the close economic relationship be-
16 tween the United States, Mexico, and Canada under
17 the USMCA, ensuring that each party has robust in-
18 vestment review mechanisms in place is important
19 towards strengthening the collective national security
20 interests of those countries against risks stemming
21 from foreign investments by nonmarket economy
22 countries, including the People’s Republic of China;

23 (4) the Committee on Foreign Investment in
24 the United States plays a critical role in protecting
25 the national security of the United States by review-

1 ing foreign investments for national security risks;
2 and

3 (5) the establishment by Mexico and Canada of
4 legislative and regulatory frameworks to review for-
5 eign investments for national security risks that are
6 similar to the framework established under section
7 721 of the Defense Production Act of 1950 (50
8 U.S.C. 4565) would—

9 (A) advance the national security interests
10 of the United States; and

11 (B) allow for closer coordination between
12 the USMCA countries with respect to shared
13 threats from investments by nonmarket econ-
14 omy countries in strategically important eco-
15 nomic sectors and critical infrastructure in
16 North America.

17 (b) JOINT REVIEW NEGOTIATION OBJECTIVE.—Sub-
18 ject to the requirements of section 611 of the United
19 States-Mexico-Canada Agreement Implementation Act (19
20 U.S.C. 4611), during the first joint review conducted after
21 the date of the enactment of this Act, the Trade Rep-
22 resentative shall advocate for—

23 (1) each USMCA country to implement a legis-
24 lative and regulatory framework for reviewing for-
25 eign investment for national security risks that is

1 similar to the framework established under section
2 721 of the Defense Production Act of 1950 (50
3 U.S.C. 4565); and

4 (2) the establishment of a mechanism for
5 USMCA countries to coordinate to address shared
6 threats from investments by nonmarket economy
7 countries.

8 (c) TECHNICAL ASSISTANCE.—In carrying out sub-
9 section (b), the Trade Representative shall coordinate with
10 the Secretary of the Treasury and the Secretary of State
11 with respect to the provision of technical assistance to
12 USMCA countries to support the establishment of frame-
13 works for reviewing foreign investments for national secu-
14 rity risks.

15 (d) DEFINITIONS.—In this section:

16 (1) JOINT REVIEW.—The term “joint review”
17 has the meaning given that term in section 611 of
18 the United States-Mexico-Canada Agreement Imple-
19 mentation Act (19 U.S.C. 4611).

20 (2) NONMARKET ECONOMY COUNTRY.—The
21 term “nonmarket economy country” has the mean-
22 ing given that term in section 771(18) of the Tariff
23 Act of 1930 (19 U.S.C. 1677(18)).

24 (3) TECHNICAL ASSISTANCE.—The term “tech-
25 nical assistance” includes—

1 (A) the use of short-term and long-term
2 expert advisers to assist foreign governments
3 with the establishment of frameworks for re-
4 viewing foreign investments for national secu-
5 rity risks;

6 (B) training in the recipient country, the
7 United States, or elsewhere for the establish-
8 ment of such frameworks;

9 (C) grants of goods, services, or funds to
10 foreign governments;

11 (D) grants to United States nonprofit or-
12 ganizations to provide services or products that
13 contribute to the provision of advice to foreign
14 governments; and

15 (E) study tours for foreign officials in the
16 United States or elsewhere for the purpose of
17 providing technical information to such officials.

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

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

1 (6) USMCA COUNTRY.—The term “USMCA
2 country” has the meaning given that term in section
3 202(a) of the United States-Mexico-Canada Agree-
4 ment Implementation Act (19 U.S.C. 4531(a)).