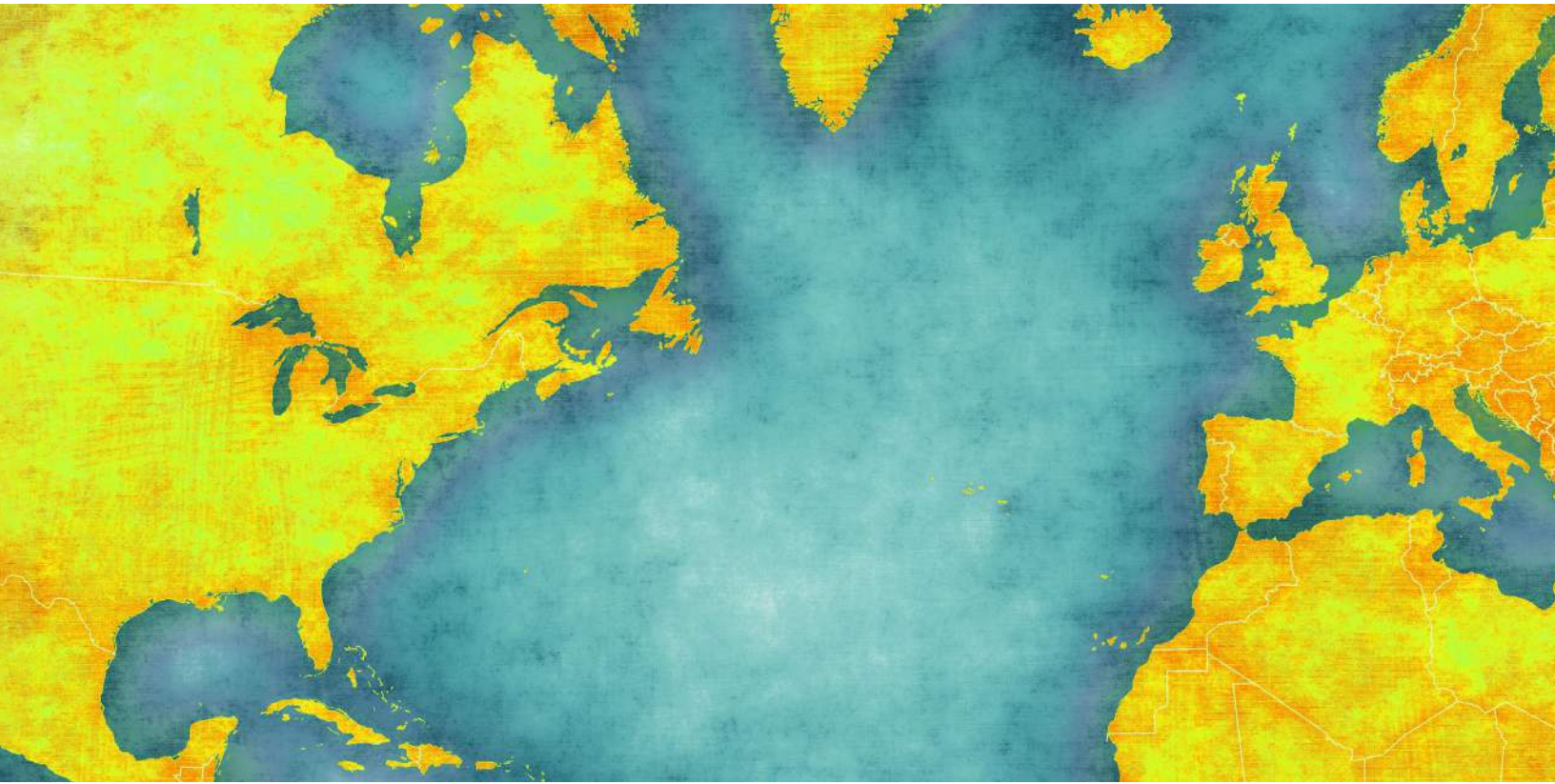


ONE STEP FORWARD, TWO STEPS BACK



A Review of U.S.-Europe Cooperation on China



The United States Senate Committee on Foreign Relations
Minority Staff Report
July 2024

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LETTER OF TRANSMITTAL

U.S. Senate Committee on Foreign Relations
July 2024

Dear Colleagues,

In November 2020, I published a report on the importance of the United States and our European partners working together to counter an increasingly confrontational China. Nearly four years later, China's efforts to undermine prosperity, security, and good governance in every region of the globe continue to be what I consider the most important foreign policy challenge of our time.

While the United States and Europe have long worked together to create and defend a rule of law in which the entire international community has prospered. China directly threatens this system by supporting Russia's invasion of Ukraine, employing predatory economic practices to undermine U.S. and European competitiveness, exploiting weak scrutiny of university funding to conduct malign influence operations, and bending international organizations to serve its authoritarian goals.

My last report laid out a number of key areas where we should specifically collaborate with our European colleagues on the challenges posed by China. This updated report looks at the progress, or lack thereof, made by the Biden-Harris Administration on implementing these recommendations and proposes additional steps we must take to defend transatlantic security and prosperity.

If we are to succeed in confronting China, the next administration must do more than the Biden-Harris Administration has over the last four years. We cannot afford to wait.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. E. Risch".

James E. Risch
Ranking Member

EXECUTIVE SUMMARY

In the 2020 edition of this report, I challenged the Biden-Harris Administration to execute a concrete transatlantic agenda to counter China's efforts to bend the international order to its authoritarian ends and its pursuit of destructive political, security, and economic policies. Four years later, the need for unified and coordinated action on China by the United States, Europe, and other partners is even greater. Russia's full-scale invasion of Ukraine and the growing alliance among Russia, China, Iran, and others has brought China deeper into European security affairs.

As President Biden's term draws to a close, and five years after the European Union (EU) declared China a "systemic rival," it is appropriate to examine the effectiveness of transatlantic cooperation on China and determine what actions and changes are required next.

This report evaluates the Biden-Harris Administration's execution and coordination with European partners on the seven core areas of recommendations from the 2020 edition. Both execution and coordination are scored on a scale of 0 to 3 to determine a final grade of its policies from A to F.¹ The Biden-Harris Administration has made grand announcements, but repeatedly failed to implement them. Worse, the administration continues to pursue counterproductive policies that weaken U.S. and allied competitiveness against China.

SAFEGUARDING OUR SOCIETIES

The first section of the 2020 report focused on the need to tackle how China exploits the openness of democratic societies to advance its malign influence. The Biden-Harris Administration has taken preliminary steps to address serious vulnerabilities in coordination with European partners, such as stronger cooperation on disinformation. However, the administration has done little to address the vulnerabilities created by inadequate scrutiny of foreign funding to universities and think tanks. There are gaping holes in our university system where China is able to acquire advanced research and technology with little to no U.S. government awareness. The lack of transparency in lobbying allows both overt and surreptitious People's Republic of China (PRC) influence in the U.S. political system. The failure to advance lobbying reforms at home prevents the United States from working with European nations facing similar issues. Overall, the Biden-Harris Administration earned a **D**.

The next administration will need to reform the *Higher Education Act* and encourage European nations to pass or update similar laws. The United States will also need to increase transparency in the foreign agent registration process to ensure critical threat countries are not able to hide when they spend money to shape U.S. policy. And the administration will need to develop concrete objectives tailored to address the drivers of democratic backsliding in other countries to help minimize the PRC's corruption influence.

UPHOLDING THE INTEGRITY OF INTERNATIONAL ORGANIZATIONS

The United Nations (UN) remains China's primary arena for influencing the international system. The PRC seeks to fill UN positions with its nationals who solely pursue China's interests. The Biden-Harris Administration has recognized this problem, but needs to improve its strategic engagement to counter this malign influence. Sadly, its efforts have been lackluster and it continues to make critical errors. For example, the administration pursued votes on human rights issues in non-

strategic ways that delivered victories for China and chose not to work with allies before proposing candidates for key UN positions. As such, the Biden-Harris Administration earns a **D**.

In order to prevent China from making irreversible gains, the next administration needs to reestablish an envoy for combatting malign influence in the UN system. This person must also coordinate with European and other allies before making decisions on UN candidates. The U.S. government must also improve interagency coordination among the multitude of U.S. departments and agencies engaged in UN matters.

DEFENDING THE INTERNATIONAL TRADING SYSTEM

The need for closer economic ties among the United States, the EU, and the United Kingdom (UK) is immense, yet the Biden-Harris Administration has unilaterally surrendered U.S. economic leadership. The administration is not pursuing a strong trade agenda. For example, it has reversed bipartisan U.S. policy on digital trade and failed to advance trade with close allies and partners. Instead of prioritizing U.S. economic strength, it is executing its ideologically-driven climate agenda. Meanwhile, the EU is adopting discriminatory laws that will increase transatlantic trade friction. Due to these serious policy failures, the administration earns a **D-**.

The next administration must reverse course and advance a productive trade agenda that takes punitive action against China's unfair trade practices, including outside the World Trade Organization. It should negotiate a free trade agreement with our closest ally, the UK. And the administration should stop implementing the *Inflation Reduction Act* in ways that increase U.S. reliance on China for critical minerals.

SHAPING THE FUTURE OF TECHNOLOGY

The United States has elevated discussions on critical technology within bilateral and “minilateral” groups. However, the future of these groups is uncertain and transatlantic regulations on emerging technology are diverging at the strategic level. The PRC exploits different transatlantic research security regimes to continue its technology transfer and theft. China remains the world's top violator of intellectual property rights (IPR), yet the administration has done nothing to address this challenge. A few areas of cooperation, like the Australia-United Kingdom-United States partnership (AUKUS) show promise, but it has languished due to a lack of leadership and bureaucratic resistance. Thus, the administration scores a **D**.

The next administration must establish stronger international standards on research security, as well as illicit knowledge and technology transfers, and incorporate them into international research initiatives. It should also coordinate transatlantic initiatives to counter Chinese IPR violations. And the administration should make regulatory reforms to realize the potential of AUKUS.

ADDRESSING THE IMPLICATIONS OF CHINA'S STRATEGIC INVESTMENTS

China's investments in infrastructure and key sectors serve its strategic interests, create supply chain dependencies, and undermine transatlantic security. Through individual and combined action, investment screening is one of the few areas where transatlantic cooperation is making real gains. In specific sectors such as ports, U.S.-Europe cooperation has improved, but remains nascent and must expand. Unfortunately, the Biden-Harris Administration and Europe are embracing China

on climate change. That provides economic opportunities for China while giving it a pass on its environmental mismanagement. At the same time, the administration insists on pursuing policies that hurt the U.S. energy industry as well as European and Asian partners. On addressing China's strategic investments, the administration earns a **C**.

At a minimum, the next administration should update investment screening regimes to reflect China's increased focus on greenfield investments and reverse the liquefied natural gas export ban. It must also develop stronger data collection and threat coordination with the EU and the North Atlantic Treaty Organization on critical infrastructure like ports. Finally, the administration must stop prioritizing climate change to the detriment of all other U.S. strategic interests.

GROWING U.S.-EUROPE COOPERATION IN AFRICA

The Biden-Harris Administration's policies and actions in Africa, particularly regarding U.S.-Europe cooperation and engagement with China, reveal significant shortcomings. Despite articulating a comprehensive Africa strategy, the administration has failed to prioritize the continent. The lack of a unified approach has resulted in disjointed and underwhelming efforts to counter the PRC. The administration's inconsistent policies on violent extremism, coups, and conflicts have left Africa vulnerable to escalating violence and manipulation by Russia and China. Because of these shortfalls, the Biden-Harris Administration earned a **D**.

The next administration must hold the U.S.-Africa Leaders Summit regularly and institutionalize it within the U.S. government. It should also codify Prosper Africa as well as reform and reauthorize the African Growth and Opportunity Act. This requires prioritizing Africa in U.S.-Europe engagements, and elevating discussions about China's role in Africa.

GROWING U.S.-EUROPE COOPERATION IN THE INDO-PACIFIC

Transatlantic dialogue focused on the Indo-Pacific requires greater ambition and boldness to compete with the PRC. Some progress has been made on security cooperation and cooperation through development finance institutions. However, economic cooperation remains limited. Meanwhile, the United States and Europe fail to deliver on initiatives on resilience and illegal, unreported, and unregulated fishing. For cooperation with Europe in the Indo-Pacific, the Biden-Harris Administration earns a **D**.

The next administration should ensure transatlantic talks on the Indo-Pacific lead to actual action, including on economic growth and investment. It should also deliver on announced initiatives, such as the Partners in the Blue Pacific and the Illegal, Unreported, Unregulated Fishing Action Alliance.

INTRODUCTION

In late 2020, the Senate Foreign Relations Committee published a report that laid out a specific agenda for transatlantic cooperation on China. The report aimed to inform the president's approach to the threats that China posed to both sides of the Atlantic. It identified issues that affected the interests of both the United States and European countries, and provided a starting point for transatlantic partners to build habits of cooperation on China:

- Safeguarding our societies from malign influence operations;
- Protecting the integrity of international organizations in the face of China's push to impose its authoritarian values on the international community;
- Defending the international trading system from China's predatory economic practices;
- Shaping the future of technology;
- Addressing the implications of China's strategic investments; and
- Growing U.S.-Europe cooperation in Africa and the Indo-Pacific.

Nearly four years later, the need for unified and coordinated action on China by the United States and European partners is even greater. Sino-Russian alignment is a geopolitical reality. Russia's brutal war in Ukraine has brought China into European security affairs, and China's support to Russia is now having a material impact on the battlefield. China is employing its now usual list of predatory economic practices to undercut U.S. and European competitiveness in the industries of the future. Chaos and conflict in Africa, and weak U.S. and European leadership, provide China with opportunities for exploitation and malign influence. Inadequate foreign lobbying transparency, weak oversight of university and think tank funding, and other gaps allow China to manipulate U.S. and European institutions for its own ends. While Europe and the United States remain focused on the immediate Russian crisis, consistent, long-term transatlantic cooperation on China is imperative, but elusive. As Russia and China draw closer, combatting Russian aggression can have strategic effects that also hamper China's ability to harm transatlantic interests.

At the end of President Biden's term, and five years after the EU declared China a "systemic rival," it is an appropriate time to examine the effectiveness of existing transatlantic cooperation on China and determine what policy changes are necessary.

This report evaluates the Biden-Harris Administration's implementation of the 38 recommendations made in the 2020 report. A full explanation of the scoring methodology can be found in the report's appendix.

On issues like promoting investment screening and countering disinformation, U.S.-Europe cooperation continues to bear some fruit. It appears that U.S.-Europe cooperation on port security has also made progress. Beyond these topics, however, the Biden-Harris Administration's record is anemic at best, and disastrous at worst. Its feckless trade policy and inconsistent approach to Africa stand out as particularly egregious policy failures. Its Inflation Reduction Act, ban on liquefied natural gas export licenses, and rush to prioritize climate change cooperation with China make no strategic sense unless President Biden's goal is to downplay the dangers posed by China. Staying the

course on these policies will undercut the progress that transatlantic partners have made in dealing with a totalitarian, revisionist, predatory, and aggressive China.

To be clear, European countries often are not constructive either and contribute to spats that distract from the greater shared challenge. For example, the European Union's technology laws, including the Digital Markets Act, discriminate against American companies while leaving Chinese technology champions largely untouched. Furthermore, too many European countries remain slow to adopt the necessary reforms to counter the rampant Chinese Communist Party influence operations within their societies. Germany is particularly guilty in this regard.

What the United States and Europe do now will determine whether they are set up for success in our competition with China over the long-term. This chapter offers additional ideas to improve how the transatlantic community tackles this joint challenge.



CHAPTER 1: SAFEGUARDING OUR SOCIETIES

RECOMMENDATION 1.1: COLLABORATE ON UNIVERSITY AND THINK TANK CODES OF CONDUCT DESIGNED TO FORESTALL UNDUE FOREIGN INFLUENCE BY AUTHORITARIAN COUNTRIES LIKE CHINA.

For years, the United States and Europe have allowed China to exploit the strengths of our open, democratic societies and advance harmful foreign influence operations. Think tanks lack transparency and disclosure requirements under counter foreign influence regulations. Meanwhile, university funding and contracts do not receive the same scrutiny as foreign investments under the Committee on Foreign Investment in the United States (CFIUS). These access points can undermine U.S. policy and scientific leadership before anyone even knows it has occurred. Efforts to protect research security and prevent foreign malign influence have improved modestly since 2020.² However, steps taken by both the Biden Administration and European nations are quite inadequate. Without greater transparency and effective enforcement, malign foreign influence and illicit knowledge transfer will continue to slip through emerging regulatory regimes.

Think tanks are prime targets for foreign influence campaigns, cyber intrusions, and espionage, due to their access to senior policymakers and their ability to shape, justify, and explain government policy.³ The U.S.-

China Military-to-Military Initiative, now based at the Stimson Center in Washington, D.C., began as an informal meeting between retired U.S. military officers and their Chinese counterparts, but grew into a forum that often advocates for Chinese foreign policy positions.⁴ Since its founding in 2008, this forum has promoted China's views on arms sales to Taiwan, the *Taiwan Relations Act*, and congressional reporting requirements on Chinese military power.⁵ China's malign influence campaigns often bring together former officials, business elites with economic interests in China, major Chinese firms, and other actors to advocate for Beijing's interests through groups that grant a veneer of respectability and plausible deniability.⁶ In Europe, Germany's China-Brücke group highlights the concerning nexus of actors that can enable malign influence from China. Former German Interior Minister and current Vice President of the Bundestag Hans-Peter Friedrich is one of its founders, and though its full membership is deliberately kept secret, prominent board members include representatives from Huawei and Alibaba Group.⁷

Civil society groups continue to call for greater transparency at think tanks. Organizations like the United Kingdom (UK)-based Who Funds You? and the European consulting group On Think Tanks compile data to increase think tank transparency.⁸ In 2020, Secretary of State Michael Pompeo announced that think tanks engaging with the Department of State must disclose foreign government funding. Unfortunately, the Biden Administration rolled back this policy.⁹ In response, there are congressional efforts to reinstate this policy and make it statutory. The U.S. Congress also is considering legislation to require certain nonprofit and social welfare organizations to disclose foreign funding to the Department of Justice.¹⁰ However, these efforts are often met with partisan resistance in Congress.

On universities and other research organizations, the White House issued *National Security Presidential Memorandum 33 (NSPM-33) for U.S. Government-Supported Research and Development* in January 2021 and supplemental *Implementation Guidance* in January 2022.¹¹ These regulations require organizations that receive over \$50 million per year in federal funding to meet cybersecurity, foreign travel security, research security training, and export control training requirements, and many universities are improving internal compliance procedures to meet these requirements.¹² The National Counterintelligence and Security Center also developed a Safeguarding Science outreach initiative to help stakeholders strengthen protections for research and innovation.¹³ In June 2023, the Pentagon released an updated publication of mostly Chinese and Russian institutions that it has prohibited from receiving research funding.¹⁴ The extent of U.S. government enforcement of NSPM-33 is a critical test of the seriousness with which the United States approaches risks of academic engagement with China.

Many universities have made their own improvements in addressing foreign interference,

but these developments have not kept up with the scale of the problem. The best example is a 2022 code of conduct released by the Massachusetts Institute of Technology entitled *University Engagement with China: an MIT Approach*.¹⁵ This document, which should serve as a model for other institutions, defines “lines that we should not cross” and provides guidance on sponsored research collaborations, gifts from Chinese donors, technology licensing, data protection, and travel to China.¹⁶ Other research universities, such as Cornell University and the California Institute of Technology, also have released guidelines for international collaboration.¹⁷ Appallingly, many major institutions continue to cooperate with Chinese entities on high-risk research and do not disclose such activities in accordance with U.S. law. While the University of California Berkeley has issued public guidance on compliance with U.S. government research security regulations, the school failed to report nearly \$240 million in cooperation agreements on semiconductor research with Chinese government entities and Chinese companies sanctioned by the U.S. government.¹⁸

Dangerous research collaboration with China remains a major problem in Europe. One study on research collaboration among Germany, other partner countries, and China examined more than 43,000 scientific articles published from 2016-2022, and found that at least 3,000 articles listed Chinese co-authors affiliated with the ‘Seven Sons of National Defense,’ which are Chinese universities that have close research partnerships with China’s People’s Liberation Army (PLA). More than 2,300 articles listed co-authors from universities overseen by the State Administration for Science and Technology Industry for National Defense. Further, 835 articles were identified as having co-authors from “critical risk” entities directly controlled by the PLA.¹⁹ The same study found that the United States, the European Commission, the UK, France, Sweden, the Czech Republic, Portugal, Austria, Spain, Belgium, the Netherlands,

Denmark, Switzerland, Finland, Italy, and Slovenia had also funded research projects involving PLA entities.²⁰

The European Union (EU) and individual European governments have also released resources for universities on countering foreign influence. In 2022, the EU's Directorate for Research and Innovation released a toolkit and guidelines for European higher education institutions and research organizations entitled, *Tackling R&I foreign interference*.²¹ In January 2024, the European Commission proposed the establishment of an expert center on research security to consolidate knowledge on threats and risks.²² This proposal aims to promote a common EU approach, but national governments are ultimately responsible for creating and implementing specific guardrails. France, the Czech Republic, Denmark, Finland, the Netherlands, and the UK have all released guidelines for universities to counter foreign malign influence.²³ The Dutch government completed a policy review on research security in higher education and released a draft of the *Knowledge Security Act*, which would create a screening process for foreign academics and students.²⁴ Most impressively, the 2021 overhaul of UK investment screening laws explicitly covers academic institutions and considers many research activities as "assets" subject to legal scrutiny.²⁵ Both the law and the UK's newly established *Research Collaboration Advice Team*, created to advise on the security risks of international research collaboration, could serve as models for other countries.²⁶

Individual European universities cut ties with the China Scholarship Council after revelations that scholarship recipients signed contracts that contravened academic freedom and potentially risked scientific espionage.²⁷ In July 2022, Vrije University Amsterdam announced the closure of a human rights center after revelations that the center received financial support from a Chinese university and that its instructors were "regularly defending China's human rights policy."²⁸ Other schools wound down projects with questionable

Chinese institutions.²⁹ However, European countries still largely leave actual screening and enforcement of research security protections in the hands of the universities and research organizations themselves.³⁰

The U.S. government engages with European counterparts on research security and China's exploitation of universities. For example, the U.S. embassy in Prague partnered with local universities in the Czech Republic to host two experts associated with the Academic Security and Counter Exploitation (ASCE).³¹ Leveraging ASCE's expertise is not a silver bullet, but the program in Prague represents exactly what the United States should scale up in Europe. The Federal Bureau of Investigation (FBI) also conducts regular outreach to European counterparts on countering Chinese academic influence. In addition to government-civil society collaboration, European university and education association officials report more frequent information exchanges with U.S. organizations on these issues.³²

On both sides of the Atlantic, striking the appropriate balance between promoting academic freedom and countering foreign malign influence remains an important and active debate. In 2022, the British Foreign Office reportedly blocked a record-breaking 1,104 foreign scientists and post-graduate students from entering the UK to work on dual-use research and other sensitive subjects.³³ British university leaders expressed concerns that the policy shift would hurt their ability to recruit talent. Schools across Europe and the United States similarly warn about the unintended consequences of proposed legislation to protect research security.³⁴ Freedom of inquiry and cross-border collaboration are important to universities' role within a free and open society. However, in today's geopolitical environment, universities must value national security at least equally.

Scores

On execution of recommendation 1.1, the Biden-Harris Administration scores a 1. On coordination, the administration also scores a 1.

Next Steps

- **Strengthen funding disclosure and transparency requirements for think tanks.** Congress should pass legislation to reinstate disclosure requirements for think tanks receiving funding from countries of concern, including China and Russia.
 - **Extend national security vetting mechanisms to universities.** The UK’s application of its investment screening law to academic “transactions” offers a promising model. Congress should revive 2022 legislation that would apply CFIUS to high-dollar donations from and contracts with individuals or entities based in adversarial countries.³⁵ Another option is to make visas associated with memoranda of understanding (MOUs) or other research agreements between U.S. and European universities and Chinese entities contingent upon a security review to mitigate illicit knowledge or technology transfer. Neither the United States nor the EU currently has centralized, authoritative, and accessible data on university MOUs with Chinese entities.
 - **Reform Section 117 of the Higher Education Act.** In December 2023, the U.S. House of Representatives passed the *DETERRENT Act* on a bipartisan basis. The bill reforms university reporting requirements for foreign funding under the *Higher Education Act* (20 U.S.C 1011f) and holds educational institutes accountable for financial
- partnerships with countries and entities of concern.³⁶ This reform will close loopholes in the existing legislation and tighten enforcement of university disclosures of foreign funding. The United States should encourage European nations to pass or update similar laws.
- **Support non-governmental efforts to increase transparency of Chinese malign influence efforts targeting universities and think tanks.** This includes universities themselves, but also journalists, transparency advocates, and other research entities.

RECOMMENDATION 1.2: SHARE STANDARDS AND BEST PRACTICES FOR INCREASING TRANSPARENCY OF THE LOBBYING INDUSTRY.

China's (and Russia's) exploitation of outdated foreign lobbying laws and inadequate post-employment restrictions on former U.S. and European officials is a growing vulnerability on both sides of the Atlantic. The United States, the UK, the EU, and EU member states are at various stages of advancing such reforms. In the United States, the Department of Justice (DOJ) has put forward serious proposals to amend the Foreign Agents Registration Act (FARA). It is well past time for Congress to advance comprehensive FARA reform and to impose tougher post-employment restrictions. Without such measures in the United States, closer transatlantic cooperation on this already sensitive subject will prove impossible.

Since 2021, the DOJ has solicited public comments on potential FARA reforms and announced plans to clarify certain FARA requirements through updated regulations.³⁷ Some DOJ priorities for FARA reform are clearly aimed at challenges from China. For example, DOJ is examining whether FARA's commercial exemption should apply to political activities conducted on behalf of foreign principals of companies that are not state-owned enterprises.³⁸ A bipartisan group in Congress is pushing for a step further – entirely eliminating the commercial exemption for “countries of concern,” including China.³⁹ The blurry line between the Chinese government and all Chinese companies demands a reevaluation of the commercial exemption.

China is also a driving factor in the DOJ's public endorsement of a Republican-led reform proposal to repeal the FARA registration exemption for individuals already registered under the Lobbying Disclosure Act (LDA). LDA disclosures and reporting requirements are significantly less robust than FARA's.⁴⁰ In October 2022, press reports revealed that Sidley Austin registered under FARA at the DOJ's

direction given its work for the Chinese firm Hikvision. Hikvision provides surveillance equipment to Chinese law enforcement authorities in Xinjiang, where the government is committing genocide against Uyghurs and other ethnic Muslims.⁴¹ Previously, Sidley Austin had only registered under LDA.⁴²

Despite this momentum, the bipartisan Lobbying Disclosure Improvement Act is the only bill with broad political support in Congress, but it does not go as far as DOJ proposals.⁴³ The United States did impose post-employment restrictions on Senate-confirmed State Department officials, including lifetime bans on the secretary and deputy secretary, from representing or advising foreign government entities from China and other adversarial countries.⁴⁴ However, there were numerous government officials excluded from this requirement. Congress now needs to strengthen weak and inconsistent post-employment restrictions across the entire federal government. The existing one-year ban in U.S. law and two-year ban in a Biden executive order are insufficient to prevent former U.S. government personnel from working for hostile governments.⁴⁵

Chinese Company	Industry	Active U.S. Lobbyists	Risks
DJI Technology, Inc.	Drones	CLS Strategies Liberty Government Affairs Sidley Austin LLP	-On DOD Sec. 1260H list and Commerce Entity List. ⁴⁶ -Former U.S. Attorney General Loretta Lynch lobbied for removal from 1260H list. ⁴⁷ -Patent infringement and data collection. ⁴⁸
Gotion, Inc. (Registered as a foreign principal)	Electric vehicles	Warner Norcross + Judd* Mercury Public Affairs, LLC The Vogel Group	-Employs over 900 CCP members. ⁴⁹ -Potential Uyghur Forced Labor Prevention Act violations. ⁵⁰
WuXi AppTec WuXi Biologics	Pharmaceuticals & biomedical technology	DGA Group Government Relations LLC FGS Global (US) LLC	-Co-invented altitude sickness treatments with the PLA; -PLA staffs management committee. ⁵¹

Source: Author compilation based on registries on U.S. government databases established the Lobbying Disclosure Act (LDA) and Foreign Agents Registration Act (FARA). In-house lobbyists are not listed.

*Other than Warner Norcross + Judd, the lobbyists listed are only registered under the LDA and not under FARA. Current law exempts LDA-registered lobbyists from registering under FARA.

The UK is furthest along in modernizing its foreign lobbying rules, passing the Foreign Influence Registration Scheme (FIRS) in 2023.⁵² A key feature of FIRS is the creation of a two-tiered system: a registration requirement for those lobbying for any foreign power, and enhanced requirements for those lobbying for a foreign power “where the Secretary of State considers it necessary to protect the safety or interests of the UK.”⁵³ The United States and the UK have engaged on U.S. lessons learned and best practices through FARA implementation.⁵⁴ The UK government explicitly linked FIRS to precedents set in FARA and equivalent legislation in Australia.⁵⁵ The UK has some post-employment restrictions, with more stringent requirements for senior officials. In July 2023, the UK adopted changes to existing rules and imposed financial penalties for non-compliance. Parliament did not, however, adopt a five-year ban on post-government lobbying pushed by the Labour Party, which has since softened its demand for such a step.⁵⁶

Within the EU, the regulatory landscape is complicated. Foreign influence and lobbying have implications not only for national security, but also for good governance. The EU, however, can only really make policy on the latter. National security remains the prerogative of individual member states and EU-wide laws and regulations are difficult to create or enforce. As a result, EU conversations about lobbying regulations tend to focus on corruption and accountability, and not on foreign lobbying. Moreover, in many EU member states, the influence of national security agencies is considerably weaker, often deliberately so, than in the U.S. and UK governments. They are therefore not well-positioned to counter access to senior decision makers by foreign interests.

Despite these structural challenges, Russia’s invasion of Ukraine, hardening European attitudes on China, and the scandal known as Qatargate that roiled the European Parliament (EP) have spurred renewed interest and pressure across Europe to address these issues.

The EU’s Defence of Democracy initiative to combat foreign influence in Europe included a proposed directive on the establishment of national-level lobbying transparency registries with harmonized standards.⁵⁷ The EP also is considering a reform package that would ban “friendship groups” (unofficial organizations sometimes sponsored by outside lobbyists or a foreign government) with all non-EU countries, and a new mechanism for tracking meetings with foreign interlocutors.⁵⁸ Russia rightly remains the top foreign influence concern for Europeans, but greater focus on China’s activities is necessary because the scope of its lobbying is unknown. The EU’s existing transparency register does not address this problem, as it “provides results by reference to lobbying entity and interest but not by reference to client.”⁵⁹

Non-governmental organizations and others continue to criticize these initiatives, fearing weaponization against pro-democracy groups that receive funding from the United States or the UK.⁶⁰ Civil society actors point toward Hungary and Georgia as cautionary tales. Both increasingly authoritarian and corrupt, Hungary and Georgia recently passed lobbying transparency laws that will target groups that disagree with those governments, rather than address corrupt special interests or foreign malign influence.⁶¹ While legitimate concerns exist, these actions at the EU level are nevertheless overdue. Members of the EP operate in a permissive environment when engaging lobbyists and pursuing their own business ventures, even if those activities relate directly to their government work.⁶²

Within individual EU member states, adoption of lobbying laws and regulations remains very uneven. In many cases, existing lobbying regimes do not provide specific protections against direct foreign influence. France is an exception: its regime covers lobbying for both domestic and foreign interests, regulates both the legislative and executive branches, and includes criminal charges.⁶³ Germany’s mandatory lobbying

registry largely focuses on advocacy for commercial interests.⁶⁴ Though it provides little information on their activities, the register does capture friendship organizations like China-Brücke and German subsidiaries of Chinese technology firms.⁶⁵ The Organisation for Economic Co-operation and Development (OECD) considers Ireland’s mandatory lobbying registry particularly strong.⁶⁶ The Czech Republic’s lobbying law will take effect in early 2025, but professional associations and unions are exempt.⁶⁷ Portugal and even Sweden, which has taken other actions to counter China’s malign influence, have both failed to enact lobbying rules.⁶⁸ Malta has taken no action to strengthen its lobbying regulations based on OECD recommendations from a study requested by Malta’s Commissioner for Standards in Public Life.⁶⁹ With respect to post-employment restrictions, a recent survey of 16 parliaments in European nations found that 11 had no such rules for elected officials.⁷⁰

U.S. engagement with European partners on lobbying issues occurs primarily at the OECD, including through participation in conferences, briefings, and anti-corruption initiatives, and through contributions to and reviews of relevant OECD papers.⁷¹ Apart from that, the United States conducts periodic bilateral discussions, but these are not extensive.⁷² There is no evidence that the U.S.-EU Dialogue on China covers foreign interference issues other than disinformation, nor is there evidence of the United States working with partners on the various European lobbying regimes passed in the last several years.⁷³

Lobbying is not a high priority for U.S. embassies engaging European partners on malign influence.⁷⁴ Discussions with both government and civil society interlocutors in Brussels also made clear that the EU is not interested in U.S. engagement on lobbying.⁷⁵

Score

On execution of recommendation 1.2, the Biden-Harris Administration scores a 1. On coordination, the administration also scores a 1.

Next Steps

- **Pass comprehensive FARA reform.** FARA reform should be a top priority for Congress and the DOJ, both to protect the homeland and to pursue cooperative efforts with Europe from a position of strength. The administration should increase its direct advocacy for FARA reform.
- **Advance a U.S. initiative on foreign lobbying reform in Europe, modeled after U.S. engagement on investment screening.** The prior administration’s push for adoption of investment screening regimes is a worthy model to advance lobbying reform. The United States should pursue this cooperation with Europe within the broader context of developing a shared toolkit to counter foreign malign influence. The intent would not be for every European country to adopt a carbon copy of FARA, but rather to share best practices and lessons learned from U.S. experience, and to provide expertise as necessary.
- **Host International Visitor Leadership Programs on lobbying reform and post-employment restrictions.** The Department of State should offer such training exchanges to partner country officials, legal experts, and civil society.

RECOMMENDATION 1.3 (SAFEGUARDING OUR SOCIETIES): HOLD GATHERINGS AMONG GOVERNMENT OFFICIALS IN THE UNITED STATES, EUROPE, AND OTHER DEMOCRATIC PARTNERS TO DISCUSS CHINA'S AUTHORITARIAN INFLUENCE WITHIN THEIR COUNTRIES AND WAYS TO EFFECTIVELY PUSH BACK.

AND

RECOMMENDATION 8.3 (BOTH REGIONS): HOLD REGULAR AND HIGH-IMPACT EVENTS ON HUMAN RIGHTS, GOOD GOVERNANCE, DEVELOPMENT, AND OTHER ISSUES.

The United States and European allies are convening a variety of summits and gatherings to champion democracy and good governance. However, this summitry – especially the Summit for Democracy (S4D) – appears to have become more of a rhetorical spectacle than a concrete effort to stem the tide of authoritarianism and democratic backsliding.⁷⁶

To date, the Biden Administration has failed to use the S4D and other summits to create a club of true democracies. Instead, in the name of “inclusivity,” it continues to promote the participation of countries that are democracies in name only, or countries that are trending toward authoritarianism.⁷⁷ If almost anyone can be part of S4D, there is little incentive for fragile democracies to continue upholding democratic values and human rights in order to reap the reputational benefits.

The S4D also does not follow through with benefits to democratic partners. The \$690 million in planned U.S. assistance announced by the administration during the 2023 S4D focused on supporting free and independent media, fighting corruption, consolidating democratic reforms, advancing technology for democracy, and defending free and fair elections and political processes.⁷⁸ While all are worthy objectives, none of these programs are new or dynamic. Instead, the S4D announcements simply re-branded existing efforts.

Developing democracies are looking for support to build critical infrastructure, restructure debt, prosecute corruption and recover stolen assets, attract international investment, catalyze economic growth and development, and address threats to national security. This is especially true for countries undergoing a sudden democratic transition; there is a narrow window of opportunity for newly elected leaders to deliver democratic dividends. In an era of global competition, the United States must be willing and able to help our like-minded partners achieve tangible and visible results. China and Russia understand this and will capitalize upon every opportunity to rapidly deploy their diplomatic and economic arsenals (including by entering into deals to build infrastructure, develop critical minerals, train and equip security services, etc.) that undermine democratic institutions the United States and European partners try to support.

The Biden Administration claims it has invested approximately \$9.5 billion in democracy, human rights, and good governance (DRG) work globally since fiscal year 2022.⁷⁹ Unfortunately, global democratic backsliding appears to have accelerated over this same period.⁸⁰ According to the U.S. nonprofit Freedom House, war, coups, attacks on democratic institutions by illiberal incumbents, and increased cooperation among authoritarian states are the key drivers of backsliding.⁸¹ No

matter how well-resourced or well-intentioned they may be, U.S. DRG programs will continue to fail if they are not designed to address these challenges.

More often than not, U.S. DRG funds are directed toward supporting capital-based, elite civil society organizations rather than the institutions most vulnerable to or responsible for backsliding. It would be unreasonable to assume that U.S. foreign assistance will be the determining factor in the trajectory of a country's political system. However, poorly designed DRG programs resulting from the pressure to produce summit deliverables are doomed to fail. The S4D boasted more than 750 deliverables yet, with some exception of U.S. Agency for International Development projects to advance media freedom and public-private-civic partnerships on information integrity, the status of most of these deliverables remains unclear.⁸²

Transatlantic cooperation through S4D has spurred action on a few fronts. For example, a key focus of S4D is highlighting the use of technology to advance democracy. However, the United States has not led or participated with its European partners to produce anything binding that includes enforcement provisions or provides more concrete incentives to partner countries.⁸³

One initiative worth mentioning is the *Summit for Democracy Commitment on Beneficial Ownership and Misuse of Legal Persons* to combat the transnational misuse of opaque corporate structures and legal persons to conceal corrupt activity, signed by the United States and 26 European countries.⁸⁴ While this is yet another pledge, obscure beneficial ownership is a significant avenue through which bad actors, including China-linked companies, engage in covert, coercive, and corrupting activity. Transatlantic work to highlight this issue is a step in the right direction.

U.S. and EU officials have discussed defending democracy from Chinese influence specifically since 2020 through the *U.S.-EU Dialogue on China* and the *U.S.-EU High-*

Level Consultations on the Indo-Pacific.⁸⁵

However, no concrete outcomes have emerged. Senior American and UK diplomats have also emphasized their shared commitment to democracy and human rights and the need to “stand up for our values [and] hold Beijing to their commitments” in international fora.⁸⁶ Unfortunately, during a May 2023 meeting between members of the U.S. House of Representatives Select Committee on Strategic Competition between the United States and the Chinese Communist Party and British leaders, UK officials acknowledged “we have no plan” to counter Chinese political warfare, which encompasses cyberattacks, economic coercion, disinformation, espionage, influence operations, and more.⁸⁷

Score

On execution of recommendations 1.3 and 8.3, the Biden-Harris Administration receives a score of 2. On coordination, the administration scores a 1.

Next Steps

- **Revamp the S4D.** Doing so requires identifying what the S4D and other mechanisms can reasonably achieve, and what gaps remain. It also requires that deliverables are tailored to the drivers of democratic backsliding in particular countries. Additionally, the administration must be willing to make difficult and uncomfortable choices when deciding *who* is best placed to represent their democracy at the S4D. If the head of state does not demonstrate a commitment to democracy through their actions, they should not attend. Another government official, a prominent opposition figure, or even civil society representatives should take their place. Finally, the summit should bring together global democracies to work toward achieving measurable

outcomes – not just to revel in a shared commitment to democracy.

- **Publicize progress on implementation of S4D deliverables.** This will help Congress and civil society to track progress on announced projects, giving better insight into outstanding implementation gaps.
- **Make human rights and democracy a centerpiece of the U.S.-EU Dialogue on China.** The United States and European partners should use the dialogue to coordinate policy actions on human rights, corruption, and democracy, such as export controls, forced labor bans, and sanctions.

RECOMMENDATION 1.4: CONTINUE TO ENHANCE COLLABORATION ON COUNTERING FOREIGN INFORMATION MANIPULATION TO ENSURE COORDINATED COUNTER-MESSAGING.

Building on the work of the prior administration, the Biden Administration oversees strong cooperation between the United States and European countries on state-directed disinformation, but the focus remains predominantly on Russia. Coordination on countering Chinese disinformation is growing as China increasingly parrots Russian propaganda on Ukraine, the North Atlantic Treaty Organization (NATO), and other topics, but it is not enough given China's intense focus on influencing public opinion in the United States and Europe. Unfortunately, legislative proposals under consideration by the EU threaten to hinder or upend what has become a great success in transatlantic relations.

The U.S. Department of State's Global Engagement Center (GEC) serves as the central U.S. government hub to analyze and counter disinformation operations by foreign adversaries, including China, Russia, terrorist groups, and others. The Senate Foreign Relations Committee's (SFRC) oversight of U.S. government programming shows improved cooperation, especially with European partners.⁸⁸ For example, 30 countries participate in the GECIQ platform, an information sharing platform for interagency and international partners to share analysis on disinformation related to Russia's war in Ukraine.⁸⁹ In July 2023, the GEC published an agenda for international counter-disinformation research opportunities for universities and think tanks, based on conclusions developed by an international working group that included representatives from Japan, the UK, and NATO.⁹⁰

The GEC's legal mandate applies solely outside the United States and it should remain politically neutral. These principles are vital to avoid perceptions that countering foreign

disinformation is a pretext for censorship and political targeting inside the United States. Specifically, the GEC sparked controversy in the United States over allegations that recipients of GEC funding targeted American conservatives. While the GEC did not fund these activities, strict guidelines on political neutrality are required to ensure its critical initiatives to counter the foreign malign influence of Russia and China. Unfortunately, the Biden Administration's bumbling and controversial stand-up and then suspension of the Department of Homeland Security Disinformation Governance Board in 2022 raised such concerns about government censorship at home and caused confusion within the U.S. government and among partners working on disinformation.⁹¹

Despite these setbacks, cooperation between the United States and Europe on countering foreign disinformation – and, increasingly with advanced democracies in the Indo-Pacific such as Japan, South Korea, and Taiwan – is growing.⁹² At the May 2023 U.S.-EU Trade and Technology Council, the United States and the EU announced a common standard for threat information exchange on disinformation and other forms of foreign interference.⁹³ The International Partnership for Countering State-Sponsored Disinformation (IPSCD), co-led by the United States and the UK, has led to more extensive information sharing and also cooperates with the EU.⁹⁴ The United States also works with the Canada-led G7 Rapid Response Mechanism (RRM), initiated in 2018, to “identify and respond to diverse and evolving foreign threats to democracy.”⁹⁵ The G7 RRM's first annual report in 2021 focused on evolving trends in disinformation.⁹⁶

The United States and Europe are beginning to move from information sharing

and analysis to actual coordinated responses and counter-disinformation campaigns.⁹⁷ American representatives from multiple agencies, including the Departments of State and Homeland Security, exchange best practices on foreign interference with European partners. Participating countries are designing and deploying timely and effective joint campaigns through the IPSCD as well.⁹⁸ By contrast, the G7 RRM remains focused on information sharing.⁹⁹

Coordination today largely focuses on Russia. These experiences can build shared habits of cooperation that both sides of the Atlantic can apply to disinformation originating from China, but that requires Europe to be as forward-leaning on China as it is on Russia. In 2020, allegations that the EU toned down its findings on China in a report on disinformation rightfully caused concern.¹⁰⁰ More recently, the EU External Action Service (EEAS) Strategic Communications Task Force's EUvsDisinfo platform began debunking disinformation in Mandarin Chinese and tracking alignment between pro-Kremlin and Chinese state-linked media sources.¹⁰¹ EEAS announced a separate initiative in early 2023 to track foreign information manipulation in real time and provide a platform for coordination among 27 EU countries and non-governmental organizations.¹⁰²

At the same time, sweeping European digital regulations, such as the EU *Digital Services Act* (DSA), the EU *Media Freedom Act* (MFA), and the UK's *Online Safety Bill*, will lead to major policy changes in Europe's media regulation. In general, these regulations will incentivize global content providers to adhere to the EU's more restrictive content moderation model, rather than U.S. protections of free speech.¹⁰³ The fact that the EU's MFA and DSA have conflicting provisions does not help matters.¹⁰⁴ Moreover, both the DSA and the UK's *Online Safety Bill* appear to target American digital service providers, which could negatively affect transatlantic cooperation on disinformation

countermeasures. These regulations could also advantage large Chinese companies seeking to replace U.S. digital services companies in the European market.¹⁰⁵

Score

On execution of recommendation 1.4, the Biden-Harris Administration receives a score of 3. On coordination, the administration scores a 3.

Next Steps

- Increase operational and countermeasure coordination.** Dialogues and multilateral coordination mechanisms that address disinformation are proliferating. Information sharing remains important, but all of these dialogues should move toward coordinated responses to disinformation campaigns in real time. Coordinating bodies focused on information operations by adversarial nations among the United States, the EU, and NATO should also take care to ensure their efforts are not duplicative or conflicting.
- Enact federal data laws that protect American citizens' data from foreign adversaries.** Congress has considered a range of laws on this subject. However, continued failure to pass legislation allows U.S. adversaries to exploit potentially sensitive data and hinders U.S. presentation of strong alternatives to European data regimes.
- Use lessons from Russia to increase attention on countering disinformation from China.** The United States should push European countries to focus more resources on countering Chinese disinformation

and to be just as aggressive as they are responding to Russia.

- **Be proactive in addressing new sources of disinformation.** Emerging issues include the localization of pro-Beijing narratives through “friendly” local voices, the proliferation of AI-enabled deepfake technology, and the increasing role of new actors (e.g. commercial entities and public relations firms) in spreading state-sponsored disinformation.

RECOMMENDATION 1.5: CONTINUE TO INVEST IN AND PRIORITIZE THE DEVELOPMENT OF INDEPENDENT CHINA EXPERTISE.

China's growing influence in the world, coupled with its efforts to shape narratives that support its foreign policy priorities, necessitates the development of robust independent China expertise that can conduct fact-based research and support policymakers. Several European countries have created new knowledge centers focused on China. Both the EU External Action Service and NATO have expanded their China analysis, though from a low baseline. U.S. government efforts in this area remain steady. Nevertheless, overall development of China expertise is piecemeal, and progress is not keeping up with the increasing challenge.

According to a 2023 report by the European Think-Tank Network on China, efforts to improve independent China expertise and increase training for Mandarin speakers are expanding across many European countries.¹⁰⁶ The Swedish, British, and German governments have established new national knowledge centers on China.¹⁰⁷ Former UK Prime Minister Rishi Sunak restored previously cut funding to the Great Britain-China Centre in 2023.¹⁰⁸ The UK's 2022 China Capabilities Programme pilot expanded in 2023 to support Mandarin language training, immersion programs in Taiwan, and courses in culture, government, and policymaking for civil servants.¹⁰⁹ The German Federal Ministry of Education and Research identified a need to improve China-related knowledge and Chinese language skills for researchers and scientists and funded 13 projects toward that end in 2021.¹¹⁰

Horizon Europe – the EU's €95.5 billion research funding program – is one avenue for the EU to address the knowledge gap on China. For example, the November 2022 project China Horizons – Dealing with a Resurgent China brings together researchers from eight European universities and think tanks from seven EU member states to establish an independent

experts network on China.¹¹¹ Unfortunately, however, Horizon Europe has also funded some projects in collaboration with military entities in China. In another positive example of efforts to develop China expertise, in January 2023, the European Commission launched the IDEA Fellowship Programme on China to foster strategic cooperation with think tanks and universities and fund policy-oriented academics who specialize on political, social, economic, digital, environmental, climate, security, or historical issues related to China.¹¹²

Meanwhile, China is cracking down on information access across the board. Dozens of foreign journalists expelled from China in 2020 and 2021 are unable to return, while those still working inside China face increased harassment, attacks from Chinese state media, movement controls, and surveillance.¹¹³ China's arbitrary enforcement of new national security and data laws has also restricted information.¹¹⁴ Foreign investors and researchers report reduced access to databases that make it more difficult to conduct research and carry out daily business operations.¹¹⁵

China's malign influence operations, at times, directly target the development of independent expertise on China. The UK and Germany each had recent cases involving alleged spies for China who reportedly targeted commercial entities as well as policymakers, academics, and think tank experts with knowledge of national security issues and bilateral relations.¹¹⁶

In the United States, concerns about academic integrity and national security led to the closure of many Confucius Institutes (CIs) following congressionally mandated restrictions on federal funding to institutions hosting them.¹¹⁷ However, the U.S. government needs to be more proactive in filling the language-learning gap left by the closure of CIs. An October 2023 Government Accountability

Office (GAO) report found that only 22 percent of respondents from schools with closed CIs received support from U.S. government-sponsored Chinese language programs. Funding provided by the Department of Education for Foreign Language and Area Studies Fellowships did not increase between 2014 and 2022.¹¹⁸ U.S. government funding for language learning overall remains stagnant.¹¹⁹

Information about U.S.-Europe government collaboration on developing China expertise was difficult to find, and both sides of the Atlantic are pursuing such initiatives independently. Cooperation is largely occurring between think tanks, academics, and other parts of civil society.

Finally, Taiwan has emerged as a growing alternative resource for Mandarin language learning, though it does not have the capacity to substitute fully for China's language and cultural education programming. In December 2020, the United States and Taiwan signed an MOU to establish the U.S.-Taiwan Education Initiative to enhance Taiwan's Mandarin instruction for Americans and deepen international educational cooperation.¹²⁰ As of 2023, 29 European countries participated in the Taiwan-Europe Connectivity Scholarship program.¹²¹ In the same year, the EU and Taiwan restarted the EU Officials Taiwan Research Delegation Project, suspended from 2019 to 2022 due to pandemic-related border restrictions.¹²²

Score

On execution of recommendation 1.5, the Biden-Harris Administration receives a score of 1. There is no score for coordination, given that much of transatlantic engagement on this issue rightfully occurs between civil society actors rather than governments.

Next Steps

- **Increase U.S. government funding for Mandarin-language training, including through exchange**

programs with Taiwan. The United States has struggled to increase funding for Mandarin language training, particularly in light of ongoing budget issues. While expanded opportunities for language exchange programs with Taiwan can fill some of the gaps, they are not sufficient to address the need for Chinese-language training and expertise. Policymakers must take care to expand opportunities for education on Chinese language and cultural as well as its foreign, economic, and other policies, while establishing guardrails to protect against Chinese influence efforts.

- **Focus government support for research and critical analysis on key China-related topics,** particularly the United Front Work Department, influence and information operations, Chinese domestic politics, Chinese military strategy, China's engagement in developing nations, Chinese-origin transnational criminal organizations, or any topics censored by the Chinese government.
- **Institutionalize transatlantic linkages to build knowledge on China.** This is a recommendation for civil society leaders, such as academics and think tank experts, to develop long-lasting and sustainable connections. Existing programs, such as the Europe-China Knowledge Forum, could be expanded to include transatlantic partners, and universities should form transatlantic partnerships to conduct joint research on China.

RECOMMENDATION 1.6: CONDUCT EFFECTIVE OUTREACH TO CHINESE DIASPORA COMMUNITIES TO HELP THEM PROTECT THEMSELVES FROM EFFORTS BY THE CHINESE GOVERNMENT TO TARGET THEM.

The Chinese Communist Party (CCP) views ethnic Chinese living overseas as tools to promote its political and security interests abroad.¹²³ Some of these influence operations, broadly overseen by the United Front Work Department, have backfired.¹²⁴ Still, engagement between U.S. and European governments and diaspora communities remains insufficient. The Biden Administration and European nations need to increase initiatives to help protect these communities and bolster their resilience to foreign influence operations.

European governments have taken limited steps to analyze the unique situation faced by Chinese diaspora communities. For example, a 2020 Swedish Defence Research Agency report examined the CCP's diaspora policies and the security implications for foreign countries.¹²⁵ Similarly, a 2022 publication by a German government-affiliated think tank concluded German policymakers should support independent Chinese-language media and foster dialogue with the affected communities.¹²⁶

Some European countries have refugee espionage laws that decrease threats facing dissident and exile communities, but loopholes remain.¹²⁷ The Council of Europe Parliamentary Assembly highlighted the need for increased transparency in Interpol reform and extradition proceedings to counter state abuses that violate human rights.¹²⁸ Switzerland (2020) and Slovakia (2021) signed judicial cooperation agreements with Taiwan, and a 2022 European Court of Human Rights ruling will make extraditions from EU member states to China more difficult.¹²⁹ Additional actions to support diaspora communities, such as developing consistent reporting and early warning mechanisms, training on legal rights and protections, or proactive law enforcement engagement, are less robust.

The EU does not appear to coordinate information sharing or best practices among member states on how to engage with Chinese diaspora communities. European countries with large ethnic Chinese communities, including the UK, France, Spain, and Italy, do not have publicly available strategies on these issues, and existing engagement appears to be insufficient. For instance, slightly less than half of recent Hong Kong emigres to the UK were unaware of available government financial support.¹³⁰ A separate survey found that more than 70 percent of respondents did not believe the UK government had taken sufficient measures to protect their civic freedoms in the face of transnational repression from China.¹³¹ Transnational repression, discussed in further detail below, are tactics used by foreign governments to stalk, intimidate, or assault people in other countries.¹³²

In the United States, the Biden Administration has prioritized engagement with Asian-American communities in response to increases in anti-Asian violence.¹³³ Such initiatives help to build ties with affected stakeholders, but are not a substitute for efforts focused on China's malign influence targeted at diaspora communities.

The DOJ and the Federal Bureau of Investigation (FBI) continue their China-related work by pursuing cases and increasing public awareness of China-related law enforcement threats, including counterintelligence and transnational repression.¹³⁴ The Department of Homeland Security, the Department of State, and other U.S. agencies also play a role in the interagency response to transnational repression.¹³⁵

However, the effectiveness of such efforts is mixed. Several high-profile law enforcement cases have been mismanaged, increasing

public confusion and concern about the U.S. government's handling of this important issue. For example, the FBI's arrest of a New York Police Department officer for allegedly spying on U.S.-based Tibetans sparked internal divisions within the Tibetan community. The prosecution later requested the dismissal of the case without explanation, distressing community members.¹³⁶

FBI and local law enforcement efforts to counter transnational repression also fell short. For example, pro-China counter-protestors assaulted diaspora groups protesting a November 2023 summit in San Francisco between U.S. President Joe Biden and Chinese leader Xi Jinping. Diaspora communities claimed the San Francisco police's response was "negligent and unprofessional."¹³⁷ Members of Congress sent a letter to the San Francisco Police Department about inadequate protections of protestors' civil rights, but it remains unclear whether the police and FBI are doing anything on this case.¹³⁸

A 2022 report about Chinese "overseas police service stations" that operate without oversight and in possible violation of local laws catalyzed international concern about the threat of transnational repression by the Chinese government.¹³⁹ In response, the Netherlands and Ireland took rapid actions to close stations in their countries, while authorities in the Czech Republic, Germany, Portugal, Spain, Sweden, the UK, and the United States launched investigations into Chinese police service stations.¹⁴⁰ The United States subsequently brought charges against two individuals accused of operating an illegal "police station" in New York.¹⁴¹

The DOJ has since published materials to shed light on tactics and actors involved in transnational repression.¹⁴² Various congressional committees and commissions, including SFRC, have held hearings on the topic.¹⁴³ This built on previous congressional attention to United Front operations targeting diaspora and other interest groups in the United States.¹⁴⁴

Members of Congress have introduced various bills to criminalize acts of transnational repression. A 2023 GAO report includes further recommendations for DOJ and the Department of State to improve interagency information sharing, training, and coordinated responses to transnational repression.¹⁴⁵

The lack of Chinese language capacity among federal agencies remains a challenge. Counterintelligence products published in Chinese, Tibetan, Uyghur, or other languages of groups targeted by China are rare, but would support the FBI's ability to standardize outreach procedures for targeted communities.¹⁴⁶ Freedom House has recommended that federal, state, and local law enforcement improve cooperation to conduct outreach and investigate leads on transnational repression.¹⁴⁷ Unfortunately, limited evidence exists that FBI field offices are publicly engaging with diaspora communities to build awareness and assist victims of transnational repression.¹⁴⁸

Support for diaspora Chinese-language media is also crucial, and civil society actors, along with U.S. and UK public broadcasters, are addressing these challenges, including hiring journalists who left Hong Kong after 2020.¹⁴⁹ In general, SFRC staff found limited evidence of government-to-government transatlantic cooperation on Chinese diaspora issues or transnational repression. For example, the G7 RRM Working Group on Transnational Repression (launched in 2023) and the UK's Defending Democracy Taskforce (which first met in 2022) both focus on coordinating government responses to foreign interference, including transnational repression.¹⁵⁰ Offices like the GEC and the EU's Strategic Communications division continue to coordinate on raising awareness about Chinese influence operations and highlighting the voices of diaspora actors.¹⁵¹

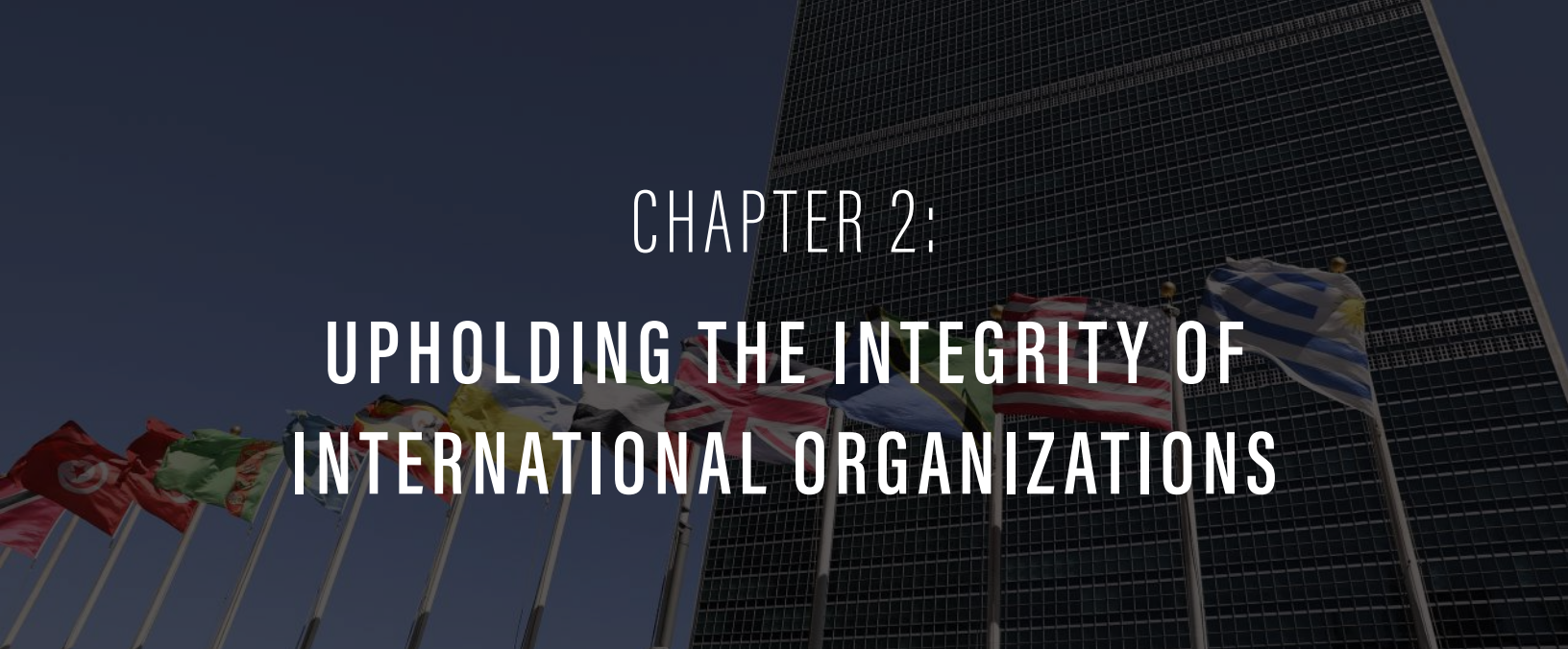
Score

On execution of recommendation 1.6, the Biden-Harris Administration scores a 1. On coordination, the administration also scores a 1.

Next Steps

- **Support more independent research on and mapping of transnational repression and United Front Work activities targeting diaspora communities.** This should include comparing case studies in both the United States and Europe.
- **Increase training for diaspora groups on their legal rights and protections.** Governments should conduct their own training and partner with local organizations that have pre-established relationships with diaspora groups.
- **Dedicate more resources and personnel to systematize engagement with diaspora communities at the federal and local level.** The United States and Europe must devote more law enforcement and intelligence resources to understand the CCP's targeting and leveraging of diaspora communities in influence campaigns. With this knowledge, organizations like the FBI, other federal agencies, and local law enforcement should all increase outreach to affected diaspora communities. More consistent and systematic engagement requires local partnerships with trusted civil society organizations.
- **Enact laws to close loopholes exploited by perpetrators of transnational repression.** Some European laws already cover foreign surveillance of refugees, for example.
- **Increase Chinese, Tibetan, Uyghur, and other language capacity in governments on both sides of the Atlantic or hire contractors to provide this service.** Greater language capacity can produce written materials for affected groups to help them build resilience and understand services available to them.

SAFEGUARDING OUR SOCIETIES		
2020 Report Recommendations	Execution score (0-3)	Coordination score (0-3)
Rec 1.1: Universities and think tanks	1	1
Rec 1.2: Foreign lobbying	1	1
Rec 1.3: Gatherings on human rights & democracy	2	1
Rec 1.4: Countering disinformation	3	3
Rec 1.5: Independent China expertise	1	N/A
Rec 1.6: Diaspora community engagement	1	1
TOTALS	9 (out of 18 possible points)	7 (out of 15 possible points)
SCORE AVERAGE: 8		FINAL GRADE: D



CHAPTER 2: UPHOLDING THE INTEGRITY OF INTERNATIONAL ORGANIZATIONS

RECOMMENDATION 2.1: ADOPT A “WHOLE OF UNITED NATIONS-SYSTEM” APPROACH IN ADDRESSING POLICY ISSUES AT THE UN.

The Biden Administration continues to struggle with coordination of the multitude of U.S. departments and agencies engaged in United Nations (UN) programs, and struggles even more to coordinate with European partners on key issues. Both China and Russia exploit these weaknesses and use the UN Security Council (UNSC), General Assembly, and Human Rights Council (HRC), among other UN mechanisms, to shield themselves from scrutiny, court undemocratic allies, secure positions of authority, destabilize the rules-based system upon which democratic nations rely, and reshape the world order in their image.

A key example of the Biden Administration’s failure to adopt a “whole of United Nations-system approach” is its inability to break down siloes around human rights issues. UN activity on human rights remains within the confines of the HRC. This organization is deeply flawed, and its membership is made up of countries with significant human rights abuses, such as China, Eritrea, and Cuba.¹⁵² Additionally, the HRC has a long history of anti-Israel bias, and its membership and procedures impede human rights defenders and U.S. interests.

The UN Security Council has failed to address significant humanitarian crises around

the world, including in Ethiopia, Sudan, Syria, Burma, and Ukraine, despite substantial congressional engagement pressing the U.S. Mission in New York to do so. European allies have supported discussions on these topics in the UNSC but have been unable to address the impact of spoilers like China and Russia.

There is one notable exception to an otherwise poor record of coordinating across the UN system to promote human rights: North Korea. In August 2023, the U.S. Mission to the UN organized the first open UNSC meeting on the human rights situation in North Korea since 2017.¹⁵³ Though the meeting did not produce any tangible results or meaningful action, the U.S. delegation was nonetheless successful in coordinating with all council members, including European allies, to get North Korea on the council’s agenda.

Unfortunately, the future of the UN’s work on North Korea has been called into question after Russia vetoed a mandate to extend the United Nations Panel of Experts investigating Pyongyang’s unlawful weapons development and sanctions evasion in May 2024. China supported Russia’s move but ultimately abstained from the vote. The U.S. delegation could not save the panel, but did issue a joint statement

with France, Japan, South Korea, and the UK protesting Russia’s growing support for North Korea and its efforts to undermine UN sanctions on Pyongyang. The United States instead said it will work with partners “inside and outside of the UN system” to find an alternative to the panel.¹⁵⁴

Score

On execution of recommendation 2.1, the Biden-Harris Administration receives a score of 1. On coordination with European partners, the administration also scores 1.

Next Steps

- **Bring UN discussions to capitals.** The United States and our European partners need to extend their work on UN issues beyond the confines of traditional UN hubs, including New York, Geneva, and Rome. The United States should coordinate with European allies on raising key UN issues through bilateral missions in capitals around the globe, including on upcoming elections at every level and on key resolutions.
- **Make human rights a permanent agenda item at the UNSC.** As it currently stands, the UNSC defers to the HRC on human rights matters. If the UNSC had its own agenda item, the United States and European allies could more effectively advance important human rights issues that too often are ignored or denied by an ineffective HRC that authoritarian countries use to justify their human rights abuses and control the UN’s human rights agenda.
- **Increase coordination between United States agencies on UN issues.** While the U.S. Mission to the UN leads on representing the United States and coordinating with allies at the UN, dozens of U.S. agencies interact with

the UN and its specialized agencies and organizations around the world on a daily basis. Standing interagency coordination meetings should be organized to de-conflict U.S. actions and priorities within the UN and its specialized agencies and organizations.

RECOMMENDATION 2.2: WORK TOGETHER TO PROMOTE GOOD GOVERNANCE IN INTERNATIONAL ORGANIZATIONS BY COORDINATING ON THE ELECTION OF CANDIDATES TO TOP UN POSITIONS.

The Trump Administration established the Office of Multilateral Strategy and Personnel (IO/MSP) at the Department of State to advance qualified candidates and good governance at the UN. The Biden Administration did take steps to formalize its role and IO/MSP now leads the U.S. government's efforts to address strategic competition in the UN system. It also monitors and tracks other countries' engagements with the UN system and works to influence their policies. IO/MSP is meant to support U.S. citizens across the UN system, which includes securing the election of Americans and like-minded partners to serve in high-level posts, and recruitment of U.S. citizens to fill UN vacancies across the system.¹⁵⁵

Since the establishment of IO/MSP, U.S. candidates have secured two leadership positions in the UN system: Secretary-General of the International Telecommunications Union (ITU), and Director-General of the International Organization for Migration (IOM).¹⁵⁶

With IO/MSP in the lead, the United States began laying the groundwork for Doreen Bogden-Martin's campaign to lead the ITU in 2020. The Trump and Biden Administrations mobilized a whole-of-government approach to secure her election with early and consistent engagement with European partners and across the globe, as documented by congressional staff in briefings and in-person oversight trips to the ITU election in Geneva, Switzerland.¹⁵⁷

In September 2022, Ms. Bogden-Martin won the position of secretary-general with over 140 affirmative votes.¹⁵⁸ Her opponent was a Russian national. During the election, Senate Foreign Relations Committee (SFRC) staff observed significant U.S. government presence that included representatives from the Departments of State, Defense, and Commerce, the Federal Communications Commission,

the National Telecommunications Information Administration, and a significant number of private U.S. entities.¹⁵⁹ This outsized presence communicated the importance of this election to the United States, demonstrated the scope of efforts to build international support for Bogden-Martin, and improved connections between the private sectors and other stakeholders of countries around the world.

Unfortunately, the Biden Administration adopted an unconstructive approach toward the IOM election. The Biden Administration chose to run American candidate Amy Pope for director-general, even though a Portuguese national named Antonio Vitorino was serving as incumbent. When the United States announced Ms. Pope's candidacy, Mr. Vitorino had not yet declared his own intent to run again. The lack of coordination and timing of the announcement sent a signal that the United States was attempting to pressure him not to run.¹⁶⁰

In the 2020 edition of this report SFRC strongly encouraged the administration to work with European counterparts on UN elections, not to compete with them.¹⁶¹ While Pope was a strong candidate, the campaign demonstrated a lack of U.S. coordination. European partners considered the announcement to be an abrupt departure from the usual method of operations for UN elections.¹⁶² In the end, most European countries coalesced to support Mr. Vitorino's candidacy, forcing the United States to look elsewhere for support.¹⁶³

To garner non-European support, Pope focused her efforts on the Global South, which helped her win the election in May 2023.¹⁶⁴ She secured support from countries whose votes, in a head-to-head match-up with China, would have been hard to obtain. While Pope ultimately succeeded, she could have won with a larger margin and with a stronger mandate if

the United States had better coordinated with European allies.

Score

On execution of recommendation 2.2, the Biden-Harris Administration receives a score of 2. On coordination, the administration scores a 1.

Next Steps

- **Coordinate with European allies before making decisions on UN candidates.** The administration must actively consult and engage with European partners before making major decisions on UN elections to avoid confrontations or the potential loss of major positions to leaders who do not share our values and interests. An American or European loss gives Russia or China a competitive advantage to entrench their own interests and malign influence further inside the UN system.

RECOMMENDATION 2.3: INCREASE THE NUMBER OF CITIZENS EMPLOYED IN UNITED NATIONS POSITIONS AND IN JUNIOR PROFESSIONAL OFFICERS PROGRAMS.

Despite being the UN's largest donor, U.S. citizens are significantly underrepresented in the UN workforce.¹⁶⁵ By comparison, China has installed thousands of its nationals into various senior leadership and junior positions throughout the UN system to increase its influence.¹⁶⁶ Addressing this severe imbalance requires setting up systems to identify UN job openings and qualified U.S. citizens to fill them, which the Biden Administration largely has failed to achieve.

The administration tasked IO/MSP with identifying U.S. citizens to serve in UN positions and in the Junior Professional Officers (JPO) program, which introduces individuals to the UN system for two to three years, with the goal of leading to formal UN employment.¹⁶⁷ The positions occupied by U.S. citizens are directly funded by the United States.¹⁶⁸ China uses its JPOs to advance China's narrow interests and detrimental policies, and then help them secure higher-level posts. Expanding U.S. support for the JPO program is crucial to pushing back on Chinese and Russian influence.

Due to interagency misalignment and lack of communication, it has proven extremely difficult for the administration to measure its success in growing the overall number of U.S. JPOs. No single federal department or agency is responsible for tracking the number, location, or type of employment of U.S. JPOs. Correcting this, and better aligning the U.S. interagency, is required to better serve American JPOs and increase U.S. presence at the UN.

Congressional support for the JPO program has never been stronger. The 2023 National Defense Authorization Act (Div. I, P.L. 117-263) tasked the administration with supporting the employment of U.S. nationals at international organizations.¹⁶⁹ Congress directed the State Department to craft a whole-of-government

strategy to expand the JPO program, including prioritizing employment of Americans at specialized bodies and organizations involved in international finance and development. Unfortunately, the administration has yet to submit the report, due to Congress in late 2023. The results, and how rigorous they will be, are unclear.

Score

On execution of recommendation 2.3, the Biden-Harris Administration scores a 1. On coordination, the administration scores a 0.

Next Steps

- **Prioritize a whole-of-government strategy on the recruitment, installation, and placement of American JPOs.** The administration should collect data on the current number, composition of positions, agencies, and cost of U.S. JPOs in the UN system and adopt a strategy to better support existing positions and leverage future openings. A strong strategy would enable an effective, long-term U.S. presence within the UN system.

RECOMMENDATION 2.4: CONTINUE TO DEFEND THE INTERNATIONAL HUMAN RIGHTS STANDARDS AT THE UNITED NATIONS (UN).

Since 2021, the Biden Administration has garnered a few significant wins on international human rights standards at the UN, but also suffered key losses.

The United States and Europe led a successful campaign to suspend Russia's membership on the HRC following the start of Russia's full invasion of Ukraine. Despite the victory, the vote count (96 yays; 24 no's; 58 abstentions) reveals a concerning trend of diminished support for human rights among UN members. U.S. and European countries voted to suspend Russia's membership, but the majority of countries in Asia, Latin America, and Africa either voted against the measure or abstained. This vote shows the United States and Europe are leading on human rights issues but are failing to convince the rest of the world to do the same. Notably, China voted to keep Russia as a member of the HRC.¹⁷⁰

On the other hand, a major U.S. push for an open debate in the HRC on China's atrocities in the Xinjiang region constituted a major failure. The United States, with the UK and Turkey, led this resolution. Of the 47-member body, 17 countries voted in favor, 19 against, and 11 abstained.¹⁷¹ China mounted a winning diplomatic campaign that convinced countries from Latin America, Africa, and Asia to oppose the resolution. All European countries and a few additional allies supported the United States.¹⁷² That the measure only needed a simple majority to pass and failed anyway demonstrates the gravity of this incident. The composition of the council, coupled with an uphill battle across the UN to confront serious human rights issues, resulted in a dismal loss.

The entire episode was an embarrassment for the United States and handed China a major diplomatic victory. China capitalized on the vote result to spread false narratives regarding its gross violations of internationally-recognized human

rights in Xinjiang. It created a chilling effect across the entire UN system, which now fears raising the issue.

Score

On execution of recommendation 2.4, the Biden-Harris Administration receives a score of 1. On coordination, the administration scores a 3.

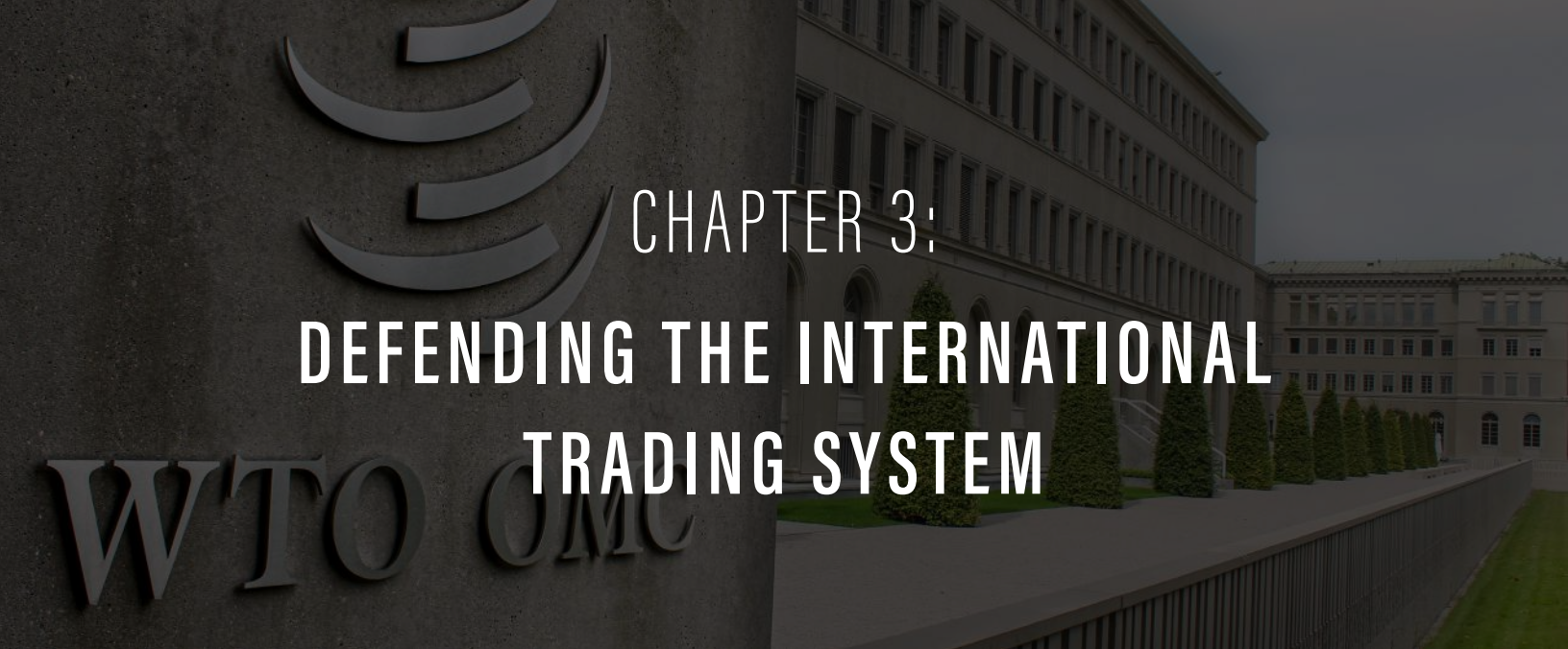
Next Steps

- **Increase U.S.-Europe focus on building coalitions with the rest of the world on human rights.** The administration needs to work with our European allies to garner support from the rest of the world to defend international human rights standards at the UN. Too often, countries from Latin America, Africa, or Asia abstain on what they view as politically charged measures. The United States and Europe should use their diplomatic tools to persuade countries to support human rights defending votes and be clear that every one of these votes matter.
- **Reappoint an envoy for combatting malign influence in the UN system.** The administration should reinstitute this position, created during the Trump Administration. The envoy could be the focal point for diplomatic outreach to the Global South on improving their support for human rights standards at the UN.
- **Readjust strategy ahead of key votes.** The administration needs to be more strategic and agile when pressing for votes on human rights measures at the

UN. As the failed vote on Xinjiang reveals, it is important to know the vote result before calling for a vote. If an important vote is going to fail, the

United States should pull down the vote and reassess its strategy. A failed vote only results in a diplomatic victory for China and a loss for human rights standards.

UPHOLDING THE INTEGRITY OF INTERNATIONAL ORGANIZATIONS		
2020 Report Recommendations	Execution score (0-3)	Coordination score (0-3)
Rec 2.1: Whole of UN system approach	1	1
Rec 2.2: UN elections	2	1
Rec 2.3: JPO program	1	0
Rec 2.4: Human rights standards	1	3
TOTALS	5 (out of a possible 12)	5 (out of a possible 12)
SCORE AVERAGE: 5		OVERALL GRADE: D



CHAPTER 3: DEFENDING THE INTERNATIONAL TRADING SYSTEM

RECOMMENDATION 3.1: ADVANCE SHARED OBJECTIVES AT THE WORLD TRADE ORGANIZATION.

The World Trade Organization (WTO) has proven unequipped to contend with market distorting practices employed by China, whose massive economy and political heft enable it to advance non-market, unfair, and coercive economic policies without effective avenues for redress. The 2020 edition of this report nevertheless recommended the transatlantic alliance advance shared objectives related to China at the WTO.¹⁷³ The WTO will continue to play a role in global trade flows and rules, so the United States and Europe should work together on two shared interests. First, transatlantic partners should use the WTO to magnify and draw attention to China's duplicitous economic practices that violate the spirit, if not the letter, of WTO rules. Second, transatlantic partners should plug gaps at the WTO that allow such practices to continue.

Unfortunately, the United States and Europe are not pursuing these interests. Prospects for successful WTO reform or securing new WTO agreements to account for China's market distorting practices are highly unlikely. The United States and Europe must adjust to this reality and accept the necessity of acting outside the WTO to confront China's economic abuses.

In June 2021, U.S. President Joe Biden and European Commission President Ursula von der Leyen laid out an ambitious agenda for WTO reform that included "updat[ing] the WTO rulebook with more effective disciplines on industrial subsidies, unfair behavior of state-owned enterprises, and other trade and market distorting practices."¹⁷⁴ U.S. Trade Representative Ambassador Katherine Tai and her European Union (EU) counterpart Commissioner Valdis Dombrovskis continue to engage in regular meetings and acknowledge shared interests at the WTO.¹⁷⁵ In June 2023, the United States and the United Kingdom (UK) released a joint declaration with Australia, Canada, Japan, and New Zealand on "trade-related economic coercion and non-market-oriented policies and practices," pointing to the WTO as a venue for advancing shared objectives.¹⁷⁶

What actions are emerging from all of this talk? To date, almost nothing. Not a single deliverable of the U.S.-EU Trade and Technology Council (TTC) relates to WTO reform or China's cheating. Stagnated U.S.-UK trade cooperation tells a similar story on WTO reform, despite the UK's push to highlight China-related trade issues during its 2021 G7 year.¹⁷⁷ The failure to marshal support for and

advance WTO reform is evident in stalled efforts on two key issues: first, harmful industrial subsidies; and second, China's self-declared developing country status.

The United States, the EU, and Japan launched a promising effort in 2018 to “strengthen existing WTO rules on industrial subsidies.”¹⁷⁸ In November 2021, the group agreed to identify “problems due to non-market practices,” “gaps in existing enforcement tools,” and “areas where further work is needed to develop rules to address such practices.”¹⁷⁹ The trilateral group also worked to uncover subsidy practices in specific sectors and subsidy issues that create non-market excess capacity.¹⁸⁰ The United States and European countries also cooperate on specific WTO proposals to increase transparency by China and other countries on subsidies.¹⁸¹

However, this work has yet to drive actual change at the WTO, despite inclusion of agenda items on subsidies in the last few WTO ministerial conferences. The WTO did adopt a fisheries agreement in 2022 to set rules for subsidies and prohibit government support for illegal, unreported, and unregulated (IUU) fishing.¹⁸² China provides more damaging subsidies to its fishing industry than any other country, and its rapacious fleets engage in IUU fishing globally.¹⁸³ China accepted the WTO fisheries protocol in 2023, just as the United States, the EU, and the UK did.¹⁸⁴ However, the fisheries agreement fell short of the ambition sought by transatlantic countries committed to minimizing IUU fishing and forced labor in the fishing industry. China likely accepted the protocol knowing that many developing nations would not join without securing carve outs to protect their special and differential treatment at the WTO. China thus got a reputational boost for accepting the protocol without having to implement it. More than 50 additional WTO members must still accept the pact before it enters into force.¹⁸⁵ At the 2024 WTO ministerial, further talks on fishing subsidies broke down with no clear path forward.¹⁸⁶ The

same occurred on agricultural subsidies, which China continues to increase.¹⁸⁷ On both issues, India led the charge against further progress.

U.S. passage of the Inflation Reduction Act (IRA) further set back transatlantic work at the WTO on Chinese subsidies. Asked about the trilateral subsidies group in 2023, European interlocutors said the transatlantic conversation on subsidies had shifted to focus on transparency in American subsidies, given the passage of the IRA and the Chips and Science Act.¹⁸⁸ The EU later proposed the *Net Zero Industry Act*, which provides incentives similar to the IRA.¹⁸⁹ Following its final adoption, this could potentially set up additional conflict between U.S. and European incentives.¹⁹⁰

U.S.-EU tensions related to the IRA are lower now than in 2023, but the two sides are still dancing around a subsidies situation that could trigger WTO cases against each other. Now, in a shrewd move, China itself requested a WTO consultation on IRA subsidies, even while it seeks to use subsidies and other policies to put U.S. and European electric vehicle manufacturers out of business.¹⁹¹ This step underscores the urgency with which transatlantic partners need to prioritize a meeting of the minds on subsidies, specifically to highlight China's manipulation of WTO rules and advance initiatives to redress such manipulation.

Turning to the second issue, transatlantic efforts to pressure China to relinquish privileges and preferential treatment at the WTO granted by its self-declared “developing country” status are sporadic and rhetorical. The U.S. proposal at the WTO on the misuse of self-declared developing country status predates the current administration.¹⁹² Though the Biden Administration supports this proposal, the lack of concrete follow-up and lack of inclusion in the annual presidential trade agenda report to Congress both show this issue is not a high priority.¹⁹³

At the WTO's eighth review of China's trade policy in 2021, dozens of WTO members, including the United States, the EU, and the

UK, criticized China's economic practices.¹⁹⁴ However, most countries did not address China's preferential treatment or the developing country issue specifically. Recent G7 joint statements mention WTO reform, but only the 2021 statement under the UK's presidency contains an oblique reference to the developing country issue, stating G7 members commit to "addressing the arrangements for special and differential treatment so they reflect developments in the global economy."¹⁹⁵ European Commission President Ursula von der Leyen questioned China's position as a "developing country" in her famous 2023 speech on de-risking, but the EU has not pursued much concrete follow-up at the WTO.¹⁹⁶ While the EU supports U.S. proposals on the issue, it is not particularly vocal in its advocacy.¹⁹⁷

In 2023, Congress took initial action to address China's developing country status in the WTO, other international organizations, and current international treaty negotiations. Bipartisan legislation later signed by the president requires the U.S. trade representative to report on China's special privileges and preferential treatment in the WTO based on its "developing country" status. The legislation also directs the Secretary of State to pursue a change in China's status in any international organization where such a process exists. The WTO currently does not have one.¹⁹⁸ This information-gathering exercise could lead to further congressional action.

Score

On execution of recommendation 3.1, the Biden-Harris Administration scores a 1. On coordination, the administration also scores a 1.

Next Steps

- **Revitalize the U.S.-EU-Japan subsidies trilateral and consider adding the UK.** The group must adopt a robust annual agenda with defined objectives at major WTO ministerial meetings and other

events and include a coordinated messaging campaign on Chinese subsidies and how they cause harm to specific countries. All countries should determine whether they have adequate staff resources to carry out this work consistently. As with so much in the U.S.-Europe relationship, analysis and identification needs to shift to action and initiative.

- **Take punitive action against China's unfair economic practices, even if that must occur outside the WTO.** European nations often press the United States to stick with the WTO, claiming it is important to preserve even if it does not help address China's unfair trade practices.¹⁹⁹ However, that position ignores the extent to which China's actions undermine the WTO's functioning and relevance. The WTO cannot operate as it ought if the United States, Europe, and other countries allow China's abuses to persist. Defending the WTO and its free-market principles will sometimes require punitive action against China that does not necessarily align with those principles. Both sides of the Atlantic must adopt that mindset, or cooperation on China-related WTO issues will never advance enough to matter. Joint punitive action by the United States and Europe – rather than taking such actions against each other – would prove more powerful than unilateral steps. As the U.S. House of Representatives Select Committee on Strategic Competition between the United States and the Chinese Communist Party put it in a 2023 report:

Because the PRC's [People's Republic of China's] state-led economic system is antithetical to the founding principles of the WTO, actions to defend the United States and global economy against PRC economic aggression are consistent with the U.S. commitment to a multilateral trading system based on market-oriented principles.²⁰⁰

RECOMMENDATION 3.2: BROADEN AND DEEPEN EXISTING TRILATERAL TRADE DISCUSSIONS AMONG THE UNITED STATES, THE EUROPEAN UNION, AND THE UNITED KINGDOM.

The need for closer economic engagement among the United States, the EU, and the UK has never been stronger. Yet, the Biden Administration has not pursued any active trilateral trade discussions, nor is it inclined to change that anytime soon. Unfortunately, the EU also is not inclined to promote serious economic engagement on a trilateral basis, due to residual bitterness toward the UK's withdrawal from the EU. Looking at trilateral trade alone would lead to a score of 0. However, the 2020 report also focused on bilateral (U.S.-EU and U.S.-UK) advancements on trade negotiations.

The U.S.-EU TTC currently is the primary U.S.-EU economic initiative. Overall, the TTC's results are decidedly mixed. European interlocutors report finding it a helpful mechanism to discuss a variety of trade issues, though some privately lament the lack of discussions on market access.²⁰¹ The involvement of U.S. cabinet secretaries and their EU counterparts has certainly provided an impetus for a faster pace of discussions, but that pace is actually preventing progress.²⁰² The dialogue has become so expansive that momentum on deliverables is uneven, and tension exists between identifying new deliverables and implementing existing ones.²⁰³ In addition, representatives from U.S. and European companies report skepticism of merely political agreements between governments, which fail to deliver concrete and actionable outcomes for business.²⁰⁴

The Biden Administration's IRA surprised the EU and damaged prospects for success on trade at the TTC.²⁰⁵ The IRA forced both sides to repurpose the TTC to address new and unforeseen disputes and to prevent a transatlantic subsidy war, rather than advancing other priorities. That is quite dissonant in a mechanism intended to help transatlantic

partners contend with non-market practices by countries like China.

Indeed, the fourth TTC ministerial joint statement noted a commitment "to avoiding a race to the bottom in semiconductor support" and the need "to ensure our respective incentive programs [for clean energy] are mutually reinforcing."²⁰⁶ Securing a political commitment in a joint statement is relatively easy, but implementation is far more difficult. The history of transatlantic trade disputes shows a track record of both sides succumbing to temptation to exploit advantages over the other. For its part, the EU is also less than willing to increase early engagement with the United States on EU economic and trade instruments. The EU prioritizes incorporating input from member states first, a process which it claims leads to less flexibility to make changes once that internal process is complete. Furthermore, the EU does not want to appear to its member states to be negotiating economic policies with the United States.²⁰⁷

Against this backdrop, it is unsurprising that progress within the TTC on trade barriers is slower and more modest than in areas involving shared security interests, such as coordination of sanctions and export controls against Russia. The fourth TTC yielded the first very modest gains in a few areas sought by the private sector: mutual recognition agreements (MRAs) and alignment of conformity assessments. Specifically, the two sides announced expansion of an existing pharmaceutical MRA to include veterinary medicines, and an update to the marine equipment MRA.²⁰⁸ The two sides are also working to align approaches for machinery and want to explore cooperation on conformity assessments to reduce duplicative and varying reporting and compliance requirements that burden U.S. and EU companies.²⁰⁹

The Biden Administration also struck a huge blow against U.S. trade cooperation with Europe and other allies by withdrawing U.S. negotiating objectives on digital trade in an October 2023 WTO meeting on electronic commerce (e-commerce).²¹⁰ The EU and UK are both important players in these e-commerce negotiations, as is China. Despite broad bipartisan approval of U.S. objectives by Congress, the administration withdrew them without congressional consultation and to the surprise of U.S. partners.²¹¹

The consequences of walking away from bedrock U.S. proposals on free data flows, data localization and technology transfer, and non-discriminatory treatment for digital goods and services without providing any alternatives are manifold. In addition to providing a clear example of irresponsible policymaking, this move provides leverage for China and Russia to push opposing principles, weakens the U.S. position against partners like the EU that are pursuing discriminatory trade measures, and undercuts U.S. allies who do agree with us.

Just weeks later, the Biden Administration walked away from the trade pillar of its Indo-Pacific Economic Framework (IPEF), after spending more than a year lauding IPEF as the signature example of the administration's "America is back" economic agenda in the Indo-Pacific. Opposition from certain executive agencies, organized labor, and congressional Democrats caused this stunning reversal.²¹² Both moves are a nod to the progressive wing of the Democratic Party, at the expense of broader economic interests, and do not bode well for future transatlantic cooperation on pressing trade issues. To be sure, Europe is not blameless on digital trade, as the next section will demonstrate with the evaluation of discriminatory EU laws, such as the *Digital Markets Act*.

As it stands today, TTC statements declaring an ambition to promote global standards for digital trade represent the only real avenue of U.S.-EU cooperation.²¹³ The fourth TTC articulated a nebulous agenda that included

identifying common U.S.-EU digital trade policies that both sides can promote jointly and increased information sharing on digital trade policies of non-market economies, like China.²¹⁴ The scope and impact of such efforts remain unclear.

Moving to issues affecting U.S.-UK bilateral trade relations, the UK is receiving scant attention from the Biden Administration. The UK remains interested in a free trade agreement (FTA) with the United States after negotiations were initiated in 2019, but despite numerous potential benefits, this is a dead end under the Biden Administration.²¹⁵ Instead, in March and April 2022, the two countries held sessions of the U.S./UK Dialogue on the Future of Atlantic Trade.²¹⁶ However, two years later, nothing has happened, including on the "ambitious roadmap" called for in the April 2022 joint statement.²¹⁷

Protectionist Democrats in Congress pushed back on a U.S.-UK trade agreement, citing concerns over unsubstantiated claims that the UK is undermining the 'Good Friday Agreement.'²¹⁸ The UK and EU reached agreement on that matter with the February 2023 Windsor Framework.²¹⁹ Even so, it remains unclear whether Congressional Democrats would support UK trade negotiations or push President Biden to revive them, despite the clear economic gains such an agreement would bring. The UK is understandably seeking other options. Best known is its successful application to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership.²²⁰ In addition, the UK renegotiated FTAs with Australia and New Zealand.²²¹ It even signed economic agreements with several U.S. states, which are unconstitutional but show the UK's interest in strong bilateral economic ties.²²²

Score

On execution of recommendation 3.2, the Biden-Harris Administration receives a score of 0. On coordination, the administration scores a 1.

Next Steps

- **Reverse the decision on digital trade principles.** If the Biden Administration will not take this step, it must at the very least implement a real consultation process on the implications of backing away from decades-old U.S. policy on digital trade.²²³
- **Raise difficult trade issues in the TTC and prioritize initiatives within the TTC that make a difference for business.** The administration must put greater emphasis on concluding or expanding MRAs and conformity assessments, streamlining customs processes, and simplifying or synchronizing other regulations. Assuming the TTC survives into the next administration, every TTC should demonstrate tangible progress on such issues. In the absence of discussions on market access, such initiatives are the only ways for the TTC to move beyond amorphous political commitments and create tangible benefits for the U.S. private sector.
- **Negotiate a free trade agreement with the UK.** A U.S.-UK trade agreement could strengthen the U.S. position in negotiations with the EU over thorny issues such as cross border data flows and other regulatory challenges – which is of course only possible if the United States re-commits to those principles.²²⁴

RECOMMENDATION 3.3: FIX THE REPARABLE ISSUES IN OUR OWN TRADING RELATIONSHIP SO WE CAN FOCUS ON THE REAL CHALLENGE: CHINA.

The Biden Administration initially lowered tensions with European partners on several major trade irritants through temporary measures or “ceasefires.” The United States sought lowered tensions to facilitate negotiations to replace these time-limited arrangements with comprehensive resolutions. At first, these gestures created some goodwill to begin serious economic discussions. However, European concern over the IRA quickly supplanted any momentum generated.²²⁵ For its part, the EU and its member states have demonstrated increasing recalcitrance on several U.S. concerns, including the selection and targeting of U.S. technology companies with new restrictive trade measures. Given these dynamics, the effort to replace temporary measures with comprehensive resolutions has stalled.

The U.S.-EU and U.S.-UK dispute over subsidies to large civil aircraft (LCA) manufacturers, Boeing and Airbus, provides a leading example of stalled momentum on trade cooperation, diverted attention away from resolving trade irritants, and lost opportunities to unite against a growing trade challenge from China. As part of the “Understanding on a Cooperative Framework for Large Civil Aircraft” (2021 Cooperative Framework), the parties agreed to suspend tariffs for five years, establish a working group to address disagreements, and cooperate on addressing China’s non-market policies in the LCA sector.²²⁶ To date, progress under the framework appears limited to analytical cooperation on problematic Chinese policies.²²⁷

Far from cooperating on this challenge, Airbus appears set to take advantage of Boeing’s near-exclusion from the Chinese market, ignoring the longer-term danger of China’s gains in the LCA sector. While safety concerns surrounding Boeing aircraft are likely

contributing to China’s shift to Airbus, U.S.-China geopolitical tensions, coupled with a Chinese desire to court European countries through business deals, are also a factor in Boeing’s loss of market share.²²⁸ In 2022, Airbus inked an agreement for China to buy 292 new aircraft. In April 2023, during French President Emmanuel Macron’s state visit to China, the Chinese government approved Airbus starting production on 160 of those planes. Airbus also pledged to build a second assembly line at its factory in Tianjin, China.²²⁹ By contrast, Boeing is only working on a small number of planes.²³⁰ China’s 2023 order of a miniscule 18 Boeing passenger planes was the first order since 2017.²³¹

Meanwhile, state-run Commercial Aircraft Corporation of China, Ltd. (COMAC) continues to develop and will bring to market this year its first major commercial airliner, the C919. Although the C919 is not as technologically sophisticated as Airbus and Boeing planes, COMAC has already secured over 1000 orders, primarily from Chinese buyers.²³² China is playing the United States and Europe against each other in the LCA sector. Long term, United States and Europe risk a potential displacement of both Boeing and Airbus in global markets as China, through non-market means, builds a globally competitive industry.

Steel and aluminum tariffs under Section 232 of the Trade Expansion Act (19 U.S.C. §1862, as amended), and European countermeasures are another example of failure to resolve tensions permanently. In 2021, the Biden Administration agreed to suspend Section 232 national security tariffs imposed by the Trump Administration in 2018. In March 2022, the United States concluded a similar arrangement with the UK.²³³ The EU and the UK also suspended their respective retaliation as part of these temporary arrangements.²³⁴

In 2023, the United States and EU extended the suspensions for an additional two years and 15 months, respectively. While not the worst outcome, major disagreements render a permanent “Global Arrangement” elusive. Transatlantic partners seek an arrangement to address carbon intensity and non-market practices in the steel and aluminum sectors. The United States prefers to impose higher tariffs on countries with carbon-intensive production, including China.²³⁵ The EU’s alternative proposal avoids tariffs, due to concerns about consistency with WTO rules, and because the EU’s own Carbon Border Adjustment Mechanism will begin collecting fees on certain imports in 2026.²³⁶

The United States and European partners did take a step forward on data privacy issues with the 2023 conclusion of the Data Privacy Framework (DPF), creating opportunities for greater cross-border data flows.²³⁷ After much anticipation, the EU, the UK, and Switzerland determined U.S. data privacy protections are adequate to safeguard European data against collection by U.S. intelligence agencies. However, the agreement has yet to bear results. Like its predecessors, Safe Harbour and Privacy Shield, legal challenges to DPF are expected as soon as this year. That means U.S. companies will still rely on other legal protections and compliance procedures to protect their data transfers.²³⁸

Despite the DPF agreement, Europe continues to pursue measures that appear to go after U.S. technology companies, including tax policies (e.g. digital services taxes), and regulatory requirements (e.g. the Digital Services Act, the Digital Markets Act (DMA), the Data Act, and the EU Cybersecurity Certification Scheme). These measures raise concerns about protectionism because the EU’s criteria largely exempt European firms and pose a reduced risk to Chinese companies compared to U.S. firms. The laws and their implementation are discriminatory. The DMA precludes Google and Apple from giving preference to their own software, including their app stores, messaging tools, and other software included as default

features. By contrast, a Chinese manufacturer like Xiaomi can provide its customers the added convenience of such built-in features. So far, EU investigations of DMA compliance only target U.S. companies.²³⁹

These protectionist EU efforts comport with President von der Leyen’s call for Europe to have “technological sovereignty in some critical technology areas.”²⁴⁰ EU officials resist discussing these issues in the TTC, and U.S. officials claim pressing these topics is too difficult.²⁴¹ With such inaction, the United States is accepting discriminatory trade practices from a partner. Minimal progress on curbing the EU’s digital protectionism runs counter to EU and U.S. TTC commitments to partner on security and technology issues while “avoiding new and unnecessary barriers to trade in new and emerging technologies.”²⁴²

Again, the United States also bears responsibility in the failure to better align U.S.-EU trade policy by advancing the IRA at a time of economic hardship for Europe caused by Russia’s war in Ukraine. The Biden Administration is mollifying the EU and UK by negotiating “critical minerals agreements” (CMAs) that it would then deem free trade agreements to expand eligibility for IRA subsidies to EU and UK companies.²⁴³ Even without the IRA, negotiating CMAs creates market power around trusted supply chains with high standards, which is essential to competing with China.

However, this step in the right direction is tainted. In November 2023, the Biden Administration put forward rules that would still allow licensing agreements with Chinese companies under the IRA, allow subsidiaries of Chinese companies outside China to claim the Section 30D tax credit, and fails to ban Chinese companies from taking advantage of IRA tax credits other than 30D.²⁴⁴ This decision is among the most astonishing made by the Biden Administration to date. It enables Chinese companies to take advantage of U.S. taxpayers, in the name of countering climate change,

through implementing a law the administration and congressional Democrats sold to the American people as necessary to shore-up U.S. competitiveness and reduce reliance on Chinese supply chains. This decision is even more galling given the huge and unnecessary regulatory barriers to U.S. domestic mining.

Furthermore, the longer-term risk remains: competing industrial policies, especially subsidies, in the United States and Europe lead to transatlantic friction and WTO cases, and undermine coordinated progress on China-related economic issues. On top of that, lack of coordination will lead both sides of the Atlantic to subsidize similar industries without an appreciable competitive benefit with respect to countering Chinese subsidies. The resulting competition and fiscal waste will not serve the United States and Europe well in economic competition with China in advanced technology and other areas.

Score

On execution of recommendation 3.3, the Biden-Harris Administration scores a 1. On coordination, it also scores a 1.

Next Steps

- **Push a real agenda on confronting China's presence in the LCA market and put more pressure on European countries like France to live up to the 2021 agreement.** The Boeing/Airbus issue is a test of whether EU partners will live up to agreements made with the United States, and of whether the United States will push for its trade interests.
- **Reverse course on implementing the IRA in ways that continue U.S. dependence on China for critical minerals.** That in part involves taking domestic steps on the mining

sector that do not relate to U.S.-Europe cooperation. However, the United States should also build into CMA provisions that lead to reduced dependence on China.

RECOMMENDATION 3.4: UNDERTAKE A MORE COORDINATED APPROACH TO EXPORT CONTROLS WITH RESPECT TO CHINA.

The United States and European countries, either separately or together, still do not use the full potential of export controls to stem the flow of national security-relevant technologies to China. The Biden Administration's implementation of controls in October 2022 and 2023 are a welcome step, but it continues to drag its feet on broader export control reform mandated by Congress. Europe's views on export controls – though developing in a good direction – still do not account for the fluidity between the civilian and military economies in China. Actual coordinated efforts continue to focus on Russia, with one notable exception: the U.S.-Japan-Netherlands deal to control advanced semiconductor manufacturing equipment to China. This deal must become a model for future controls in critical technology sectors.

The United States, the EU, some EU members, and the UK updated their export control regimes in the last several years in response to risks stemming from China. However, limitations in the effectiveness of these changes are obvious immediately.

In October 2022, the U.S. Department of Commerce imposed new controls to prevent exports of advanced computing chips, advanced computing integrated circuits, and certain semiconductor manufacturing items to China.²⁴⁵ In October 2023, the Department expanded controls to cover other advanced chips and chip manufacturing equipment.²⁴⁶ In May 2024, the administration revoked additional export licenses for Huawei.²⁴⁷ These controls represent an evolution in U.S. export control policy and are among the most robust actions taken on China to date. However, Huawei's revelation of a seven-nanometer chip and the ease with which companies like Nvidia continue to innovate around U.S. controls reveal weaknesses in the controls themselves and raise questions about U.S. ability to enforce them.²⁴⁸

The Department of Commerce also imposed controls on a broad category of technology if exports involved any individual or entity already on sanctions lists related to Russia's invasion of Ukraine, drugs, terrorism and transnational crime.²⁴⁹ The United States, the EU, the UK, and Japan later harmonized a "common high priority list" to control 50 items particularly sought by Russia for its war in Ukraine.²⁵⁰ These actions affect roughly 300 sanctioned Chinese individuals or entities.²⁵¹ Though modest, this step cautions China, the primary enabler of Russian aggression, that the United States could expand this model and target more Chinese entities.

Despite these individual steps, the executive branch nevertheless remains unable or unwilling to implement the Export Control Reform Act (ECRA) fulsomely. Since ECRA became law, the United States has implemented controls on only four emerging and foundational technologies.²⁵² The administration has not issued any new controls following a statutorily required review of controls on countries under a U.S. arms embargo, including China.²⁵³

On transatlantic cooperation, the core impediment remains: the approach of European nations, whether in the EU or not, to export controls does not align with how China uses critical and emerging technologies. Scholars at the European Council on Foreign Relations put it concisely:

[T]he EU's technology restrictions distinguish between 'purely' commercial technologies and dual-use technologies. For China, however, strategic technologies... are framed as vital to Chinese national and economic security in the struggle for technological leadership... China's approach means that the EU cannot treat its strategic technology policy as something separate from agendas set in Beijing or elsewhere.²⁵⁴

The lack of progress in the U.S.-EU TTC bears out this dynamic. As with other issues, the EU is unwilling to even mention China, much less cite China's use of commercial technology for military use as a basis to enact controls.²⁵⁵ Beyond controls targeting Russia and promising to coordinate before unilateral announcements, the two sides remain in the "technical consultations" and "continue[d] discussions" phase.²⁵⁶






The EU's updated export control regulation, adopted in 2021, does not account for China's technology strategy or the tighter linkages between economic and national security.²⁵⁷ In particular, following pushback from member states and industry, the regulation's new controls primarily and narrowly target cyber-surveillance technologies used to perpetrate human rights abuses.²⁵⁸ That is far less bold than originally envisioned.²⁵⁹ That said, the framework facilitates greater member state coordination of national export control policies, and maintains an EU-wide list of restricted exports.²⁶⁰ Allowing "public security" as a basis for national export controls could lead to progress on tackling the national security consequences of emerging technologies, though what constitutes a public security threat must be clearly defined.²⁶¹

Separately, in 2021, the UK finally added China to the list of destinations subject to military end-use controls and changed its regulations to allow the control "of non-listed items intended for use by the military, paramilitary, security forces or police forces of a destination subject to an arms embargo."²⁶² In 2024, it updated controls on dual-use items to include semiconductor, quantum computing, and additive manufacturing hardware, as well as any software or technology inputs required to develop these technologies.²⁶³

While cooperative efforts, such as through the TTC, languish, trilateral controls by the United States, Japan, and the Netherlands to China of advanced semiconductor manufacturing equipment offers a more promising course of action.²⁶⁴ Of course,

the deal's effectiveness rests on rigorous implementation in the face of evasion efforts by China, but this step is nevertheless a bright spot for U.S.-Europe-Asia cooperation. Plurilateral agreements are imperative. Critical and emerging technologies are constantly evolving, and Russian opposition renders ineffective the current multilateral export control regime enshrined in the Wassenaar Agreement.²⁶⁵ Instead, different groups of countries with vital or "chokepoint" technologies in particular supply chains will have to cooperate separately on national security controls, even if painful.

The Netherlands continues to press for plurilateral arrangements, recently tabling a proposal to establish "co-sponsored national control lists" of technologies where supply chains cross the boundaries of multiple EU members.²⁶⁶ For semiconductors, this is very important. The Netherlands is controlling exports to China of advanced lithography equipment, but Germany does not control chemicals, lasers, and optics needed to produce that equipment.²⁶⁷ April 2023 reports that Germany would restrict chemical exports proved premature. That gaping loophole will become more apparent as China develops its own capacity to manufacture tools for chip production. China is almost certainly continuing to acquire advanced chip tools by claiming they are for legacy chips only.²⁶⁸ Furthermore, China's homegrown tool manufacturing companies, Shanghai Micro Electronics Equipment, Advanced Micro-Fabrication Equipment, and Naura Technology Group, remain outside U.S. and allied export control regimes.

SELECT ACTIONS ON EXPORT CONTROLS BY EU MEMBER STATES	
Country	Action taken
<p>Germany</p> 	<p>2023 - Denied plans to ban export of semiconductor chemicals to China.²⁶⁹</p>
<p>France</p> 	<p>2022 - Published its first dual-use item report with its annual military exports report.²⁷⁰</p> <p>2024 - Adopted new controls on semiconductors and quantum computing technologies to non-EU countries.²⁷¹</p>
<p>Italy</p> 	<p>2023 - Held the first edition of the Italian Forum on Export Control of Dual-Use Items and Technologies.²⁷²</p>
<p>Spain</p> 	<p>2021 - Denied some licenses for export of thermal surveillance cameras to China over risk of use in internal repression.²⁷³</p> <p>2023 - Adopted national control lists; controls on additive manufacturing, quantum computing, and other emerging technologies enter into force.</p> <ul style="list-style-type: none"> The European Commission included these controls in the first compilation of EU Member States' national export control lists.²⁷⁴
<p>Netherlands</p> 	<p>2020 - Began including a separate chapter about issued licenses for dual-use goods in its annual arms exports report.²⁷⁵</p> <p>2023 - Adopted national control lists and issues export controls on machines, software, and machine tools used to make semiconductors.</p> <ul style="list-style-type: none"> The European Commission included these controls in the first compilation of EU Member States' national export control lists.²⁷⁶

Note: The countries above are the top five EU economies listed in descending order of GDP.²⁷⁷

Despite the trilateral deal, fulsome U.S.-Europe alignment will remain aspirational without resolving philosophical differences about the basis for export controls. In pushing for alignment, the United States does not need allies to adopt the exact same export control regimes, but rather ensuring different national regimes have comparable national security protections.

China's dominance of legacy chips provides the next key test for whether the United States and Europe can align their approaches.²⁷⁸

Legacy chips are very important for military technologies. More broadly, legacy chips from China are primed to become the next example of overcapacity that hurts economic growth and has security consequences, just as steel or solar panels did. Overcapacity will lead prices to plummet, shuttering businesses outside China that do not have unlimited state support. Industry consolidation then creates acute dependencies on China for these products, providing China with an enormous amount of leverage over Western militaries and economies that neither side of the Atlantic should tolerate.

Score

On execution of recommendation 3.4, the Biden-Harris Administration scores a 2. On coordination, it scores a 1.

Next Steps

- **Pursue more plurilateral export control arrangements on other key technologies.** The United States and partners did this with the Coordinating Committee for Multilateral Export Controls during the Cold War, which included controls for China.²⁷⁹ It is time to resurrect a similar model where different groups of countries with chokepoint technologies in specific supply chains agree on controls.
- **Bring more countries into semiconductor export control regimes.** China is highly motivated to reduce its dependence on Western-origin equipment and shore up its domestic industry. Semiconductor controls need to move beyond denying China Western-origin equipment to denying it key components that help it make its own items.
- **Address China's growing dominance in legacy chips.** Analyses by the United States and EU (and hopefully Indo-Pacific countries in the future) of dependencies on legacy chips will form the basis for a shared approach to addressing the implications of China's market dominance. Transatlantic partners need to move quickly, to prevent that a situation, as with solar panels, where China already monopolizes the supply chain.

RECOMMENDATION 3.5: CONSIDER WORKING TOGETHER TO DIVERSIFY SOME KEY SUPPLY CHAINS AWAY FROM CHINA AS A HEDGE AGAINST FUTURE TRADE DISRUPTIONS, WHETHER POLITICALLY, ECONOMICALLY, OR NATURALLY INSTIGATED.

Supply chain resilience and security will continue to be a top economic and national security priority as this century continues. Transatlantic cooperation on COVID-19 vaccine supply chains emerged as a bright spot, but the Trump Administration laid most of the groundwork upon which President Biden built.²⁸⁰ More broadly, in February 2021, the president signed Executive Order 14017, directing a government-wide review of critical supply chains and other related actions.²⁸¹ The administration also rolled out a series of supply chain initiatives with international partners, including European nations. The administration claims to champion diversification, but its policy suffers from two serious flaws that undermine this stated goal.

First, and to highlight a recurring theme, the administration's policy misses a critical component: enhanced market access is necessary to incentivize new trade flows and partnerships. The administration's focus on subsidies rather than market access and other incentives constrains the private sector with new rules, rather than creating opportunities. For example, the semiconductor industry now must contend with onerous approvals under the *National Environmental Policy Act* to qualify for federal funding under the *CHIPS and Science Act*.²⁸² Second, the administration's environmental policy goals often conflict with its supply chain security goals, especially on critical minerals. As such, the administration comes up short on its much-vaunted ambitions to cooperate with partners to secure supply chains.

President Biden convened a Summit on Global Supply Chain Resilience in October 2021 with 18 key partners, including the EU, the UK, and several EU member states, including Germany, Italy, and the Netherlands.²⁸³ In July 2022, the summit became the Supply Chain

Ministerial and expanded to 30 countries, including the Czech Republic, Estonia, Latvia, Norway, Serbia, Slovakia, and Switzerland.²⁸⁴ The 30 nations agreed to a joint statement on supply chains, championing values of transparency, diversification, security, and sustainability. Similarly, the 2023 *U.S.-UK Atlantic Declaration* includes "advancing ever-closer cooperation on our economic security and technology protection toolkits and supply chains" as one of five pillars within the partnership.²⁸⁵ Likewise, the G7 also included language on supply chain resiliency, though with a heavy emphasis on climate, in a 2023 joint statement.²⁸⁶ Although the intention of these initiatives is straightforward, less clear is whether they will produce anything concrete or support private sector investment. Much like with its democracy and good governance programming, gatherings and meetings without follow through are a hallmark of the Biden Administration's trade and economic policy.

The Minerals Security Partnership (MSP), announced in June 2022, is somewhat more developed.²⁸⁷ The EU, UK, Estonia, Finland, France, Germany, and Sweden are all members.²⁸⁸ MSP convenes stakeholders, engages in government-to-government coordination, facilitates connections between MSP countries and the private sector, and funds projects related to the development of critical minerals supply chains.

MSP's success rests on its ability to catalyze meaningful private sector investment and advances regionally significant projects that create economies of scale. At the time of writing, MSP claims to include 23 projects across upstream mining, mineral extraction, midstream processing, and recycling and recovery.²⁸⁹ Five of these projects are in Europe and 13 are in Africa, some of which involve European participants.

However, to date, the State Department has only published information on two projects, both in Africa and still at a nascent stage. In April 2024, the United States and the EU launched the MSP Forum, focused on overlaying high environmental, social, and governance standards in mineral policies and on critical minerals development projects.²⁹⁰ The Minerals Investment Network for Vital Energy Security and Transition (MINVEST) partnership, launched in November 2023, is a public-private partnership to build a private sector network that can provide input into policies the MSP may adopt and share information with the private sector on investment opportunities.²⁹¹ The Commerce Department launched a separate Industry Trade Advisory Committee (ITAC) on Critical Minerals and Nonferrous Metals with partners such as the EU, Japan, Canada, and Australia.²⁹² The relationship between the ITAC and MINVEST remains unclear.

In yet another example of contradictory policies, MSP and all other Biden Administration critical minerals initiatives overlook a significant U.S. asset: the vast potential of U.S. domestic mineral resources and the opportunity to develop U.S. mineral processing capacity. The Biden Administration is opposed to expanding the U.S. minerals sector, and in some cases is working to shut down mines, even those that could supply identified needs in administration initiatives for clean energy and other industries. This is despite the fact that the U.S. mining industry operates at much higher environmental and labor standards than in the developing nations from which the Biden Administration seeks to extract minerals. Further, the United States possesses the resources to develop these capital-intensive industries. Yet, the administration seems to have chosen to force critical minerals mining operations offshore to poorer countries in order to keep adverse environmental outcomes of the “green transition” out of sight.

Instead, in 2023, the administration published an interagency plan for domestic

mining with recommendations that, if implemented, would decimate the U.S. mining industry. The plan would add to the already lengthy permitting and consultation process and stifle investment in U.S. mining projects. For example, several measures would include high royalty rates, dismantling mineral property rights, and increasing taxes on mining itself.²⁹³ Failure to tap domestic resources undermines the credibility of U.S. efforts to push for reform in other nations. It is inconsistent with national security interests to rely primarily on overseas sources. A strategic approach to minerals supply chains needs both domestic mining and processing as well as cooperation with trusted partners.

Missing from all the initiatives described above is the most important ingredient for accelerating diversification of U.S. and European supply chains away from an unreliable China: market access agreements between transatlantic partners that exclude or limit Chinese participation.²⁹⁴ Such agreements should also tackle non-actionable trade barriers that hinder trade flows, such as insufficient infrastructure or customs procedures that stymie market participation. If U.S. and European countries agree on such exclusions and limitations on China, the reward should be more extensive involvement in one another’s critical supply chains.²⁹⁵ Taking critical minerals as an example, a binding coalition comprised of the transatlantic partners, Australia, and mineral-rich nations that pool resources and expertise to develop supply chains could reduce Chinese leverage and thereby the threat of disruptions. Such structures incentivize the creation of new supply chain linkages through trade and include trade disciplines difficult for the Chinese government and Chinese firms to circumvent.²⁹⁶

The U.S.-EU TTC is, unfortunately, operating well below that ambition on supply chains. The only deliverables are modest steps focused on semiconductors: a joint early warning mechanism for supply chain disruptions, research cooperation on alternative materials for chip manufacturing, and industry surveys

to assess vulnerabilities in legacy chip supply chains.²⁹⁷ The United States in 2022 and EU in 2023 enacted separate subsidy packages to incentivize reshoring of semiconductor supply chains.²⁹⁸ The combination of China’s growing heft in supply chains and the acute shortages experienced during COVID-19 converged to make passage of legislation on both sides of Atlantic inevitable. However, these separate efforts, once again, represent a missed opportunity to draw each other’s supply chains closer while sidelining China. Competing subsidies packages change the market and affect private sector decision-making, and industry has voiced concerns about the potential implications for semiconductor manufacturing going forward.²⁹⁹

The marquee Biden administration supply chain initiative is the agreement reached under IPEF.³⁰⁰ IPEF countries will set up three new bodies to oversee supply chain resilience, emergency response communication channels, and labor rights, respectively. IPEF nations can call for consultations with partners in the face of acute supply chain disruptions. Beyond that, the agreement is just a series of statements about what IPEF countries “intend” to do.³⁰¹ U.S. commitments under IPEF do not have the force of U.S. law, partner country commitments are all non-binding, and the agreement includes neither trade incentives nor financing to spur secure and diversified supply chains.³⁰² If IPEF represents

the apex of U.S. ambition for international cooperation on supply chains, a breakthrough that solidifies transatlantic supply chain integration and incentivizes de-risking away from China is highly unlikely.

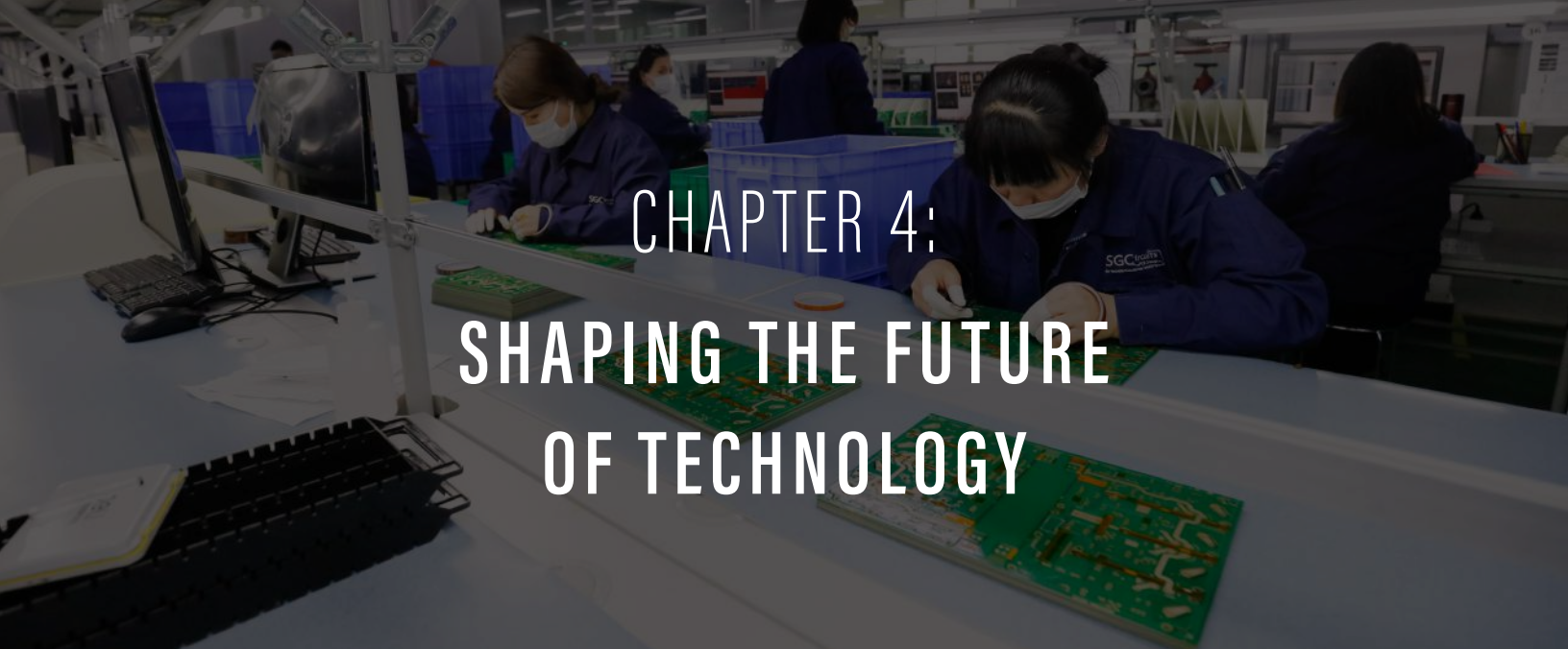
Scores

On execution of recommendation 3.5, the Biden-Harris Administration receives a score of 2. On coordination, the administration scores a 1.

Next Steps

- **Strengthen supply chains with market access agreements.** Negotiating market access agreements that enable robust participation in each other’s supply chains while limiting or excluding China is the best pathway to advance U.S.-Europe integration and brings together supply chain initiatives transatlantic partners are already pursuing.
- **Incorporate U.S. domestic mining and processing capacity into international initiatives on critical minerals.** This step will also require true reform for the permitting of mines in the United States.³⁰³

DEFENDING THE INTERNATIONAL TRADING SYSTEM		
2020 Report Recommendations	Execution score (0-3)	Coordination score (0-3)
Rec 3.1: WTO reform	1	1
Rec 3.2: Trilateral trade discussions	0	1
Rec 3.3: Resolve trade irritants	1	1
Rec 3.4: Export controls	2	1
Rec 3.5: Supply chains	2	1
Totals	6	5
	(out a possible 15)	(out a possible 15)
SCORE AVERAGE: 5.5 6		OVERALL GRADE: D-



CHAPTER 4: SHAPING THE FUTURE OF TECHNOLOGY

RECOMMENDATION 4.1: FORM A COMMUNITY OF ADVANCED DEMOCRACIES THAT PROMOTES COOPERATION ON CRITICAL TECHNOLOGY.

In 2020, the United States and the United Kingdom (UK) attempted to create a club of democracies, sometimes referred to as the D-10, to combine technological prowess and shared values to develop and use new technologies. Although the world’s democracies failed to form this particular group, the United States has since elevated discussions on critical technology within bilateral and “minilateral” groups, including the G7, Organisation for Economic Cooperation and Development (OECD), and the Quad. Partner countries are enthusiastic about coordinating on technology supply chains, “friendshoring” high-tech manufacturing, and boosting innovation in emerging industries such as biotech, artificial intelligence (AI), and the digital economy. However, absent clear policy objectives and success metrics, it is difficult to assess how effective or sustainable these initiatives will be.

On technology, the U.S.-European Union (EU) Trade and Technology Council (TTC) produced several concrete, though still modest, gains.³⁰⁴ These include the establishment of a Strategic Standardization Information mechanism to coordinate positions in international standard-setting bodies (May

2022); the adoption of a Joint Roadmap for Trustworthy AI and Risk Management (December 2022); and the adoption of a 6G common vision and agreement for collaborative research (April 2024).³⁰⁵

However, diverging U.S. and European approaches to emerging technologies hamper more meaningful cooperation. For example, despite releasing the AI roadmap and two editions of a *Terminology and Taxonomy for AI*, the two sides continue to pursue different policy approaches to AI regulation. The EU passed a comprehensive AI Act in March 2024, adopting a risk-based approach that bans AI practices which pose an “unacceptable risk” to society.³⁰⁶ In contrast, the United States and the UK are taking a slower approach. In November 2023, the United States signed onto the UK’s *Bletchley Declaration* that outlines broad principles for international cooperation on AI research and safety. China is also a signatory. The two nations announced a Partnership on the Science of AI Safety in April 2024.³⁰⁷ In the absence of congressional action, the Biden Administration issued an Executive Order on AI in October 2023 that required the development of standards

to ensure safe and secure AI systems while still encouraging innovation.³⁰⁸

Bureaucratic competition among the U.S. State Department, Commerce Department, and the U.S. Trade Representative for leadership of international technology initiatives, coupled with EU failure to engage with the national governments responsible for implementing Europe's digital policies, also stunts the TTC. The 2018 *National Quantum Initiative Act* (P.L. 115-368) did not include the State Department and lacked a funding mechanism to support critical international research collaboration on quantum technologies or other emerging technologies.³⁰⁹ Congress is considering solutions to fix this problem.

Both the United States and the EU have struggled to grow investments in research and development (R&D). The United States continued leading the world in total R&D funding, with the U.S. private sector driving overall increases. The private sector's share of total funding (36 percent) nearly reached federal funding (40 percent) for pre-competitive basic research – an area historically dominated by federal funding.³¹⁰ While the United States is fourth in the world in total R&D intensity, the 2008 financial crisis kicked off a continuous decline in U.S. public spending on R&D.³¹¹ Increased private spending ameliorated this slowdown. By comparison, the EU's R&D intensity in 2021 averaged 2.27 percent in 2021, compared to 3.46 percent in the United States and 2.41 percent in China.³¹² The UK has pledged to increase its R&D intensity to 2.4 percent by 2027.³¹³ U.S. R&D statistics still demonstrate better performance than China, but are meager compared to historical figures. Similar, the EU and the UK need to step up to remain competitive with China.

Amid this global competition to increase R&D spending, the National Science and Technology Council's 2024 Biennial Report (ISTC report) found that U.S. government agencies made progress in half of the 16 recommendations proposed in the 2022 ISTC

report to improve international science and technology cooperation.³¹⁴

China's use of state subsidies and the outsized network effects of its digital market requires greater transatlantic cooperation on R&D.³¹⁵ Chinese R&D spending was second-highest in the world in 2021. It first surpassed the combined national expenditures of all EU countries in 2013.³¹⁶ Although the Chinese economy is facing headwinds, a 2024 government work report still pledged to boost spending on R&D by 10 percent.³¹⁷ General Secretary Xi Jinping continues to push for increased funding for basic research.³¹⁸ However, slower economic growth affects China's local governments more than at the national level, leading to less funding for basic research and likely impeding Xi's goal.³¹⁹

The industrial scale of China's theft of U.S. and allied technology and intellectual property remains a major threat to international cooperation on critical and emerging technologies. The United States has made some progress in establishing necessary safeguards. The National Counterintelligence Task Force and the U.S. National Science and Technology Council both created entities that aimed to help protect research related to quantum computing.³²⁰ However, neither has driven a fundamental rethink of research safeguards for critical and emerging technologies. Hence, the impact of these initiatives on the development of tougher international standards and best practices on research security and combating illicit knowledge transfer are limited.

The United States supports new multilateral fora for science and technology cooperation, such as the OECD Global Forum on Technology, launched in 2023, and the NATO Defense Innovation Accelerator for the North Atlantic, announced at the 2021 NATO Summit.³²¹ The Partnership for Atlantic Cooperation, established in 2023 with 32 participating countries from North America, South America, Africa, and Europe, includes a commitment to boost scientific cooperation and develop a cadre of

young Atlantic scientists.³²² Both the 2022 and 2024 ISTC reports identified the lack of long-term U.S. funding for collaborative research initiatives as an impediment to more flexible and longer-term science & technology cooperation. While these initiatives are important platforms for collaborative research, existing safeguards on illicit technology and knowledge transfer are insufficient to combat Chinese espionage activities. Initiatives like the State Department’s Multilateral Action on Sensitive Technologies process, established in 2017, are a necessary and important step forward, but more work remains to be done.³²³ Given the outsized role that U.S. researchers play in contributing to R&D globally, U.S. leadership in establishing robust research security standards is imperative.

Finally, both the United States and European partners increased technology cooperation with other advanced democracies – although room for improvement exists here too. The G7 and the Quad announced new initiatives to promote multi-stakeholder cooperation on critical technologies. At the 2023 Summit, G7 leaders established a process to assess the challenges and opportunities of generative AI and an arrangement on facilitating Data Free Flow with Trust.³²⁴ Quad partners cooperate on technology through the Quad Principles on Critical and Emerging Technology Standards, International Standards Cooperation Network, and Space Working Group.³²⁵ In the future, the United States and European partners could benefit from identifying new avenues of cooperation across these distinct but complementary initiatives.

Scores

On execution of recommendation 4.1, the Biden-Harris Administration scores a 1. On coordination, the administration also scores a 1.

Next Steps

- **Collaborate on joint funding for pre-competitive and basic research.** Formal and informal networks among academics and industry researchers exist outside of government, but public sector actors should engage to ensure increased awareness of new funding initiatives by trusted partners.
- **Facilitate improved dialogue among stakeholders from the executive and legislative branches of government as well as private industry.** Civil society and industry groups leverage the convening power of U.S.-Europe technology events to hold side events, but should be brought into the conversation more directly to encourage public-private partnerships.
- **Establish more robust international standards on research security and illicit knowledge and technology transfer and incorporate them into international research initiatives.** China has proven adept at infiltrating international science and technology fora and platforms for cooperation. Addressing the systemic nature of this threat will require that higher security standards are baked into new and existing international science and technology cooperation initiatives.

RECOMMENDATION 4.2: INITIATE REGULATORY DIALOGUES BETWEEN PARTNER AGENCIES.

Over the last four years, the United States has increased some efforts to establish consistent and sustained regulatory dialogues on emerging technologies such as AI, data governance, green technologies, and quantum computing.³²⁶ The United States and the UK also committed to enhancing coordination on technologies in *The Atlantic Declaration: A Framework for a Twenty-First Century U.S.-UK Economic Partnership* and its accompanying action plan, which committed senior officials from the White House and Downing Street to meet biannually.³²⁷

Key TTC outcomes on U.S.-EU regulatory cooperation included:

- The release of a *Digital Identity Mapping Exercise Report* paired with U.S. and European regulatory revisions to boost transatlantic interoperability;
- Ongoing discussions to harmonize transatlantic regulatory policy for clean energy technologies through the U.S.-EU Clean Energy Incentives Dialogue;
- The publication of U.S.-EU joint technical recommendations for vehicle-grid integration pilots and public electrical vehicle charging infrastructure;
- The coordination of guidelines for additive manufacturing (3D printing); and
- The establishment of a joint task force on quantum technologies.³²⁸

The TTC appears to have made more headway on technology than trade issues, but its unfocused mandate and uncertain future makes identification of other mechanisms to advance regulatory cooperation all the more important.³²⁹ As one example from 2021, the United States and EU signed a

new implementing arrangement between the European Commission's Joint Research Centre and the U.S. National Institute of Standards and Technology to boost cooperation on standards, measurements, and certified reference materials on areas including emerging information communication technology, AI, energy, transport, nanotechnology, health care, the environment, and food safety.³³⁰ While less politically prominent, such focused agreements are key to continued progress on mutual recognition and better alignment of regulations.

As for U.S.-UK coordination, a partnership between the two countries' national AI Safety Institutes will support the development of AI regulation by producing research, creating technical tools, and coordinating with national regulators.³³¹ However, as noted earlier, divergent transatlantic and U.S. approaches to AI policy and governance pose risks to efforts to promote technical interoperability and achieve mutual recognition of regulations and standards. Similar to already discussed EU legislation, the UK's proposed *Digital Markets, Competition and Consumers Bill* and *Online Safety Act* would add to such risks. This combination of factors highlights potential major issues regarding longevity and sustainability of current initiatives.

Scores

On execution of recommendation 4.2, the Biden-Harris Administration scores a 2. On coordination, the administration also scores a 2.

Next Steps

- **Focus on compatible and mutually reinforcing regulatory regimes, and solidify cooperative mechanisms outside of the TTC to advance regulatory dialogues.** Enhanced

working-level cooperation is important, but cannot overcome fundamental policy disagreements on topics such as AI and data governance. Furthermore, in the absence of swifter progress in the TTC, the United States and Europe need to be willing to rely on other avenues of regulatory cooperation.

RECOMMENDATION 4.3: IDENTIFY WAYS AND IMPLEMENT INCENTIVES TO ENCOURAGE GREATER PRIVATE SECTOR AND ACADEMIC COLLABORATIONS IN NICHE TECHNOLOGY AREAS THAT ADDRESS DISADVANTAGES ON BOTH SIDES OF THE ATLANTIC IN COMPETING WITH CHINA.

The United States and Europe both have an interest in stimulating private sector innovation and academic collaborations to better compete with next-generation industries in China that reap unfair advantages from outsized government intervention. Unfortunately, the incentives available in the U.S. and Europe consist primarily of uncoordinated subsidies. Other sections of this report address at length the consequences of such subsidies. Europe is particularly active in this regard. The Green New Deal Industrial Plan, the New European Innovation Agenda, the European Battery Alliance, the EU Chips Act, the European Tech Champions Initiative, and the Materials Initiative 2023 Manifesto all represent efforts to boost industrial capacity through increased research coordination and expanded access to new financing vehicles and workforce training.³³² Despite resulting frictions with the United States, a few select areas saw promising cooperative steps in the last few years.

On quantum computing, the Biden Administration signed agreements with the UK, Australia, Finland, Sweden, Denmark, France, Germany, the Netherlands, South Korea, and Switzerland.³³³ In October 2021, the United States' National Quantum Coordination Office (NQCO) held a summit with industry stakeholders to discuss challenges and opportunities.³³⁴ In May 2022, the NQCO partnered with the State Department to host an international event with representatives from more than a dozen countries.³³⁵ Participating countries launched the Entanglement Exchange, a platform for international exchange opportunities for students, academics, and researchers.³³⁶ The National Science Foundation has also signed memoranda of understanding

to institutionalize research cooperation with the EU, the Czech Republic, France, Germany, Romania, Switzerland, the UK, and other advanced democracies, and made available supplemental funds for international collaboration in quantum research and AI to countries outside of existing partnerships.³³⁷ These initial steps are a foundation on which transatlantic partners can build.

Further on AI, the previously mentioned 2022 U.S.-UK agreement on AI research and development included “promoting researcher and student collaboration that could potentially involve national partners, the private sector, academia, and the scientific community.”³³⁸ One early outcome was the successful integration of U.S. and UK machine learning algorithms through a common development and deployment platform to support joint military exercises.³³⁹ The United States also updated its *National Artificial Intelligence Research and Development Strategic Plan* in 2023 and announced new strategies to “expand public-private partnerships to accelerate advances in AI” and to “establish a principled and coordinated approach to international collaboration in AI research.”³⁴⁰ Similarly, the EU's 2021 AI Strategy included a plan to mobilize investments from the private sector.³⁴¹ In September 2023, European Commission President Ursula von der Leyen announced the EU would allow AI start-ups to access its supercomputers to boost innovation.³⁴² The Council of Europe also established the Framework Convention on AI in March 2024 with input from the United States and other countries, creating a platform for discussion about governance of AI research and development.³⁴³ These advancements are significant, but once again the largely

uncoordinated approaches to AI discussed previously causes concern about their longevity and impact.

Finally, U.S. and European partners continue cooperation to develop and commercialize advanced nuclear reactors, and are competing with China to export these technologies.³⁴⁴ In April 2023, the tenth meeting of the U.S.–EU Energy Council announced a High-Level Small Modular Reactors (SMR) Forum.³⁴⁵ At the May 2023 G7 meeting, President Biden announced a public-private partnership of up to \$275 million to support an SMR in Romania produced by NuScale.³⁴⁶ Separately, the EU set up the Euratom 2021-2025 program for nuclear research and training with a budget of €1.4 billion.³⁴⁷ As energy demand grows, advanced reactors should remain a core focus for government-to-government, private sector, and academic cooperation between the United States and Europe.

Such collaborations are an important proving ground for the ability of transatlantic partners to cooperate despite tensions over trade and technology policy. Of course, much of this cooperation is at an early stage, and the announcements made by the Biden Administration still have a long way to go in implementation. The 2020 edition of this report recommended that the United States and Europe “bolster areas within our domestic markets that face little to no obstacles to cooperation and align our positions with those of our other democratic partners to regain a competitive stance in the global technology race.”³⁴⁸

Appropriate government support for academic and public-private partnerships are one means of doing that, especially to fund technology development at earlier stages. The United States and European partners will be better off by working on technology together on the front end. China wins when the United States and Europe go their separate ways.

Scores

On execution of recommendation 4.3, the Biden-Harris Administration scores a 2. On coordination, the administration also scores a 2.

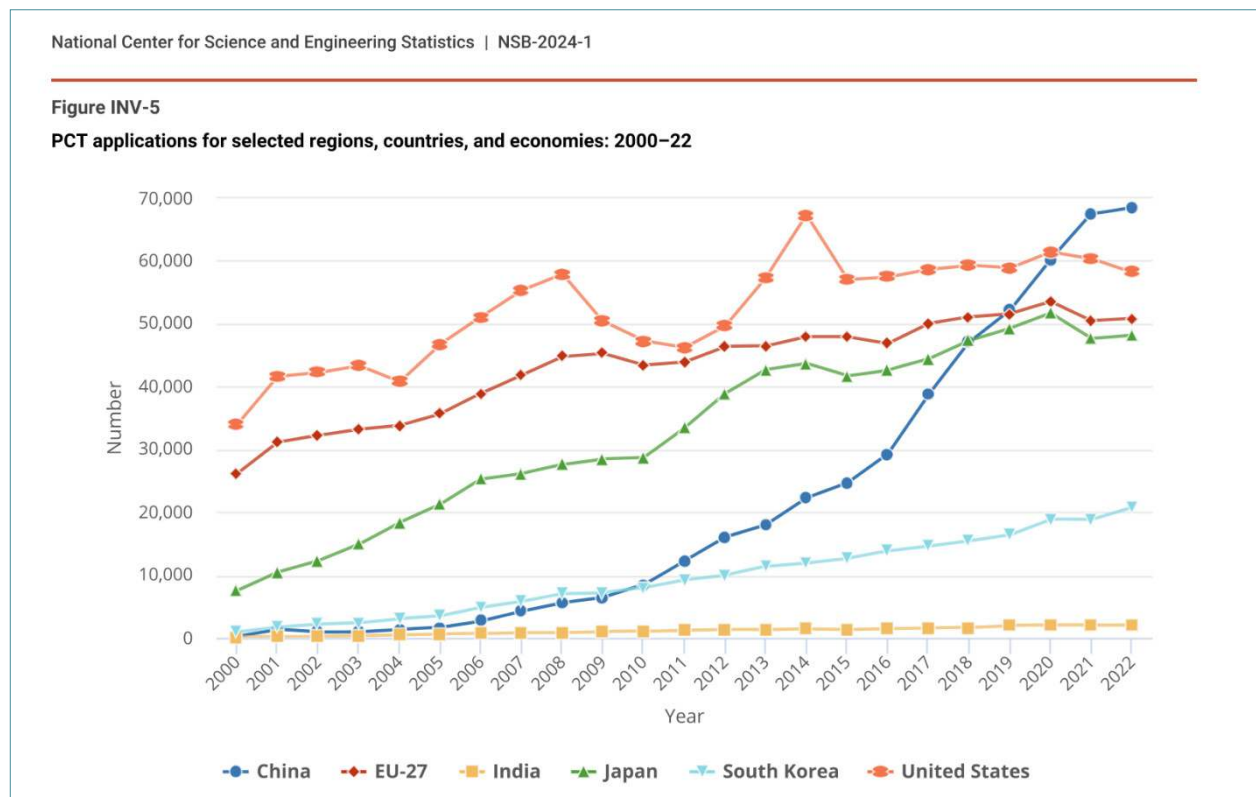
Next Steps

- **Support more private sector and academic collaboration on technology areas with limited obstacles to cooperation to foster transatlantic alignment at earlier stages of technology development.** Early private sector and academic collaboration can produce shared wins and advancements that can shape government policy.

RECOMMENDATION 4.4: ADDRESS ISSUES WITH GLOBAL PATENT ENFORCEMENT THROUGH MULTILATERAL INTERNATIONAL INTELLECTUAL PROPERTY ORGANIZATIONS.

China remains the world’s top violator of intellectual property rights (IPR), which encompasses patents, copyrights, trademarks, trade secrets, and geographic indications. The Chinese Communist Party takes credit for overseeing the Chinese economic miracle but fails to mention it is built upon countless acts of theft. China is trying to reshape international IP regimes by sponsoring revisions to the Agreement on Trade-Related Aspects of

Intellectual Property Rights (TRIPS), which will shape future standards for biological and genetic research.³⁴⁹ Since 2020, Chinese companies have established themselves as the top source of new patents filed globally.³⁵⁰ Backed by Chinese courts, these companies are pursuing increasingly aggressive IP litigation strategies to steal, defraud, and otherwise block non-Chinese companies from protecting their IPR in other jurisdictions.³⁵¹



Source: National Center for Science and Engineering Statistics.³⁵²
 PCT stands for Patent Cooperation Treaty.

China’s state-supported theft uniquely hurts the competitiveness and innovation of U.S. and European companies, which created and own much of the world’s IP.³⁵³ IP-intensive industries supported 47 million U.S. jobs in 2019 and accounted for 41 percent of the U.S. economy.³⁵⁴ Despite this foundational role,

the Biden Administration’s record makes clear that IP theft is not a priority. In fact, the Biden Administration has argued for giving away American IP. Further, the tenor and scope of U.S.-Europe cooperation on emerging IP issues does not match the challenges coming from China.

Transatlantic leaders consistently criticize China's systematic IPR violations, but real cooperation on patent enforcement is insufficient.³⁵⁵ Indeed, U.S.-European cooperation to address IP challenges related to the digital economy, green energy, digital trade, and other emerging sectors has stalled. Without a sustained and dedicated plan to cooperate on IPR enforcement, the United States and its partners will fail to leverage their combined market power and maintain their leads in innovation, protect IPR as a driver of economic strength, and advance free market values and transparency. Instead, U.S. and European companies will find themselves alone, coping separately with Chinese companies who are unfairly advantaged by official government support or at least impunity for IPR violations. Companies on both sides of the Atlantic need increased attention and greater support from their governments to counter this problem.

Recent cases show the difficulties foreign firms face as Chinese companies increasingly seek to assert themselves globally. In November 2023, Chinese chipmaker Yangtze Memory Technologies Company (YMTC) sued U.S.-based Micron Technology for alleged violation of eight patents related to the design, manufacture, and operation of 3D NAND technology.³⁵⁶ However, these "patents" were stolen from Micron and then filed as new patents in China. It is impossible not to link YMTC's bringing this suit to broader tensions in U.S.-China technology competition.³⁵⁷ The U.S. Department of Commerce added state-owned YMTC to the Entity List in 2022, and the Department of Defense designated it a Chinese military company in 2024.³⁵⁸ YMTC is suing Micron in the same California court that ruled on a trade secrets theft case between Micron and state-owned Chinese chipmaker Fujian Jinhua Integrated Circuit Company (Jinhua).

Specifically, Micron had filed a civil case against Jinhua in 2017, alleging the firm's then-president conspired with two former Micron employees working at the Taiwanese United

Microelectronics Corporation (UMC) to steal Micron's proprietary data related to dynamic random access memory (DRAM) chips and provide it to Jinhua.³⁵⁹ The Department of Justice (DOJ) charged Jinhua and UMC in 2018. UMC pled guilty to trade secrets theft in 2020, and agreed to cooperate with DOJ.³⁶⁰ In retaliation, both Jinhua and UMC filed patent infringement claims in a court in Fujian, China, against Micron for the same DRAM technologies they had been accused of stealing. They then used the newly-issued false patents to obtain an injunction against Micron from selling products in China.³⁶¹ Later, and likely in retaliation for U.S. chip export controls announced the previous October, Chinese regulators determined in May 2023 that Micron "failed to pass" a cybersecurity review without providing any evidence, and banned critical information infrastructure operators in China from procuring Micron's products.³⁶² Micron and Jinhua reached a civil settlement in December 2023, and the California court dismissed DOJ's criminal case against Jinhua in February 2024. This years-long saga highlights the difficulty of proving trade secret theft by companies headquartered in China, which does not have a civil discovery process.³⁶³

IPR provisions in the 2020 U.S.-China Phase One trade deal were intended to address some of the difficulties facing U.S. companies in China, but the United States Trade Representative assessed in 2021 that China had not fulfilled its commitments.³⁶⁴ Indeed, U.S. rights holders in China continue to report concerns about lack of transparency, political intervention in the judicial system, and Chinese legal "reforms" that expand the jurisdiction of Chinese courts to adjudicate global disputes, including standard essential patent (SEP) disputes.³⁶⁵

For example, in 2023, the Chongqing Intermediate Court set a global "fair, reasonable, and non-discriminatory" licensing rate in *Oppo v Nokia* – the first time a Chinese court set a global patent licensing rate. Notably, the

Chongqing court disregarded French IP law and global norms in favor of privileging Chinese civil law, and Nokia is appealing the ruling to China's Supreme People's Court.³⁶⁶ The case exemplifies EU concerns about Chinese interference in international patent disputes and a lack of transparency in Chinese court decisions. The case likely was timed to interfere with an ongoing WTO dispute panel over China's IP transparency obligations and enforcement.³⁶⁷

Also, Chinese courts have granted antisuit injunctions (ASIs) – interim injunctions intended to restrain involved parties from starting or continuing proceedings in a foreign court – in several IP disputes. The Supreme People's Court held that Chinese courts can use ASIs to prevent SEP owners from filing disputes in any foreign courts.³⁶⁸ The EU brought a World Trade Organization (WTO) case in 2022 alleging China's use of ASIs violated patent owners' rights under TRIPS.³⁶⁹ Unfortunately, the U.S.' third party submission for the case did not support the EU's arguments to boost judicial transparency in China, which is odd considering the EU's case was based in part on precedents set by a prior U.S.-led WTO case. Instead, the United States focused on whether the EU's suit fell outside the WTO dispute panel's terms of reference, effectively supporting China's position.³⁷⁰

While the United States participates in several IP-related initiatives, it does so with no clear policy to protect or enforce IPR. The Biden Administration waited until May 2023 to nominate a White House Intellectual Property Enforcement Coordinator, leaving the position vacant for years.³⁷¹ In addition, the administration showed a concerning willingness to reverse long-standing policies that protect U.S. IP. Specifically, it supported waiving certain IPR obligations for COVID-19 vaccines and other treatments during the pandemic, which ultimately had a “chilling” effect on U.S. industry.³⁷² Further expansion of the TRIPS waiver for COVID-19 therapeutics and diagnostics – still under consideration – would threaten the IP of U.S. companies.³⁷³ Partners

like the EU, Switzerland, and Japan are taking a strong stand against expansion, while the United States has surrendered its leadership.³⁷⁴

Ongoing IPR disagreements stymie deeper U.S.-EU cooperation. Both sides continue to disagree about reforming the WTO dispute resolution mechanism.³⁷⁵ The United States remains concerned about uneven implementation of the EU Directive on Copyright in the Single Digital Market, as well as IP implications related to enforcement of the EU's 2023 Data Act and 2022 Digital Services Act.³⁷⁶ The United States also is worried about a proposed new EU Intellectual Patent Office regulatory regime for SEPs that could artificially lower royalty rates and disadvantage U.S. and European innovators.³⁷⁷ Finally, the United States is protesting EU expansion of its Geographic Indications protection system, including efforts to enshrine it in the Geneva Act of the WIPO Lisbon Agreement.³⁷⁸

The United States and Europe must take a more robust approach to confronting China on issues of IP theft. Transatlantic partners' economic success is built on respect for IP. If IP rights are not defended, eventually the United States and our partners will lose the innovative edge necessary to stay ahead economically.

Scores

On execution of recommendation 4.4, the Biden-Harris Administration scores a 0. On coordination, the administration also scores a 0.

Next Steps

- **Pass legislation to protect U.S. companies from extraterritorial ASIs aimed at undermining United States sovereignty.** The *Defending American Courts Act* is one example of bipartisan, bicameral legislation that was introduced in the 117th Congress³⁷⁹

- **Coordinate initiatives focused on countering Chinese IPR violations.** The United States and EU each developed outreach programs focused on countering China’s systematic threats to foreign IPR: The U.S. Patent and Trademark Office’s China IPR Toolkit, and the EU Intellectual Property Office’s IP Key China initiative, respectively.³⁸⁰ The two sides should work to coordinate these parallel initiatives and expand information sharing and analysis on developments in China’s domestic IP regime.
- **Work together to push back on Chinese IPR lawfare.** Such an initiative could also include joint efforts to develop stronger IP regimes in countries like Mexico, Vietnam, Indonesia, and India. The United States and Europe should also agree on a common nomenclature for emerging technologies, such as through the Cooperative Patent Classification system. This step would provide a shared vocabulary to assess overlap and conflict in international IP systems.³⁸¹

RECOMMENDATION 4.5: WORK WITH ADVANCED DEMOCRACIES SUCH AS JAPAN, AUSTRALIA, INDIA, CANADA, AND NEW ZEALAND, ON ALIGNING SCIENCE AND TECHNOLOGY AGREEMENTS AND EXPLORE FURTHER OPPORTUNITIES FOR PLURILATERAL COOPERATION ON TECHNOLOGY DEVELOPMENT AND ASSOCIATED REGULATION.

The United States, the EU, and the UK have all concluded new bilateral science and technology agreements with Canada and advanced Indo-Pacific democracies over the last several years. However, few are plurilateral efforts that involve both the United States and European nations. The key exception is AUKUS: a defense trade partnership to develop and produce advanced military capabilities among Australia, the UK, and the United States. The AUKUS framework calls for Australia to acquire nuclear-powered submarines (Pillar 1) and for all three partners to cooperate on the development of advanced technologies, such as hypersonic missiles, space systems, and artificial intelligence (Pillar 2).³⁸² It could be the most consequential plurilateral technology agreement put forward by the Biden Administration.

Yet, the actual implementation of AUKUS has lagged well behind the frequent self-congratulatory pronouncements that follow various senior level meetings. The principal reason for this flailing implementation centers on the administration's unwillingness to follow through on the changes needed to lower defense trade barriers with our closest partners. Making AUKUS real is the most important thing the United States can do on technology cooperation with allies and partners.

AUKUS is principally a response to the threat posed by China.³⁸³ China's rapidly increasing military power is underpinned by a vast industrial and manufacturing base that allows it to produce defense equipment at a scale not seen since the height of the Cold War. Given this, the United States urgently needs the additional capacity and capability resident in allied defense industrial bases. Offsetting China's rapidly growing military power requires greater

integration with U.S. allies, who have military capabilities that the United States needs.

Rather than serving as a proof of concept for the benefits of deeper allied defense cooperation, AUKUS has languished due to bureaucratic resistance and a lack of leadership. This critique is substantiated by the reality that nearly three years after the AUKUS rollout, the Biden Administration has not implemented a single meaningful policy or regulatory reform to execute it. Congress passed AUKUS implementing legislation in December 2023 that gave the administration the mandate and tools to reduce legal and regulatory barriers to defense cooperation.³⁸⁴ The legislation was designed to force the administration to advance AUKUS in a manner aligned with its Pillar 2 rhetoric promoting cooperation on advanced technologies.

The reluctance to implement AUKUS consistent with stated ambitions reflects both the bureaucracy's failure to characterize risk – i.e., the risk of our closest allies compromising our technology pitted against the risk of the balance of power shifting further in China's direction – and a lack of follow through on the part of senior U.S. leaders. The Biden Administration's April 2024 decision not to certify the UK and Australian export control systems as comparable to that of the United States is the best illustration of the mismatch between its rhetoric and actions. This rejection of the UK and Australia means defense trade will continue to operate under the same set of rules that were in place before AUKUS was announced.³⁸⁵

In sum, the Biden Administration's signature plurilateral technology partnership is yet another example of foreign policy by press release – plenty of announcements and ambition, but a

lack of follow through. Furthermore, failure to coordinate creates friction. For example, the administration repeatedly has sought to expand AUKUS to other nations without fully gaining support from the UK and Australia. Implementing AUKUS amongst the existing partners should precede any expansion. Without a change in course, an initiative intended to strengthen U.S. relations with the UK and Australia could instead foster deep disillusionment about the prospects of defense cooperation. This would be a harmful signal not only to the UK and Australia, but also to other allies and partners. The lack of follow-through would demonstrate to Beijing that the United States is fundamentally unserious about competition with China over the long-term.

With respect to civilian science and technology agreements, the United States and European nations are pursuing a plethora of their own initiatives with Canada and Indo-Pacific countries. Very few appear to be joint transatlantic efforts. Take India as just one example. May 2022 marked the announcement of the U.S.-India initiative on Critical and Emerging Technology focused on innovation, next-generation telecommunications, semiconductor supply chains, and space.³⁸⁶ In April 2023, the UK and India signed a memorandum of understanding to collaborate on science and innovation.³⁸⁷ The first EU-India Trade and Technology Council was held in May 2023.³⁸⁸ U.S.-Europe divergences on digital technology policy contribute to this separate outreach to other nations.³⁸⁹ While this engagement with Indo-Pacific partners is worthwhile, this small cooperation should be built out quickly and bring multiple countries together.

Transatlantic partners also need to align their respective Science and Technology Agreements (STAs) with China. The United States currently is re-negotiating a five-year extension of its bilateral STA with China, an artifact of smoother times in bilateral relations, before China began stealing American

intellectual property, adapting civilian technologies for defense purposes, and using technology to surveil and oppress the Chinese population.³⁹⁰ This STA, in place since 1979, governs government-to-government cooperation in agriculture, biomedical sciences, nuclear fusion and safety, monitoring of earthquakes and tsunamis, transportation, and other areas.³⁹¹

China wants STA renewal to maintain its access to U.S. science agencies and to boost the perception of normalcy in U.S.-China relations. A perception of normalcy serves China's interests, entrapping the United States in cooperative efforts that diminish U.S. appetite for strong action while China continues to advance its destructive interests. Additionally, a renewed U.S.-China STA would set the tone for what other countries might do in their agreements with China.

If the Biden Administration insists on renewing the agreement, both the substance and how the administration messages it to the international community become critically important. On substance, the United States needs to advance the highest standards for the protection of researchers from arbitrary detention, policies governing shared data, and IPR. U.S. messaging must focus on the importance of high standards, emphasize the United States will only use the STA to the extent it serves U.S. interests, make clear the strictures in place around U.S.-China technology cooperation, explain U.S. government guidance, and state explicitly that the United States is prepared to abrogate the agreement should China violate its tenets. Other countries with fewer qualms about technology cooperation with China will take note. Characterizing the STA as an example of "stabilization" in U.S.-China ties, including by putting it into high-level meeting read-outs or joint statements, would be a mistake that plays into Beijing's hands.

Score

On execution of recommendation 4.5, the Biden-Harris Administration scores a 1. On coordination, the administration scores a 3.

Next Steps

- Make AUKUS real.** It is past time to start delivering on the promise of this pact, and cooperation on advanced military capabilities under Pillar 2 is the best means to get capability into the field more quickly.
- Increase discussions with partners on STAs with China.** Transatlantic partners should evaluate whether continuations of STAs with China are in their countries' interests. Should the United States move ahead with a renewed STA, it must adopt the highest possible standards and discuss with partner countries the importance of doing likewise.

SHAPING THE FUTURE OF TECHNOLOGY		
2020 Report Recommendations	Execution score (0-3)	Coordination score (0-3)
Rec 4.1: Tech community of democracies	1	1
Rec 4.2: Regulatory dialogues	2	2
Rec 4.3: Private sector and academic collaboration	2	2
Rec 4.4: Global patent enforcement	0	0
Rec 4.5: Plurilateral science and technology agreements	1	3
TOTALS	6 (out of a possible 15)	8 (out of a possible 15)
SCORE AVERAGE: 7		OVERALL GRADE: D



CHAPTER 5: ADDRESSING THE IMPLICATIONS OF CHINA'S STRATEGIC INVESTMENTS

RECOMMENDATION 5.1: FOCUS INVESTMENT SCREENING COOPERATION ON THE IMPLICATIONS OF STATE-DIRECTED ACQUISITIONS AND INVESTMENTS BY CHINA.

The Trump Administration prioritized efforts to highlight the national security risks of malign Chinese investments in Europe, and its outreach to European allies on investment screening was the centerpiece of that effort. Over the past several years, transatlantic investment screening cooperation increased with the U.S. passage of the Foreign Investment Risk Review Modernization Act in 2018, the 2019 European Union (EU) guidelines on investment screening, U.S. training on how the Committee on Foreign Investment in the United States (CFIUS) works, and behind-the-scenes technical cooperation on specific issues and cases.³⁹² In 2021, the United Kingdom (UK) passed the *National Security and Investment Act*, which brought British investment reviews into closer alignment with U.S. practices.³⁹³ Investment screening is one of the few areas where transatlantic cooperation is on track and making real gains in competing with China.

In September 2022, President Biden published the first-ever CFIUS-related executive order (EO), which clarified the risk factors that CFIUS should examine in its reviews.³⁹⁴ The EO directs greater scrutiny of multiple sectors, including microelectronics, artificial intelligence,

biotechnology and biomanufacturing, quantum computing, critical materials, and investments with “implications for food security.”³⁹⁵ The EO is focused on high priority areas for state-directed Chinese investment, and investments where the foreign party may have third-party connections that could undermine national security. The EO does not change CFIUS’s jurisdiction, but instead emphasizes greater scrutiny of certain transactions.³⁹⁶ The EO’s actual impact will not become clear until the Treasury Department sends an analysis in its annual report to Congress in 2024.³⁹⁷

In January 2024, the EU published draft regulations to expand the remit of its foreign investment screening mechanism.³⁹⁸ One key change, expected to be considered by the European Parliament and European Council, would require all EU member states to enact within 15 months mandatory investment screening that cover certain sectors and items, such as military and dual-use technologies, and entities vital to financial stability.³⁹⁹ Another would demand that investment screening regimes review greenfield investments in certain sectors – a key development given China’s overseas investment strategies are shifting away

from mergers and acquisitions and towards greenfield.⁴⁰⁰ Enactment of this new regulation would mark a significant step forward for the security of critical infrastructure.

The impact of these laws and regulations will depend on implementation by member states. U.S.-EU cooperation continues to focus on adoption by all member states of investment screening regimes.⁴⁰¹ The vast majority of EU countries now have passed and implemented a mechanism, and many of those who have not yet done so are working on draft legislation.⁴⁰² As one example, Belgium's new mechanism entered into force in July 2023.⁴⁰³ This is a significant step, given Belgium's role as host to the EU and the North Atlantic Treaty Organization, as well as concerns about Chinese investment into its ports and airports. Norway, though not an EU member state, also introduced investment screening in 2022 that is in line with EU regulations.⁴⁰⁴ In multiple European nations, the United States provided important technical assistance, exchange opportunities, and other support to European counterparts, again showing strong transatlantic cooperation on this issue.⁴⁰⁵ Unfortunately, there is some backsliding with reports that Germany is considering gutting its national investment screening law.⁴⁰⁶

President Biden and European Commission President Ursula von der Leyen reaffirmed the need for improved inbound investment screening and increased cooperation in a March 2023 joint statement.⁴⁰⁷ During the December 2022 U.S.-EU Trade and Technology Council (TTC), the United States and the EU completed a tabletop exercise in Brussels on investment screening and held a stakeholder event with EU member states.⁴⁰⁸ At this TTC, the two sides also focused on the full suite of tools to deal with strategic investments, especially "the complementarity between export controls and investment screening."⁴⁰⁹ The May 2023 TTC announced the start of exchanges with non-EU countries, and the April 2024 meeting previewed the creation of a "repository" for "investment screening professionals."⁴¹⁰ These deliverables

are modest, but continue to build habits of cooperation.

In part because of increased scrutiny and joint cooperation, Chinese investments in the United States and Europe continue to decline. A May 2023 report evaluated 16 attempted Chinese investments into strategic sectors in Europe and found that 10 were blocked or retroactively invalidated.⁴¹¹ These are welcome developments, though problematic Chinese investments remain. Among the most prominent is German Chancellor Olaf Scholtz's decision to allow Chinese state-owned champion COSCO Shipping to purchase a nearly 25 percent stake in a terminal at the Port of Hamburg, despite opposition from parts of his own government.⁴¹²

Further, an emerging challenge is China's shift toward greenfield investments, to which China will apply a familiar strategic logic: invest to shore-up expertise in key areas of supply chains and then ensure the rest of the world becomes reliant upon those supply chains. For example, China has made multiple investments in battery factories in Europe, an area where its dominance already growing.

Score

On execution of recommendation 5.1, the Biden-Harris Administration scores a 2. On coordination, the administration scores a 3.

Next Steps

- **Continue to prioritize the adoption of a meaningful and effective investment screening regime by every European nation.** The United States should continue to fund and execute investment screening training in partner countries.
- **Update investment screening regimes to reflect China's increased focus on greenfield investments.** The EU is moving in that direction, and the United States should do likewise

using the strategic sectors identified in President Biden's executive order as a guide. The United States and Europe should also develop robust information sharing on China's greenfield investments to look for patterns and identify resulting national security and supply chain vulnerabilities.

- **Increase focus on outbound investment.** This report does not cover outbound investment screening. However, the United States and European countries should coordinate as they consider measures to limit investments in companies backed by the Chinese government.

RECOMMENDATION 5.2: EXAMINE THE SECURITY OF OUR POWER GRIDS AND ESTABLISH FAIL-SAFE MEASURES TO PROTECT OUR INCREASINGLY CONNECTED GRIDS.

Russia’s systematic cyber and kinetic attacks on Ukraine’s power grid have clearly demonstrated the essential nature of grid security.⁴¹³ The additional wave of cyberattacks on power grids and energy providers that have followed, including against energy infrastructure operators in Denmark and the Texas power grid – the latter attributed to China – shows a lack of preparedness on both sides of the Atlantic.⁴¹⁴ Likewise, the October 2023 severing of both the Baltic connector gas line and two telecommunications cables in the Baltic Sea by a Chinese ship galvanized Europeans about threats to infrastructure from China.⁴¹⁵ The Biden Administration has taken meager steps on grid security, while the EU is much more active. Grid security is not high on the agenda in U.S.-Europe energy dialogues. Luckily, China’s investments in European grid infrastructure are declining, in part due to stronger cooperation on investment screening.

Congress emerged as the key driver of grid security over the last few years. The 2020 *Securing Energy Infrastructure Act* directed U.S. national laboratories to partner with industry and develop defenses for the U.S. energy grid.⁴¹⁶ The law created the Securing Energy Infrastructure Executive Task Force, a volunteer group of government and industry leaders to “evaluat[e] technology and standards for industrial control systems (ICS),” find vulnerabilities, and write a National Cyber-Informed Engineering Strategy.⁴¹⁷ That strategy, completed in 2022, provides recommendations to help incorporate cybersecurity into power grids and other critical infrastructure.⁴¹⁸ This work coincides with more general strategies produced by the administration on cybersecurity in critical infrastructure.⁴¹⁹ For the first time, the Cyber Incident Reporting for Critical Infrastructure Act (Div. Y, P.L. 117-103) requires

entities to report cyber-attacks to the U.S. government.⁴²⁰ The law will go into effect once related rules and regulations are developed.

As in other areas, the Biden Administration’s grid strategy is more focused on climate than national security. In 2023, the administration announced a \$3.5 billion investment in the U.S. electrical grid.⁴²¹ The North American Electric Reliability Corporation (NAERC) has identified up to 24,000 weak points in the grid that are vulnerable to physical or cyber-attack.⁴²² However, the administration’s proposed funding prioritized “a reliable grid that is prepared for extreme weather worsened by the climate crisis,” not hardening the grid against cyberattacks or other threats from foreign adversaries.⁴²³ Fortunately, there is some technical cooperation on grid cybersecurity across U.S. federal agencies. In 2023, the Federal Energy Regulatory Commission directed the NAERC to “develop Reliability Standards requiring internal network security monitoring for high-impact bulk electric system cyber systems and medium-impact systems with high-speed internet connections.”⁴²⁴ In April 2024, Oak Ridge National Laboratory and Auburn University teamed up to create the Southeast Region Cybersecurity Collaboration Center to focus on cybersecurity for electrical grids.⁴²⁵

For its part, the EU announced in 2022, a €565 billion investment in electricity grid modernization, including to support the cyber and physical security of critical nodes.⁴²⁶ It also issued a series of directives for “sectors of high criticality,” including energy, that mandated member states adopt cyber strategies for each identified sector.⁴²⁷ Member states also must create one or more computer security incident response teams. The EU also established EU-CyCLONe “to support the coordinated management of large-scale cybersecurity

incidents and crises at operational level.⁴²⁸ Finally, in November 2023, the EU launched an action plan specific to grids. The plan highlights that “reliance on high-risk third country suppliers for critical components can create cyber-vulnerabilities to the grid, including interconnectors to third countries.”⁴²⁹ It also calls on the European Network of Transmission System Operators, which represents the combined grid of 36 European countries, and the EU’s Distribution System Operators “to collaborate with technology providers to develop common technology specifications and improve visibility of grid project pipelines, to facilitate investments in manufacturing capacity and secure supply chains.”⁴³⁰ The focus on trusted supply chains for inputs into electric grids is a welcome step, and something the United States and European partners should cooperate on more closely. The UK also has recognized this challenge, recently severing ties with and removing the equipment of a China-based supplier of its national grid.⁴³¹

It is too early to evaluate the impact of the EU’s actions on grid security and resilience. Several of the policies mentioned above do not enter into force until October 2024.⁴³² Further, it is easy to publish strategies and plans, and much more difficult to implement them effectively. However, these actions show the EU has concrete plans for grid security informed by security considerations, which stands in contrast to far less ambitious action by the United States.

U.S.-Europe progress on addressing Chinese investments in grids is most apparent through broader cooperation on investment screening. China is still investing in European grids, including the purchase of photovoltaic projects by its state-owned Three Gorges Corporation that added to the company’s growing assets in Spain.⁴³³ However, transactions have slowed. The economic effects of the COVID-19 pandemic certainly contributed to decreased Chinese energy investments in Europe.⁴³⁴ However, greater scrutiny of investments is also a factor. For example, in 2021, even though State Grid

Corporation of China already owned a 24 percent stake in Greece’s high-voltage electricity operator, Greece barred both State Grid and China Southern Power Grid Company from bidding for a 49 percent stake in Greece’s low- and mid-voltage distribution network operator.⁴³⁵ The UK went even further with divestment. After mounting opposition to China General Nuclear’s (CGN) involvement in the Hinkley C, Sizewell C, and Bradwell B nuclear energy projects, the UK government bought out all CGN’s shares in Sizewell C.⁴³⁶ At Hinkley C, CGN reportedly stopped all of its financing.⁴³⁷ As of June 2024, CGN continues to be a majority investor at Bradwell B.⁴³⁸ However, as space closes in Europe, Chinese power companies are turning toward investments in Latin American grids.⁴³⁹

Beyond investment screening, transatlantic partners are working together on energy security and resilience, but not necessarily on the physical security and cybersecurity of power grids. Other than references to Ukraine, read-outs of U.S.-EU and U.S.-UK high-level meetings and dialogues on energy security scarcely mention grid security.⁴⁴⁰ As one example, the U.S.-EU Task Force on Energy Security focuses on securing Europe’s energy independence from Russian oil and gas and meeting climate change goals.⁴⁴¹ Technical agencies are best positioned to advance common goals on power grid and general critical infrastructure protection.⁴⁴² The new EU-North Atlantic Treaty Organization (NATO) Task Force on the Resilience of Critical Infrastructure, includes power grids as an area of focus.⁴⁴³ Transatlantic cooperation through tighter EU-NATO linkages makes sense given the former’s pivotal role in managing European critical infrastructure and the latter’s reliance on that infrastructure. Europe appears to take these security concerns more seriously than U.S. policymakers. This is an area of cooperation where the Biden Administration should take lessons from Europe. It is important to recognize the need for security and resilience in the U.S. energy and transmission sector.

Score

On execution of recommendation 5.2, the Biden-Harris Administration scores a 1. On coordination, the administration scores a 2.

Next Steps

- **Block new deals, divest from existing ones, and conduct training exercises.** The most important action is to pass or update investment screening regimes and then use them to block bids by Chinese state-owned entities to hold stakes in power grid infrastructure. Other transatlantic nations should look to British actions as a model to divest Chinese-held equity in power grid companies and projects. Finally, the United States, the UK, and the EU should hold tabletop and training exercises to test the security and fail-safe measures of important power grids.
- **Safeguard supply chains of critical materials and components that go into electrical grids.** Recent EU attention to this vulnerability is a welcome step.

RECOMMENDATION 5.3: WORK TOGETHER TO HOLD CHINA TO ACCOUNT FOR ITS ENVIRONMENTAL MISMANAGEMENT.

China's record on environmental issues remains dismal. Yet, the Biden Administration's approach is completely counterproductive and often contrary to the strategic and economic interests of the United States. Its failing approach is rooted in misplaced optimism about China's willingness to cooperate on the environment. In addition, transatlantic governments are focused almost entirely on China's emissions profile, rather than on the entirety of China's environmental degradation and mismanagement.

In 2021, Xi Jinping announced China would stop building coal-burning power plants abroad.⁴⁴⁴ Several existing projects were then cancelled, but mostly by host governments rather than by China.⁴⁴⁵ As of November 2023, 11 previously cancelled or stalled coal plant projects had moved forward with permitting or construction.⁴⁴⁶ China also approved more domestic coal power production in the first quarter of 2023 than in all of 2021.⁴⁴⁷ Its overall 2023 coal production hit a new record, growing almost 3 percent from the previous year.⁴⁴⁸ Climate advocacy groups recently claimed that China may reach its peak emissions level earlier than expected due to installation of renewable energy for power generation.⁴⁴⁹ However, China's environmental record, the unreliability of Chinese government statistics, and pressures to maintain strong economic growth should be causes for skepticism.

Nevertheless, the Biden Administration is doubling down on climate cooperation with China. After China canceled the bilateral climate working group in 2022, then-Special Presidential Envoy for Climate (SPEC) John Kerry revived the talks at a summit with Chinese counterparts in Sunnylands, California.⁴⁵⁰ This venue carried symbolism certainly not lost upon the administration: it is the same place where President Barack Obama wrongly endorsed Xi Jinping's "new model of major power relations"

for U.S.-China ties, which emphasizes U.S. appeasement of China's core interests.⁴⁵¹

SPEC Kerry's announcement that the U.S. government would facilitate subnational climate engagements with China was equally troubling.⁴⁵² China's subnational diplomacy is a major path for its malign influence in the United States. The U.S. government should do the opposite of what SPEC Kerry advanced and instead engage with subnational actors on the risks of engagement with China and facilitate international partnerships with trusted countries.

The Biden Administration combines these fruitless dialogues and concerning initiatives with international energy policies that hurt the U.S. economy, limit our partners' options for reliable energy generation, and facilitate continued Chinese construction of coal plants. Its most devastating move is the suspension of pending and future liquefied natural gas (LNG) exports.⁴⁵³ The White House and interagency did not consult the Department of State on this decision, despite its direct impact on U.S. foreign policy. Nonetheless, the Department of State distributed a cable to U.S. embassies with patronizing talking points about how "proud" the United States was that U.S. LNG firms supported European allies after Russia turned off its gas supply, with similar messaging for Indo-Pacific countries.⁴⁵⁴ This ban was entirely predictable: it builds on the administration's International Energy Engagement Guidance, which prohibits U.S. support for natural gas projects in other countries that exceed certain emissions or result in new infrastructure.⁴⁵⁵ The EU also has such counterproductive policies, including a 2022 regulation that "ends support for new natural gas and oil projects."⁴⁵⁶ Even the Inflation Reduction Act (IRA), which requires carbon neutrality in its projects, is agnostic on the energy sources these projects use. The administration's LNG "pause" and other source-

specific energy policies are thus even more radical and counterproductive to U.S. interests than the IRA.

After Russia's invasion of Ukraine, the Biden Administration briefly acknowledged the incongruity of its energy policies with global geopolitical and economic conditions and changed its policies to help European countries with gas supply. However, the LNG export ban highlights the short-lived nature of this logical policy shift. The administration shows no sign of reversing course, despite the fact that virtually all major energy players in Europe and Asia oppose the export ban, citing its devastating impact on meeting long-term demand and the destabilizing effects of forced reliance on adversaries like Russia to secure gas supplies. The administration's misguided policies prioritize punishing U.S. energy producers over confronting Chinese actions.

It is not only the United States that is advancing problematic energy policies. The EU's Carbon Border Adjustment Mechanism (CBAM) is poised to cause serious issues. The CBAM is another tax on imports into the EU that will be applied to all countries outside the EU, the European Economic Area, and Switzerland – regardless of those countries' emissions profiles.⁴⁵⁷ If the EU's approach to digital issues with the United States is any guide, the EU will implement the measure arbitrarily, even if it harms some of its top trading partners. The CBAM will cause serious issues in international commerce and will harm developing countries trying to grow their economies through greater exports. China, despite its economic troubles, can better absorb the costs the CBAM will impose by investing in non-carbon technologies for production of exports. Legitimate developing economies do not have this luxury.⁴⁵⁸ Furthermore, the CBAM does not address China's use of forced labor in its so-called "clean" energy supply chains.

In terms of cooperation, the U.S.-EU TTC once again plays a role. However, it has not produced any concrete deliverables. Separately,

the United States and EU launched the Clean Energy Incentives Dialogue to "facilitate information-sharing on non-market policies and practices of third parties – such as those employed by the PRC" as a basis for "joint or parallel action."⁴⁵⁹ The United States and the UK established an energy partnership in December 2022, and have an energy dialogue that has met several times.⁴⁶⁰ No clear deliverables are evident. Finally, the United States and EU are taking parallel actions on China's electric vehicles. The EU launched an anti-subsidy investigation into Chinese electric vehicles, which are flooding the EU market.⁴⁶¹ In May 2024, the Biden Administration imposed a 100 percent tariff on all Chinese EV exports, far higher than whatever tariffs the EU plans to impose.⁴⁶²

Beyond high emissions, China's environmental sins are numerous: environment degradation caused by rapid development and the Belt and Road Initiative; mercury pollution; illegal logging; overfishing; wildlife trafficking; ocean pollution; and much more.⁴⁶³ Long-standing U.S. foreign assistance programs focus on these challenges, such as support to Mekong River countries harmed by China's unilateral control of water flow.⁴⁶⁴ The EU raises some of these issues in its climate dialogue with China, and individual European countries provide various types of development assistance to affected countries. However, beyond this steady state, focus on calling out or remediating environmental degradation is not a major agenda item for the United States or European nations in their relationships with China, or in transatlantic cooperation on China. More impactful are individual actions by local and national governments. In 2021, local Serbian authorities filed a court case against Zijin Mining Group for its role in increased pollution from the construction of the Bor plant.⁴⁶⁵ Bosnia and Herzegovina cancelled or paused four coal plant projects, with some ruled illegal by local courts, though one deal was eventually revived.⁴⁶⁶

Score

On execution of recommendation 5.3, the Biden-Harris Administration scores a 0. On coordination, the administration scores a 1.

Next Steps

- Reverse the LNG export ban, International Energy Engagement Guidance, and subnational exchanges on climate.** The administration's failure to do so will signal its lack of seriousness about energy or environmental policies that maximize U.S. and allied interests and competitiveness, reduce reliance on Chinese supply chains, and push back on China's overseas activities that increase global emissions.
- Begin joint messaging on China's environmental degradation.** Under the prior administration, the Department of State made a point of highlighting China's harmful environmental practices, including with statements by the secretary.⁴⁶⁷ The United States and Europe should pick up that mantle and conduct joint messaging on these topics with countries victimized by China's environmental policies. Messaging in advance of key international meetings is particularly important to expose China's hypocrisy.
- Build coalitions with willing countries to pressure China on pollution, destruction of sensitive ecosystems, and other environmental challenges.** Numerous developing countries were furious over China's cancellation of the U.S.-China climate working group. The United States and European partners should explore whether those concerns can be channeled into more consistent cooperation that puts greater pressure on China.
- Plan for the CBAM.** European implementation of the CBAM presents another major challenge to U.S.-EU ties, which threatens to distract from critical work needed to better align U.S. and EU standards to compete with China. The United States needs to engage the EU on ways to ensure the CBAM does not join the long list of U.S.-EU trade disputes. This will require compromise by the EU.

RECOMMENDATION 5.4: CONDUCT U.S.-EUROPE PORT MAPPING EXERCISES AND IDENTIFY RISK MITIGATIONS.

Threats posed by China’s penetration of European critical infrastructure, including ports, are of much greater concern to U.S. and European political and military leaders today than they were a few years ago. As a result, U.S.-Europe cooperation now is much stronger with respect to port mapping, investment screening, and individual bids by Chinese firms to invest in European ports. However, unless European nations unwind existing port deals, China’s widespread presence will remain a fact of life. That includes majority stakes that offer operational control and presence at ports important to NATO military mobility.⁴⁶⁸ The United States and Europe will have to adapt to these risks. Fortunately, greater skepticism and scrutiny of proposed Chinese port investments promises to slow the pace of new acquisitions, with more robust action by both the EU and through NATO.

Chinese investments in European maritime infrastructure between 2004 and 2021 totaled over €10 billion.⁴⁶⁹ Chinese state-owned enterprises have a direct presence in at least 15 EU ports, and many more use Chinese technology and service providers, or align themselves with Chinese initiatives like the New Silk Road.⁴⁷⁰ In all, China controls an estimated 10 percent of all European port throughput.⁴⁷¹ Given the importance of some of these ports for NATO logistics, it is absolutely critical that the EU and NATO coordinate more effectively on security standards and information-sharing.

There is some evidence that this greater collaboration is occurring. For instance, the NATO-EU Task Force on Resilience of Critical Infrastructure was formed in January 2023 as an initiative to improve collective European security and resilience in “energy, digital infrastructure, transport, and space.”⁴⁷² The task force focuses chiefly on the Russian threat. That said, its remit does include the risks of “foreign

control” of critical infrastructure, including risks that “foreign actors [could] gather sensitive information about NATO and EU activities, and potentially deny and disrupt access to critical infrastructure or impede the services it provides.”⁴⁷³ The group plans to focus on transport nodes critical for military operations and mobility, including “disruptions to the larger seaports.”⁴⁷⁴ Unfortunately, it is too early to tell if this effort will reduce Chinese influence and presence in European ports or mitigate risks to NATO and national militaries.

Chinese port investments are starting to face some headwinds from a combination of U.S. engagement and a more active posture by European security officials. In 2021, Lithuania suspended the Melnrage deep-water port after senior officials and ministers said China’s “foothold would be a threat to national security and NATO.”⁴⁷⁵ China’s punitive response after Lithuania allowed Taiwan to open a representative office in Vilnius makes it unlikely that Lithuania will revisit the deal.⁴⁷⁶ The same year, the United States and NATO weighed in with Croatian authorities to cancel a contract with three Chinese companies involving Rijeka Port, one of the more important ports in the northern Adriatic Sea.⁴⁷⁷ The €2.7 billion tender would have given China a license to develop and manage a container terminal for 50 years.⁴⁷⁸ The United States allegedly supported an alternative investment proposal by a European firm.⁴⁷⁹ Though Belgium extended the concession of Chinese state-owned firm COSCO at Zeebrugge by another 15 years, it is taking other steps to reduce China’s influence in port operations as part of increased collaboration with the United States on investment screening.⁴⁸⁰

In a largely symbolic but still important win, Italy in 2023 declined to renew its Belt and Road (BRI) memorandum of understanding with China.⁴⁸¹ At the time, Prime Minister

Giorgia Meloni emphasized the importance of the Port of Trieste as a driver of this decision.⁴⁸² The Italian Defense Undersecretary in 2021 also raised alarms about a Chinese proposal to become involved in the Port of Palermo.⁴⁸³

Though significant work on critical infrastructure protection remains, the above are welcome steps in the right direction by both the United States and Europe.

Score

On execution of recommendation 5.4, the Biden-Harris Administration scores a 2. On coordination, the administration also scores a 2.

Next Steps

- **Increase focus on security for NATO-relevant ports.** China's presence in European ports needs to better inform NATO defense planning, identify alternative routes for supply and logistics, and lead to coordinated campaigns that prevent new or expanded Chinese presence in strategic places.
- **Improve data collection and information-sharing among EU member states and develop stronger threat coordination mechanisms between the United States and the EU and NATO.** Success will require sustained diplomatic engagement from the United States to empower those within the EU pushing for stronger port security measures. The United States must also be willing to apply pressure those trying to weaken the relevant regulations, even if that means pushing back on major allies the Biden Administration has historically been reluctant to criticize, such as Germany.

RECOMMENDATION 5.5: ADDRESS CYBER AND DATA SECURITY ISSUES IN PORTS.

The urgency of addressing cyber and data vulnerabilities, including the use of untrusted Chinese technologies, has only increased over the last four years.⁴⁸⁴ A report commissioned by the European Parliament’s Transportation Committee in 2023 identified the lagging capacity to address the cyber and data risks associated with Chinese port investments and technologies as the most pressing issue facing EU members.⁴⁸⁵ This vulnerability will only increase as the transition to next-generation telecommunication networks accelerates, and the use of sensors and other digital technologies at ports continues to grow. Nuctech, a Chinese security inspection company, was among the first cybersecurity threats to ports and airports that garnered attention from the United States and Europe. U.S.-Europe cooperation on Nuctech has made some headway, but the incorporation of other Chinese technologies into American and European port infrastructure is creating new challenges that require more urgent action and transatlantic cooperation.

Consistent U.S. efforts to press allies to move away from Nuctech port technologies in Europe are producing some success. Behind the scenes efforts resulted in some European countries banning Nuctech from critical infrastructure, opting instead for equipment from western firms.⁴⁸⁶ Countries from Lithuania to Belgium have banned Nuctech from ports and airports.⁴⁸⁷ Spain also has refused to make new Nuctech purchases.⁴⁸⁸ Sweden awarded Nuctech an airport contract in 2022, but future transactions are less likely once its investment screening law goes into effect.⁴⁸⁹ Lawmakers in the European Parliament (EP) continue to criticize procurements of Nuctech, including a recent purchase by the airport in Strasbourg, France.⁴⁹⁰

The U.S. Commerce Department added Nuctech to the Entity List in 2020, restricting U.S. entities from conducting business with the

company.⁴⁹¹ The EU does not have an equivalent Entity List-style designation of Nuctech, as procurement procedures are determined by member states.⁴⁹² Instead, EC President von der Leyen put forward guidance to member states to “take all security, data protection, and cybersecurity aspects into consideration” in evaluating bids.⁴⁹³ The EU also established a €1 billion fund called the Customs Control Equipment Instrument (CCEI), which provides member states with funding for technology purchases and upgrades in airports, ports, and border crossings.⁴⁹⁴ Members of the EP rightfully want to ensure that no CCEI money goes towards the purchase of China-sourced equipment for airports and ports.⁴⁹⁵ Finally, in April 2024, the EU began an investigation into Chinese subsidies of Nuctech.⁴⁹⁶

Even with this progress, Nuctech remains ubiquitous in Europe: it is present in 26 of 27 EU member states, gaining a 90 percent share in the European port scanner market by 2020.⁴⁹⁷ It must serve as a cautionary tale for the United States and Europe to forestall widespread adoption of other Chinese-origin port technologies, such as Chinese-origin cranes and logistics platforms.

Shanghai Zhenhua Heavy Industries (ZPMC) has manufactured nearly 80 percent of the ship-to-shore cranes at U.S. ports, holds an astonishing 70 percent market share globally, and is the primary supplier of ship-to-shore cranes in European ports.⁴⁹⁸ An investigation by the U.S. House of Representatives Select Committee on Strategic Competition between the United States and the Chinese Communist Party revealed the presence of communications equipment unrelated to normal operations on ZPMC cranes, raising the specter that such equipment could be used for nefarious purposes.⁴⁹⁹

LOGINK, an “information network controlled by China’s Ministry of Transport

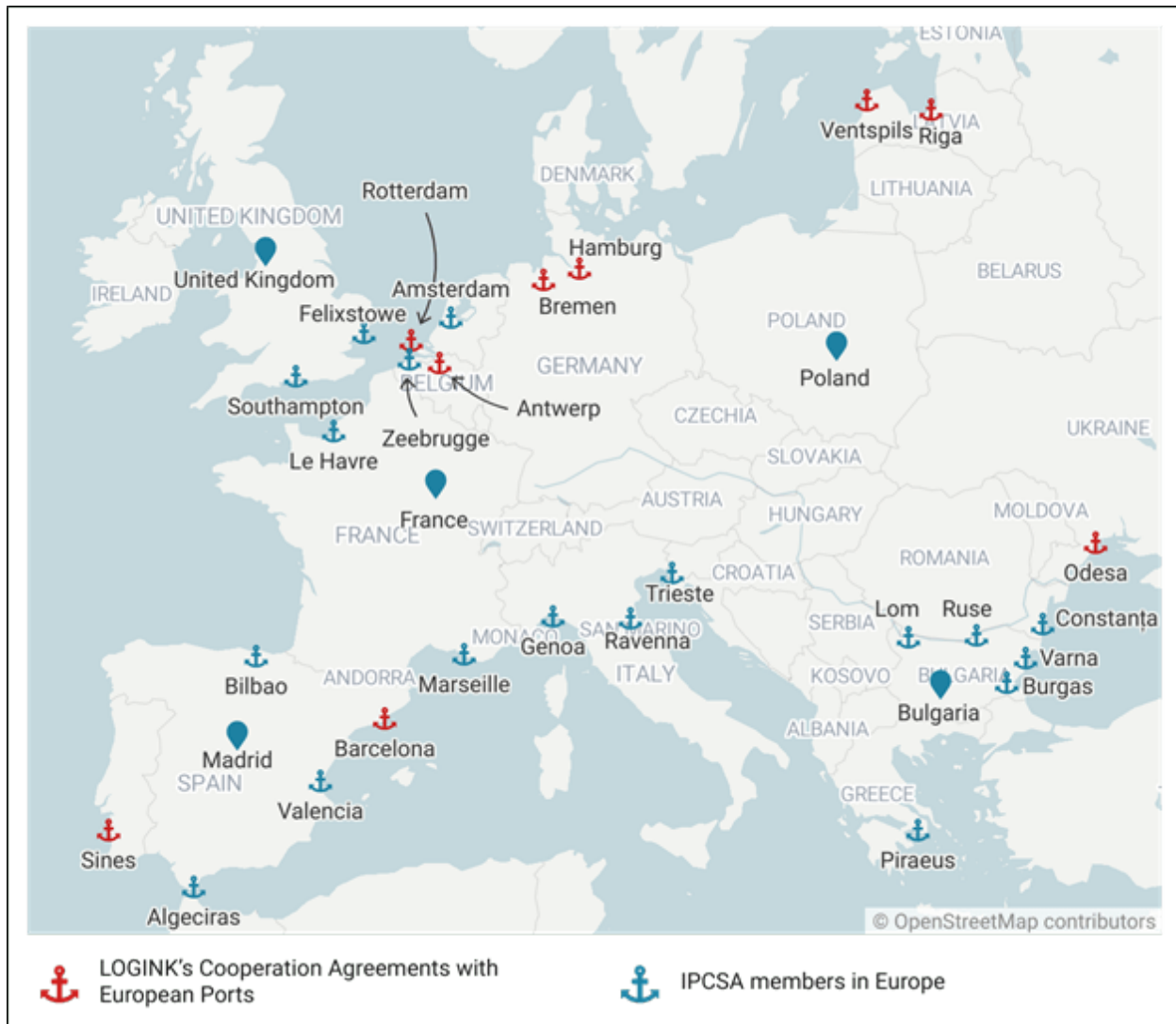
and National Development and Reform Commission,” is an even greater threat.⁵⁰⁰ Participating ports feed real-time location status, logistics activities, and other data into a centralized information platform run by a Chinese government agency.⁵⁰¹ Nine European ports use LOGINK.⁵⁰² A data sharing arrangement with software company CargoSmart allows LOGINK to monitor movements of over 90 percent of the world’s container ships.⁵⁰³

LOGINK’s participation in a project launched by the International Port Community Systems Association (IPSCA) could more than double its access to the world’s ports through the sharing of cargo and other data.⁵⁰⁴ IPSCA is a global organization that works with UN standards-setting bodies on data and electronic communications at ports and other customs and border crossings.⁵⁰⁵ One analysis about the adoption of LOGINK warns:

*This positions Beijing to collect and shape the information and rules that govern modern industry. It positions Beijing to privilege Chinese companies with better access to information and prioritize their place on the platform. It also positions Beijing to shape the operating environments and incentives of foreign companies.*⁵⁰⁶

Over the past several decades, the U.S. military has become more dependent upon civilian ports for its operations. Ports connected to LOGINK could allow China to monitor and process information on U.S. and NATO military logistics.⁵⁰⁷ The Port of Trieste, which supports occasional NATO operations, is an IPSCA member and therefore tied into this data sharing arrangement.⁵⁰⁸ With these security risks, Congress in the 2024 *National Defense Authorization Act* prohibited the Department of Defense from entering into contracts with any port that provides data to LOGINK.⁵⁰⁹

European ports like Antwerp, Bremen, Hamburg, Barcelona, Sines, and Riga are all partners with LOGINK.⁵¹⁰ The European Commission’s (EC) February 2023 response to a member of the European Parliament on the risks involved acknowledged usage of LOGINK and referenced the EU’s foreign direct investment guidance, but did not address any actions to roll back existing LOGINK partnerships with ports.⁵¹¹ There may be challenges to taking this step, but for long-term security it will be necessary.



Source: Center for Maritime Strategy⁵¹²

Beyond individual technologies, the United States published a *National Maritime Cybersecurity Plan* in 2020.⁵¹³ Progress on implementing this strategy is unclear, but the administration did issue an executive order in February 2024, giving more authority to the Coast Guard to take a wide range of actions to protect ports, vessels, and other maritime assets from cybersecurity threats.⁵¹⁴ The executive order helps clarify Coast Guard authorities, but does not address broader Coast Guard funding shortfalls and barriers to information sharing with industry.⁵¹⁵ Alongside the order, the administration announced an intent to

invest \$20 billion over five years in maritime transportation infrastructure, including the replacement of ZPMC cranes at U.S. ports.⁵¹⁶ That funding still needs to be implemented, so it is too early to assess its impact or whether the Biden Administration will focus on the right priorities.

For its part, the EU approved new cybersecurity rules, known as the *NIS2 Directive*, that must be implemented by October 2024.⁵¹⁷ The rules require all port operators – including critical infrastructure and technology service providers – to use basic security measures and report cybersecurity incidents.⁵¹⁸ In August

2022, the UK released its second *National Strategy for Maritime Security*, which focused on implementing its *National Cyber Strategy* in the maritime industry. The British government published its second Cyber Security Code of Practice for Ships in 2023.⁵¹⁹ The strategy also highlighted a refresh of the UK's security guidance for port facilities and ensure ports are aware of the National Cyber Security Centre's standards and incident reporting mechanisms.⁵²⁰ Greater cyber incident reporting, security by design, and safeguarding digital vulnerabilities in legacy systems are all key areas of focus.

Meanwhile, the NATO-EU Task Force on Resilience of Critical Infrastructure identified cybersecurity of transport infrastructure as a key priority. The group has conducted some exercises, but progress on operationalizing its task force recommendations is nascent.⁵²¹ NATO-endorsed centers of excellence are tackling critical infrastructure issues with new initiatives but focus on cybersecurity is lacking.⁵²² For example, the Cooperative Cyber Defence Center of Excellence's (CCDCOE) two large annual cyber exercises have yet to focus on maritime critical infrastructure.⁵²³ In addition, CCDCOE, like other NATO Centers of Excellence, continues to be hamstrung by its lack of operational responsibilities and authorities.

Score

On execution of recommendation 5.5, the Biden-Harris Administration scores a 2. On coordination, the administration also scores a 2.

Next Steps

- **Identify and coordinate on alternatives to ZPMC and LOGINK.** The United States needs to execute an initiative on LOGINK similar to what it did on Nucotech.
- **Cooperate in relevant standards-setting bodies with respect to**

data and information security in the maritime sector, including by leveraging existing data privacy regimes. Examples of standards-setting bodies for U.S.-Europe engagement include the International Organization for Standardization, the International Maritime Organization, and the World Customs Organization.⁵²⁴ Data collection by Chinese port technology providers likely runs afoul of the EU's General Data Protection Regulation (GDPR). While the United States remains concerned about GDPR's application, encouraging European governments to enforce it more vigorously against threats from China might be more persuasive to governments skeptical of U.S. government cyber warnings.

RECOMMENDATION 5.6: INITIATE NATO DISCUSSIONS ON UNDERSEA CABLES AND CONDUCT EXERCISES THAT TEST NATO PREPAREDNESS FOR SEVERE COMPROMISE OF UNDERSEA CABLE SYSTEMS.

Greater U.S.-Europe cooperation on the security threats presented by the growth of Chinese undersea cable builders and operators in the international market is crucial. Europe remains focused on the military threat from Russia, and justifiably so. However, like other areas of transatlantic cooperation originally motivated by the Russia threat, collaborative efforts can also become valuable tools for addressing the threat from China. Both sides of the Atlantic now are far more focused on undersea infrastructure than in years past, but that focus has only yielded discussions and limited concrete cooperation with respect to China.

The Baltic and North Seas have seen a sharp uptick in suspicious incidents that damaged undersea infrastructure. For example, the Nord Stream 2 pipeline was sabotaged in September 2022. The Baltic connector pipeline and two undersea cables were damaged in October 2023, by a vessel owned by a Chinese subsidiary of a Russian firm.⁵²⁵ These and other incidents helped kick-start a series of announcements from European capitals about the need to secure undersea infrastructure, including cables. In 2022, EC President von der Leyen identified undersea cables as a priority in her five-point plan for resilient critical infrastructure.⁵²⁶ The UK, Denmark, Belgium, Germany, Norway, and the Netherlands signed an agreement in April 2024 to cooperate on undersea infrastructure protection in the North Sea.⁵²⁷ The UK is commissioning two new multi-purpose ships to monitor cables and other infrastructure, France is reportedly increasing its own security measures, and the Italian Navy and submarine cable firm Sparkle signed a deal for joint patrols of cables.⁵²⁸

U.S. policy also is concerned by the risk of untrusted Chinese companies in the subsea

cable market. Efforts have focused chiefly on the Indo-Pacific – a market where China’s HMN Technologies Company (HMN Tech), is growing. For example, HMN Tech monopolizes cable construction in the international waters in the South China Sea claimed by China. Strong U.S., European, and Japanese players in the industry put the United States and its allies in a good position to back alternatives to HMN Tech.⁵²⁹ U.S. government support and diplomacy with key governments, like India, enabled U.S. firm SubCom to build the Sea-Me-We 6, which connects Europe to Southeast Asia via the Middle East.⁵³⁰ The State Department and other agencies have started various capacity building programs on the importance of using trusted vendors in subsea cable architecture.⁵³¹ In May 2023, the leaders of the United States, Japan, Australia, and India formed the Quad Partnership for Cable Connectivity and Resilience.⁵³² The United States also added HMN Tech, and several other business units within Hengtong Group (HMN Tech’s parent company), to the Commerce Department’s Entity List.⁵³³ Finally, the United States is implementing a Cable Security Fleet program to “maintain a U.S. presence in the international submarine cable services market.”⁵³⁴

These U.S. and European initiatives are occurring in parallel, but the two sides are also pursuing joint initiatives. For example, NATO launched the Critical Undersea Infrastructure Coordination Cell in 2023.⁵³⁵ The cell intends to bring military and civilian government officials together with industry to “share best practices, leverage innovate [sic] technologies and boost the security of allied undersea infrastructure.”⁵³⁶ The group will also focus on intelligence and information sharing, and increase patrols in areas such as the North and Baltic Seas.⁵³⁷ In addition, NATO announced a new Maritime

Centre for the Security of Critical Underwater Infrastructure within its Allied Maritime Command at its 2023 summit.⁵³⁸

Unfortunately, the U.S.-EU TTC has delivered no concrete results on subsea cables. In its December 2022 joint statement, both sides “welcome[d] projects” on subsea cables, and emphasized supply chain diversification of routes to connect Europe, North America, and Asia.⁵³⁹ The May 2023 statement only added U.S.-EU intent to “advance cooperation” on trusted vendors.⁵⁴⁰ Instead, actual cooperation is occurring via the normal activities of private sector players, and the EU is prioritizing a Black Sea fiber-optic cable to reduce dependence on Russia.⁵⁴¹

Over the next five years, industry players on both sides of the Atlantic have strong prospects for growing their market share while HMN Tech lags.⁵⁴² However, these companies also compete directly, which can complicate governments’ ability to support joint cooperation. An EU-supported Arctic cable project was pulled back as a TTC deliverable because a U.S.-backed cable built by a different company followed a similar route.⁵⁴³

Even more challenging, European countries still cooperate with HMN Tech and other Chinese vendors. French telecommunications giant Orange S.A. is a consortium member of the PEACE Cable – HMN Tech’s first long-haul cable.⁵⁴⁴ Orange is also a consortium member of U.S.-built Sea-Me-We 6, but has now signed onto a rival cable built by HMN Tech.⁵⁴⁵ Cable installation and maintenance provider Sino-British Submarine Systems (SBSS), headquartered in Shanghai, is a reminder of the ongoing linkages between the UK and China’s telecommunications industries. One of SBSS’s main shareholders, Global Marine, is the same UK partner in the joint venture of what eventually became HMN Tech.⁵⁴⁶ To better cooperate, U.S. and European governments must set guidelines that balance national security and commercial interests.

Score

On execution of recommendation 5.6, the Biden-Harris Administration scores a 2. On coordination, the administration also scores a 2.

Next Steps

- Improve coordination and information-sharing, develop best practices, and establish new operational frameworks for defending subsea critical infrastructure.** A focus on trusted vendors alone is not sufficient, given recent examples of adversaries damaging or tampering with undersea infrastructure. These incidents exposed the vulnerability of infrastructure and highlight a dangerous gap in U.S. and European policies, capabilities, and cooperative mechanisms to deal with this challenge.
- Address vulnerabilities in non-construction pieces of cable supply chains.** Use of untrusted vendors like SBSS for cable systems services can introduce risks and vulnerabilities. The United States should partner with European countries that are hubs for cable routes to identify trusted companies. The United States created a fleet of ships to conduct routine maintenance and address emergency repairs, rather than relying on foreign providers.⁵⁴⁷ This should be expanded to work with European partners.
- Pursue greater policy alignment on U.S. and European business collaboration with cable construction firms like HMN Tech.** Because most cables are built by consortia, it is not possible or desirable to ban all cooperation with Chinese firms. However, the United States and Europe

should agree on parameters around joint ventures or technology sharing agreements. NATO should play an active role in this to establish standards for its members. A UK company helped create HMN Tech, which now competes unfairly with U.S. and allied companies. Governments should prevent such a recurrence in the future.

ADDRESSING THE IMPLICATIONS OF CHINA'S STRATEGIC INVESTMENTS		
2020 Report Recommendations	Execution score (0-3)	Coordination score (0-3)
Rec 5.1: Investment screening	2	3
Rec 5.2: Power and electrical grids	1	2
Rec 5.3: China's environmental mismanagement	0	1
Rec 5.4: Port mapping	2	2
Rec 5.5: Cyber and data security in ports	2	2
Rec 5.6: Undersea cables	2	2
TOTALS	9 (out of 18 possible points)	12 (out of 18 possible points)
SCORE AVERAGE: 10.5 11		OVERALL GRADE: C



CHAPTER 6: GROWING U.S.-EUROPE COOPERATION IN AFRICA

RECOMMENDATION 6.1: REFRAME THE “TRANSATLANTIC RELATIONSHIP” TO INCLUDE AFRICAN PARTNERS BY ESTABLISHING A DIALOGUE ON TRADE, SECURITY, DEVELOPMENT, AND ENVIRONMENTAL ISSUES OF MUTUAL INTEREST.

In August 2022, the Biden Administration released its Africa Strategy, which called for a 21st Century U.S.-African partnership that “transcend[s] geographic seams... [by] deepen[ing] cooperation with other coastal Atlantic countries across Africa, Europe, and the Western Hemisphere.”⁵⁴⁸ That ambition aligned with recommendations in the 2020 edition of this report but, since its release, the policy has succumbed to a familiar theme: plenty of rhetoric with little, if any, meaningful follow through.

The U.S. Africa Strategy is inconsistently and poorly coordinated with our European partners. Indeed, the United States often lags European and Chinese trade, security, and development initiatives on the continent. The first U.S.-Africa Leaders Summit (ALS) occurred in 2014, under President Barack Obama, with a nearly decade-long pause until the second one in 2022. In contrast, China, Russia, and several European countries hold regular summits with African leaders. The Forum on China-Africa Cooperation, held triennially since 2000, alternates between Beijing and an African

venue. The European Union (EU) and African Union (AU) have held six summits since 2000, and Russia hosted its first and second Africa summits in 2019 and 2023, respectively. Japan’s Tokyo International Conference on African Development has met regularly since 1993, with the most recent summit held in 2022.

During his first visit to Africa in November 2021, Secretary of State Antony Blinken announced President Biden’s intent to host an ALS “to drive the kind of high-level diplomacy and engagement that can transform relationships and make effective cooperation possible.”⁵⁴⁹ A bipartisan U.S. Senate resolution supported a “well-organized and resourced second U.S.-Africa Leaders Summit” with significant participation from Congress, American and African civil society, business communities, diaspora, educational institutions, and European partners as observers.⁵⁵⁰

The second ALS in Washington, D.C., held in late December 2022, included delegations from 49 African countries and the AU. The summit covered trade, economic ties, global health, food security, democracy, peace and

security, and climate.⁵⁵¹ However, holding the ALS in December underscored the administration's failure to prioritize it, rushing to fulfill the president's pledge before year's end. The administration made several announcements at ALS, including "\$55 billion to Africa over the course of the next three years, across a wide range of sectors, to tackle the core challenges of our time."⁵⁵² Secretary Blinken then appointed Ambassador Johnnie Carson as Special Presidential Representative for U.S.-Africa Leaders Summit Implementation.⁵⁵³ However, Carson's departure after a brief tenure cast doubt on the sustainability of the structures within the White House and State Department to continue organizing summits and advancing concrete deliverables.

A year later, the administration declared a "record-setting year for U.S.-African relations."⁵⁵⁴ The validity of this claim is dubious at best. The touted \$55 billion in "new" investment announced at the ALS did not represent a re-framing or re-prioritization of U.S. engagement in Africa; it was mostly funds already planned and allocated through existing programs like the President's Emergency Plan for AIDS Relief, the Millennium Challenge Corporation, the Young African Leaders Initiative, Power Africa, and Feed the Future. The administration's primary claim of post-ALS success was its "prioritization of high-level engagement," with 17 principal and cabinet-level officials visiting 22 sub-Saharan African countries.⁵⁵⁵ However, despite his earlier pledge, President Biden did not visit.⁵⁵⁶ Showing up is essential, but only if sustained and supported by serious policy and resources.

The administration's principal effort to reframe the "transatlantic relationship" is the Partnership for Atlantic Cooperation, based on the Declaration on Atlantic Cooperation and launched at the 2023 United Nations (UN) General Assembly.⁵⁵⁷ The partnership creates a multilateral forum for achieving common objectives. However, its focus is narrow: scientific collaboration and exchanging information pertinent to sustainable development and the

scientific monitoring of the Atlantic Ocean. It will "not deal with matters related to defense, security, and governance."⁵⁵⁸ Likewise, European involvement has been anemic at best.

Various challenges hinder efforts to broaden the "transatlantic relationship" to include African nations. The war in Ukraine and other geopolitical events have directed U.S.-Europe focus toward strengthening the North Atlantic Treaty Organization and European security. Significant shifts in African nations' political and security landscapes have also influenced U.S. and European policies, such as France's military exit from the Sahel after coups in Mali and Niger, the redeployment of U.S. troops to Somalia, destabilizing activities by actors like Russia's Wagner Group, Iran, and the United Arab Emirates, and significant conflicts in Ethiopia, Sudan, and the eastern Democratic Republic of the Congo (DRC). These issues complicate the development of a consensus on mutual interests among U.S., European, and African partners. However, they also indicate how important it is to have a robust strategy of engagement in Africa.

Score

On execution of recommendation 6.1, the Biden-Harris Administration scores a 2. On coordination, the administration scores a 1.

Next Steps

- **Hold the ALS on a regular basis.** The United States must hold a regular high-level summit to engage on priority issues for the United States *and* our African partners. The Department of State should institutionalize structures and processes within its Bureau of African Affairs to ensure the summit occurs consistently across presidential administrations.

- **Structure the summit to reflect U.S. values.** To more adequately reflect U.S. values, future ALS programs should include broader and more substantive participation from African and American civil society, robust congressional input, and representation from U.S. states with strong ties to African countries. This would distinguish the ALS from summits held by China and other malign actors. The United States must also make difficult but necessary decisions about which African heads of state to invite, based upon their democratic legitimacy and the U.S. relationship with their governments. In some cases, civil society, business, or other national stakeholders can more ably represent their countries.
- **Grow engagement with European partners on essential issues related to Africa and African interests.** The United States and our European partners must prioritize Africa in their bilateral and multilateral foreign policy discussions and engage substantively on African interests. They must have frank discussions when their actions undermine shared goals in Africa. Progress since 2020 has been insufficient with other pressing, though important, international issues drawing away from a consistent and long-term focus on Africa.

RECOMMENDATION 6.2: CONSIDER AN INTER-CONTINENTAL PROSPER AFRICA INITIATIVE TO PROVIDE AN ATTRACTIVE ALTERNATIVE TO CHINA THAT SPEAKS TO OUR PRINCIPLES.

Launched by the Trump Administration and continued under President Biden, Prosper Africa is supposed to foster economic growth, support U.S. investment, and create a stable business climate across Africa.⁵⁵⁹ However, the initiative remains in an early stage of operational development, even after four years. The United States needs a broader, inter-continental approach to solidify Prosper Africa and extend collaboration beyond ad hoc engagements with European partners. Without this, the administration's economic policy will remain ineffectual, and transatlantic cooperation will fail to make the impact it could. In the face of competition with China, those are not acceptable outcomes.

In fiscal year 2022, President Biden requested \$80 million for Prosper Africa, followed by \$100 million in each of the following fiscal years 2023 and 2024.⁵⁶⁰ Still, the initiative remains focused on establishing its administrative framework in Washington, D.C. and at select U.S. missions in Africa. This work involves coordinating 17 interagency partners, staffing, identifying priority sectors and countries, and formulating strategies. In mid-2023, the administration began creating coordination and technical infrastructure in Africa, and conducting "pilot missions" in Kenya, Morocco, Nigeria, and South Africa. These efforts, however, have produced limited progress. Prosper Africa, in its current state, is an inconsistently applied coordinating mechanism that is ill-suited to catalyze increased U.S.-Africa two-way trade and investment.

The announcement of British Robinson as the administration's new coordinator for Prosper Africa may signify a recalibration of the initiative's direction.⁵⁶¹ As articulated by the U.S. Agency for International Development (USAID), which leads Prosper Africa, Robinson's mandate is to align the

initiative with U.S. national security priorities and assemble a team with more extensive expertise in trade and investment. In order to achieve success, it is crucial that Prosper Africa maintains transparency within the interagency and with Congress about how it advances its dual objectives of countering China in Africa and advancing U.S. investment priorities. It is too early to evaluate whether this recalibration of the initiative's direction produces success and lends more coherency to Prosper Africa.

Moreover, the administration has not established an intercontinental initiative that presents a competitive alternative to China and upholds free market principles. Such an initiative should foster a resilient African business environment that can resist predatory and corrupt practices. Currently, most U.S. and European collaboration on investment opportunities occurs on a deal-by-deal basis through ad hoc engagement or joint sponsorship of conferences.⁵⁶² The United States and Europe lack consensus on the need to adopt a more coordinated approach toward competing with China in Africa, including on economic and trade engagement, that would position U.S. and European countries and firms as alternatives to China.

Score

On execution of recommendation 6.2, the Biden-Harris Administration scores a 1. On coordination, the administration also scores a 1.

Next Steps

- **Continue efforts to codify Prosper Africa into law and reauthorize the African Growth and Opportunity Act (AGOA).** The Senate Foreign

Relations Committee and House Foreign Affairs Committee have tried but have yet to codify Prosper Africa in U.S. law.⁵⁶³ Congress must pass such legislation to ensure Prosper Africa is maintained across administrations and adequately resourced. AGOA reauthorization enjoys bipartisan and bicameral support, with some critical adjustments. Congress must work to reauthorize AGOA before its expiration in 2025.

- **Bolster U.S. efforts to engage in meaningful trade relationships with African countries.** AGOA and Prosper Africa are essential but do not constitute a sufficient U.S. commitment to trade and investment with Africa. If the United States is serious about developing meaningful trade relationships with Africa, it must begin to negotiate and conclude free trade agreements with African partners and advance an intercontinental initiative that can serve as viable alternatives to China's economic offerings. Such agreements create sufficient buy-in for the critical reforms needed to advance significant trade between the United States and Africa.
- **Create a formal mechanism for partnering with Europe on investment opportunities in Africa.** African partners prefer American and European investors. Transatlantic coordination on trade and investment opportunities cannot continue to be ad hoc, deal-by-deal, or country-by-country. A serious transatlantic approach to economic competition with China on the African continent requires the creation of the infrastructure to do so systematically.

RECOMMENDATION 6.3: EXPAND ASSISTANCE PROGRAMS THAT BUILD DEMOCRATIC INSTITUTIONS, FIGHT CORRUPTION, INCREASE GOVERNMENT ACCOUNTABILITY, GROW AMERICAN AND EUROPEAN INVESTMENT IN AFRICA, AND PUSH BACK ON CORRUPT PRACTICES BY CHINESE FIRMS.

The Biden Administration asserts that it prioritizes “a foreign policy that unites our democratic values with our diplomatic leadership, and one that is centered on the defense of democracy and the protection of human rights.”⁵⁶⁴ On the surface, it appears committed to promoting these values in Africa. However, a closer examination reveals that its commitment is rhetorical, particularly given its responses to coups, questionable elections, and an inconsistent track record of countering corruption. U.S.-Europe cooperation on democracy and anti-corruption efforts is almost non-existent.

The administration’s Africa Strategy is intended to address growing challenges

to democratic institutions and provide opportunities to push back on malign actors like China and Russia. There is strong popular support for democracy in Africa and serious programs should be welcomed.⁵⁶⁵ Consistent with the strategy, President Biden’s budget requests for fiscal years 2022, 2023, and 2024 appear to reflect increased prioritization of funding for democracy and governance programs in Africa, with a 53 percent increase requested in 2024 over the previous year.⁵⁶⁶ This increase supports various countries and the administration’s new African Democratic and Political Transitions Program.⁵⁶⁷

PRESIDENT BIDEN'S BUDGET REQUEST			
Democracy and Governance – Africa (in thousands)			
FY22 Request	FY22 Initial Actual	FY23 Request	FY24 Request
\$251,315	\$270,525	\$284,926	\$436,263

Source: The White House

Recent high-level statements by the Biden Administration and increased funding come amid alarming trends for democracy in Sub-Saharan Africa. Since President Biden took office, seven countries have experienced military coups: Chad, Mali, Guinea, and Sudan in 2021; Burkina Faso – twice – in 2022; and Niger and Gabon in 2023. Significant irregularities marred elections in Zimbabwe, Sierra Leone, Nigeria, Kenya, and Ethiopia. Despite substantial U.S. assistance, Somalia failed to deliver promised one-person-one-vote elections in May 2022, again opting for a corrupt, clan-based selection

process.⁵⁶⁸ Additionally, Sudan’s civilian-led transition, celebrated after the 2019 ouster of President Omar al-Bashir, tragically descended into civil war in April 2023, following the military’s seizure of power in October 2021.

In the face of such turmoil, the Biden Administration’s actions stand in stark contrast to its proclaimed commitment to democracy. Rather than making democracy central to its foreign policy on the continent, the administration often has chosen the diplomatic path of least resistance. It has prioritized maintaining relationships with

those in power and other short-term interests over supporting the democratic aspirations of citizens and upholding fundamental freedoms. This approach is evident in the administration's muted responses to military coups, inconsistent support for free and fair elections and vital political actors, and a tendency to overlook human rights abuses when speaking out is politically inconvenient. This pattern of behavior undermines the credibility of the United States as a champion of democracy and signals to authoritarian regimes that rhetoric, not action, defines U.S. foreign policy.

More specifically, democracy and governance programs funded by USAID predominantly focus on civic engagement initiatives implemented by civil society organizations (CSOs), often overlooking complex institutions like political parties, which can either strengthen democratic processes or contribute to their decline. USAID programs typically target large, established CSOs based in capital cities and with a history of U.S. funding, reinforcing a pattern that benefits elite actors over innovative grassroots initiatives. For example, U.S. assistance for democratically oriented political parties in Nigeria and Zimbabwe is conspicuously absent. Nigeria's low-quality elections have led election observers to identify political parties as the "weakest link" in the country's democratic process.⁵⁶⁹ In Zimbabwe, opposition parties face legal action and organizational disruption by the regime. Lack of support for such political actors undermines the effectiveness of U.S. democracy promotion efforts in these regions.

The administration's response to coups has been inconsistent. It quickly labeled military takeovers in Gabon, Guinea, and Sudan as coups but did not recognize Chad's situation as a coup. It took the administration nearly three months to acknowledge the military takeover in Niger. In Sudan, the administration failed to make full use of the \$700 million in Economic Support Funds that Congress had allocated for the civilian-led transition before the 2021 military

coup. Today, the administration's Sudan policy prioritizes coup leaders and belligerents over the democratic aspirations of the Sudanese people to secure short-term interests in "stability," thereby undermining civilian voices committed to building a civilian-led democracy.

After Nigeria's flawed February 2023 elections, the administration congratulated the president-elect and all Nigerians on "a new era for Nigeria's democracy," again putting perceived stability ahead of democratic integrity.⁵⁷⁰ Similarly, U.S. support for President Felix Tshisekedi's re-election in the DRC ignored electoral irregularities.⁵⁷¹ In Somalia, the administration criticized the Somaliland region for delayed elections while overlooking comparable failures and corruption by the federal government of Mogadishu. USAID assistance in Somalia should also support Somaliland's democratic progress, despite the administration's contradictory 'Single Somalia Policy.' This pattern suggests prioritizing short-term interests over genuine democratic consolidation, which ultimately undermines U.S. security interests.

U.S.-Europe coordination on democracy in Africa is inconsistent, and the two sides sometimes work at cross-purposes. The French withdrawal from the Sahel has disrupted coordination efforts in that region. The United States, the United Kingdom (UK), and Norway formed a grouping to support the democratic aspirations of Sudanese and South Sudanese citizens. However, failed talks at Jeddah led by the United States and Saudi Arabia after the start of the 2023 Sudanese conflict initially excluded vital international partners, including the Europeans, the UN, and the AU/ Intergovernmental Authority on Development.⁵⁷² European actions to continue or restart multilateral lending often undermine U.S. policy in Ethiopia and Zimbabwe. This disjointed approach weakens the effectiveness of democracy promotion on the continent.

With respect to corruption, President Biden's National Security Study Memorandum-1 (June 2021) and the subsequent U.S. Strategy

on Countering Corruption (December 2021) identified corruption as a national security threat.⁵⁷³ However, the administration is ignoring corruption's impact in Africa and China's role in exacerbating it. Significant gaps remain in implementing the corruption strategy's pillars in Africa, particularly holding corrupt

actors accountable and leveraging diplomatic and foreign assistance resources.⁵⁷⁴ The following table details individuals and entities designated by the Treasury Department's Office of Foreign Assets Control for corruption between December 1, 2020, and September 30, 2023.⁵⁷⁵

NAME	COUNTRY	SANCTIONS REGIME	DATE SANCTIONED	NOTES/REASON
Harry Varney Gboto-Nambi Sherman	Liberia	GLOMAG	12/9/2020	Corruption
Leopoldino Fragoso do Nascimento	Angola	GLOMAG	12/9/2021	Corruption
Baia Consulting Limited	Angola	GLOMAG	12/9/2021	Corruption
Luisa De Fatima Giovetty	Angola	GLOMAG	12/9/2021	Corruption
Prince Yormie Johnson	Angola	GLOMAG	12/9/2021	Linked to Baia Consulting Limited - Corruption
Manuel Helder Vieira Dias	Liberia	GLOMAG	12/9/2021	Corruption
Arc Resources Corporation Ltd.	Angola	GLOMAG	12/9/2021	Corruption
Cochan S.A.	South Sudan	GLOMAG	12/9/2021	Linked to Benjamin Bol Mel - Corruption
Geni Novas Tecnologias S.A.	Angola	GLOMAG	12/9/2021	Linked to Leopoldino Fragoso do Nascimento - Corruption
Geni Sarl	Angola	GLOMAG	12/9/2021	Linked to Leopoldino Fragoso do Nascimento - Corruption

Winners Construction Company Limited	Angola	GLOMAG	12/9/2021	Linked to Leopoldino Fragoso do Nascimento - Corruption
Alain Mukonda	South Sudan	GLOMAG	12/9/2021	Linked to Benjamin Bol Mel - Corruption
Kintaleg Limited	DRC	GLOMAG	12/6/2021	Connection to Dan Gertler
Ventora Global Services	Gibraltar	GLOMAG	12/6/2021	Owned or controlled by Mukonda
Ventora Mining S.A.S.U	DRC	GLOMAG	12/6/2021	Owned or controlled by Mukonda
Ashdale Settlement Gerco Sas	DRC	GLOMAG	12/6/2021	Owned or controlled by Mukonda
Opera	DRC	GLOMAG	12/6/2021	Owned or controlled by Ashdale Settlement Gerco SAS
Palatina Sarlu	DRC	GLOMAG	12/6/2021	Owned or controlled by Ashdale Settlement Gerco SAS
Gemini S.A.S.U.	DRC	GLOMAG	12/6/2021	Owned or controlled by Opera
Kaltona Limited Sasu	DRC	GLOMAG	12/6/2021	Owned or controlled by Gemini S.A.S.U
Multree Limited Sasu	DRC	GLOMAG	12/6/2021	Owned or controlled by Gemini S.A.S.U
Woodford Enterprises Limited Sasu	DRC	GLOMAG	12/6/2021	Owned or controlled by Gemini S.A.S.U
Rosehill Drc Sasu	DRC	GLOMAG	12/6/2021	Owned or controlled by Woodford Enterprises Limited SASU

Woodhaven Drc Sasu	DRC	GLOMAG	12/6/2021	Owned or controlled by Rosehill DRC SASU
Sayma Syrenius Cephus	Liberia	GLOMAG	8/15/2022	Corruption
Nathaniel McGill	Liberia	GLOMAG	8/15/2022	Corruption
Bill Twehway	Liberia	GLOMAG	8/15/2022	Corruption
Karim Keita	Mali	GLOMAG	12/9/2023	Corruption
Konijane Strategic Marketing	Cote d'Ivoire	GLOMAG	12/9/2023	Linked to Karim Keita - Corruption
Obey Chimuka	Zimbabwe	Zimbabwe	12/12/2022	Linked to Fossil Contracting and Kudakwashe Regimond Tagwirei
Nqobile Magwizi	Zimbabwe	Zimbabwe	12/12/2022	Linked to Sakunda Holdings and Kudakwashe Regimond Tagwirei
Sandra Mpunga	Zimbabwe	Zimbabwe	12/12/2022	Linked to Kudakwashe Regimond Tagwirei
Fossil Agro	Zimbabwe	Zimbabwe	12/12/2022	Linked to Kudakwashe Regimond Tagwirei
Fossil Contracting	Zimbabwe	Zimbabwe	12/12/2022	Linked to Kudakwashe Regimond Tagwirei

While these sanctions are welcome, the Biden Administration's limited use of Global Magnitsky and country-specific authorities on corruption demonstrates a lack of commitment to tackling this issue in Africa. Angola, South Sudan, and Zimbabwe have high levels of corruption, often linked to China.⁵⁷⁶ The administration's sanctions in these countries

are insufficient and appear to be token efforts. For instance, the administration's targeting of Kudakwashe Tagwirei and entities linked to him under the Zimbabwe Sanctions Program failed to address broader systemic corruption.⁵⁷⁷ Corruption in South Sudan, especially in the oil sector that is heavily influenced by China, remains unaddressed.⁵⁷⁸ Reports from 2019

indicate that a Chinese state-owned oil company, leading the largest oil consortium, provided “support to a pro-government militia that went on to commit atrocities.”⁵⁷⁹ Moreover, while U.S. efforts to hold accountable corrupt actors in Africa are insufficient, U.S. efforts to coordinate with European partners in this fight are basically non-existent. The EU, the UK, or the UN have not sanctioned individuals and entities sanctioned by the United States. Coordination, where it does exist, is ad hoc and country-specific.

Other Biden Administration initiatives, such as the Lobito Corridor, undermine its anti-corruption efforts.⁵⁸⁰ The corridor, a signature G7 Partnership for Global Infrastructure and Investment project that also involves the EU, is intended to counter China’s economic influence in Africa and “support a transparent and developed critical minerals sector.”⁵⁸¹ However, the project risks enabling corrupt actors and fails to address systemic corruption and the risky business environment in the countries along the corridor. Amos Hochstein, Deputy Assistant to the President for Energy and Investment, spearheads this effort and is pushing for sanctions relief for Dan Gertler, an Israeli businessman sanctioned in 2017, for corrupt mining deals.⁵⁸² Human Rights Watch and other organizations warned in a March 2023 letter to Secretary of State Antony Blinken and Secretary of the Treasury Janet Yellen that sanctions relief for Gertler would “further expose U.S. companies and the U.S. financial system to the risk of foreign corruption.”⁵⁸³ Countering China by enabling other corrupt actors contradicts U.S. principles and undermines U.S. credibility.

A final example of the administration’s failure to uphold its stated commitment to combatting corruption in Africa can be found in its implementation of AGOA. AGOA, a U.S. trade preferences program for Africa, requires eligible countries “to combat corruption.”⁵⁸⁴ However, some of the most corrupt African countries, as identified by the Global Corruption Index and Transparency

International, remain eligible, including Chad, the DRC, and Nigeria.⁵⁸⁵ South Africa also is still eligible, despite a Judicial Commission revealing widespread corruption at the highest levels of government.⁵⁸⁶ The administration’s inconsistent application of eligibility criteria highlights its rhetorical, rather than practical, approach to combatting corruption and supporting democratic principles, including good governance.

Score

On execution of recommendation 6.3, the Biden-Harris Administration scores a 1. On coordination, the administration scores a 0.

Next Steps

- **Support democratic institutions and accountability measures with consistency.** To rebuild trust and confidence, the United States must address frustrations with its uneven approach toward supporting democracy and good governance and combatting corruption in Africa. U.S. strategy should counter China’s malign influence while proving U.S. commitment to these principles is more than rhetoric.
- **Work with European partners.** The United States must advance democracy with European allies, especially considering France’s role in Francophone West and Central Africa. The United States must amend actions that undermine partner efforts to advance democratic transitions, as seen in the U.S. exclusion of Europe partners during the Jeddah process for Sudan.
- **Develop a U.S.-Europe anti-corruption strategy.** A U.S.-Europe strategy should identify priority countries and sectors, improve

coordination, and leverage comparative advantages. These efforts must address China's contributions to corrupt activity in Africa.

- **Increase sanctions and accountability mechanisms.** Corruption undermines U.S. security, harms democracy, and inhibits investment. Consistent application of sanctions and accountability measures is vital to preventing corrupt individuals and entities from exploiting international financial systems. Coordination with Europe is crucial for effectiveness.

RECOMMENDATION 6.4: COME TO CONSENSUS ON HOW TO ENGAGE CHINA IN SUB-SAHARAN AFRICA.

The United States and Europe lack consensus on engaging China in Sub-Saharan Africa, reflecting differing strategic focuses, insufficient prioritization of Africa in transatlantic dialogues, and conflicting approaches toward addressing Chinese actions. Aligning efforts would optimize resources, enhance geopolitical stability, and uphold shared democratic values. The United States should broaden its focus beyond great power competition, while Europe must address China's disruptive role without letting singular issues like migration dominate its Africa agenda. Despite some progress, both sides appear to be stuck in the dialogue and planning phase. The United States and Europe must urgently develop a cohesive approach to counter China's influence, support African autonomy, and enable long-term development on the sub-continent.

The Biden Administration's Africa Strategy moves the United States closer to a comprehensive approach to Africa, at least on paper, by articulating a positive and affirmative vision for U.S. political, economic, and other engagement on the continent.⁵⁸⁷ Unfortunately, as other sections in this report show, the administration's execution of the strategy's objectives is wanting. Notably, the Biden strategy document only makes one direct reference to China:

*The People's Republic of China (PRC), by contrast, sees the region as an important arena to challenge the rules-based international order, advance its own narrow commercial and geopolitical interests, undermine transparency and openness, and weaken U.S. relations with African peoples and governments.*⁵⁸⁸

The EU's strategy for Africa overlaps, somewhat, with U.S. objectives but diverges in critical areas. In February 2022, the EU and AU endorsed "A Joint Vision for 2030," emphasizing a "renewed partnership" with investments in a

"prosperous and sustainable Africa and Europe" and an "enhanced and reciprocal partnership on migration and mobility."⁵⁸⁹ The vision targets European priorities of reducing migration from Africa to Europe and facilitating trade, while also addressing African leaders' criticisms of the one-sided nature of existing relations.⁵⁹⁰ Unlike the United States, which views China's presence in Africa as a strategic and security threat, Europe focuses on economic cooperation and development, leveraging historical ties and favoring engagement and multilateralism over competition.

U.S. and European coordination on countering China's influence in Africa is improving, marginally. The Biden Administration engages with European partners on African issues more frequently than prior administrations. Still, there is no transatlantic consensus on the extent to which China represents a threat in Africa. The EU prefers a non-punitive approach toward countering China and instead focuses on coordinated initiatives, including with the United States.⁵⁹¹ That said, U.S. officials are noticing a hardening European views towards China. As the United States shifts toward a more positive vision for Africa, and Europeans accept that China is a malign actor in Africa, opportunities for greater strategic alignment could emerge.

U.S. officials also report increased U.S.-Europe coordination to counter disinformation, enhance capacity building, and advance infrastructure development in Africa. Coordination on demarches and efforts within the UN Human Rights Council are also growing. European embassies in Washington more frequently engage Congress and the administration in developing China-related strategies. Despite this progress, Africa remains a low priority compared to other China-related policy matters. Public statements following the fifth U.S.-EU Dialogue on China in June

2023 did not mention Africa. The October 2023 U.S.-EU Summit joint statement only briefly addressed the Lobito Corridor, expressed a “common interest in a thriving, peaceful, democratic, and resilient Africa,” welcomed the AU’s accession to permanent G20 membership, and committed to working together on security challenges in the Sahel.⁵⁹² This lack of prioritization undermines efforts to counter China’s influence, leading to disjointed and underwhelming actions on the continent.

The United States and Europe must urgently align their strategies to engage partners in Sub-Saharan Africa on the threat China poses to shared values and interests. By prioritizing Africa in transatlantic dialogues, optimizing resources, and addressing China’s disruptive role in Africa’s security and development, the United States and Europe can help promote stability, democracy, and economic growth in the region.

Score

On execution of recommendation 6.4, the Biden-Harris Administration scores a 1. On coordination, it scores a 1.

Next Steps

- **Develop a strategy to counter China and Russia’s influence in the UN Security Council (UNSC).** The United States and Europe must better engage the three rotating African UNSC members (the A3) as equal partners. A3 alignment with China and Russia often obstructs peacekeeping mandates and other critical missions. A unified U.S.-Europe approach to the A3 can help reduce their manipulation by these powers, enhancing the UNSC’s ability to maintain peace and stability in Africa.
- **Prioritize Africa in U.S.-Europe diplomatic engagements.** That

must include elevation of diplomatic discussions about China’s role in Africa beyond the working level. To counter China in Africa, U.S.-Europe engagements should focus on proactive collaborations with African countries, rather than only engaging to punish those who do business with China, often without attractive alternatives from the West. Highlighting positive contributions and partnerships can counter China’s influence in Africa more effectively.

- **Eliminate structural barriers to coordinating sanctions, investments, and foreign assistance.** This effort requires political will and flexibility, such as adjusting environmental standards, to support investment opportunities and be more competitive against China while remaining responsive to the needs of African partners.

RECOMMENDATION 6.5: CONTINUE SUPPORTING AFRICAN PARTNERS TO COMBAT THE THREAT POSED BY VIOLENT EXTREMIST GROUPS AND ARMED CONFLICT.

Violent extremism and armed conflicts are proliferating across Africa. Military juntas in Mali, Guinea, Burkina Faso, and Niger have crippled U.S. and European counterterrorism efforts in the Sahel and West Africa.⁵⁹³ Conflicts and extremist activities, fueled by external proxies, threaten stability in the Horn of Africa and Great Lakes regions. European military withdrawals from the Sahel and inconsistent U.S. policies have further undermined counterterrorism initiatives, creating a power vacuum filled by anti-Western regimes. Russia and China continue to exploit this chaos, fueling further destabilization to the detriment of local populations and the national security interests of the United States and its allies. The administration's lack of a cohesive security strategy has left Africa vulnerable to escalating violence and external manipulation, undermining U.S. leadership in the region.

The Sahel, once a hub for U.S.-European counterterrorism coordination, now suffers from a lack of effective collaboration, further complicated by the presence of Russian troops and mercenaries. Military juntas in Mali and Burkina Faso are anti-West and pro-Russian, while Niger's junta deeply distrusts France and the Economic Community of West African States (ECOWAS).⁵⁹⁴ The end of the EU's Takuba Task Force and France's Operation Barkhane, and the closure of French diplomatic missions, have diminished European counterterrorism efforts in the Sahel.⁵⁹⁵ The United States now lacks a capable counterterrorism partner in the region, weakening the efforts of other European allies and Canada. Niger's coup has significantly disrupted U.S. regional counterterrorism operations, and the UNSC terminated the Mali UN peacekeeping mission at the Malian junta's request.⁵⁹⁶ The U.S. administration's failure to

prioritize, adapt, and lead in the Sahel has added to the chaos, devastating local populations and severely compromising regional security and the fight against transnational terrorist threats.

The administration's approach to conflict in East Africa and the Horn is ineffective and poorly coordinated with African and European partners. In Sudan, the United States engaged in fruitless dialogues with the conflict's aggressors and their proxies in Saudi Arabia, excluding European allies, African regional representatives, and the UN. Despite criticism from Congress, the administration delayed naming an ambassador to Sudan for 13 months and appointed Tom Perriello as a temporary special envoy *10 months* into the conflict and *two years* after his predecessor's retirement.⁵⁹⁷ These extended vacancies undermined U.S.-Europe cooperation, as well as U.S. leadership, during Sudan's transition and the subsequent outbreak of war.

Similarly, the administration's handling of the 2020-2022 civil war in northern Ethiopia, especially in the Tigray region, was marked by significant failures. Despite repeated calls by Congress for decisive leadership, the administration failed to use tools at its disposal to help secure humanitarian access, a sustainable ceasefire, or accountability for widespread atrocities. Its response to well-documented atrocities remained inadequate, even after the conflict ended. It took four months after the 2022 Cessation of Hostilities Agreement for Secretary Blinken to finally address atrocities officially, and efforts to hold high-level Ethiopian officials accountable remain feckless.⁵⁹⁸

Coordination with European partners in Ethiopia was slightly better than in Sudan, but still inconsistent. While the United States, EU, and Finland aligned around efforts to bring the factions to the table and restore humanitarian

access, France prioritized its economic ties with Ethiopia over exerting necessary pressure. Italy and Spain also failed to support efforts to end the war, cease atrocities, and unblock humanitarian access. This inconsistency underscores the administration's lack of decisive leadership and an effective strategy in Ethiopia.

France's prioritization of its commercial interests over security and human rights influenced U.S. actions at international financial institutions (IFIs). In June 2021, the Treasury Department notified Congress of Ethiopia's gross violations of internationally-recognized human rights, requiring U.S. opposition to any IFI assistance to Ethiopia.⁵⁹⁹ By June 2023, Treasury reversed its position, citing European views as one factor in restarting assistance.⁶⁰⁰ This lifting of restrictions, partially motivated by fear of being left behind by European partners at IFIs, undermined U.S. atrocity determinations and proved hasty, given the abuses still occurring in several regions of Ethiopia today.

U.S.-Europe coordination at the UN also produced mixed results. Efforts to include Ethiopia on the agenda at the UNSC and issue statements about the deplorable humanitarian and human rights conditions on the ground faced opposition from China, Russia, India, and the A3. The UNSC finally discussed the Tigray conflict in closed meetings in July 2021, nearly eight months into the conflict.⁶⁰¹ Shortly after, the United States and UK, supported by France, Estonia, and Norway, succeeded in holding an open meeting on "peace and security in Africa" to discuss the conflict.⁶⁰² Still, the delayed and tepid response to the conflict underscores the dysfunction at the UNSC and the administration's failure to partner with European nations to lead with urgency and conviction on critical human rights and humanitarian crises.

In December 2021, the United States and Europe cooperated to establish the International Commission of Human Rights Experts on Ethiopia (ICHREE) within the UN Human Rights Council "to conduct a thorough and impartial investigation" into violations by

"all parties to the conflict."⁶⁰³ Despite initial coordination to renew ICHREE's mandate in 2022, the United States and EU allowed it to expire in 2023, following the signing of the Cessation of Hostilities Agreement. The administration ignored credible evidence of continued abuses, as the State Department and EU officials prioritized resuming normal relations with the Ethiopian government.⁶⁰⁴ This abandonment of ICHREE's mandate reveals, once again, the administration's alarming willingness to overlook ongoing abuses in favor of diplomatic expediency.

In May 2022, President Biden reversed President Trump's 2020 withdrawal of U.S. troops from Somalia, redeploying roughly 500 U.S. troops to conduct on-the-ground counterterrorism operations that coincided with Somali President Hassan Sheikh Muhammad's inauguration and the launch of Operation Black Lion against al-Shabaab in August 2022.⁶⁰⁵ Initially effective, the operation's success dwindled by mid-2023 due to "overly ambitious timelines for the offensive; donor fatigue and lukewarm regional support; logistical and holding challenges; political infighting and clan divisions; and al-Shabaab's ability to stall progress."⁶⁰⁶

Despite the Federal Government of Somalia's unrealistic goal to defeat al-Shabaab by the end of 2024, the Biden Administration and European partners in the UNSC embraced this timeline, aligning it with the phased drawdown of the African Union Transition Mission in Somalia (ATMIS). In September 2023, just eleven days before the deadline to withdraw 3,000 ATMIS forces, Somalia requested a three-month delay.⁶⁰⁷ Beyond ATMIS, the United States, EU, and UK have coordinated to train Somali security forces and support counterterrorism efforts. However, this fragmented and over-optimistic approach is indicative of the administration's failure to lead effectively and address the complex challenges in Somalia.

These crises are just a few among many other conflicts in Africa, including the state of emergency in Eastern DRC, post-conflict transitions in South Sudan and the Central African Republic, the Anglophone crisis in Cameroon, the Boko Haram insurgency in Nigeria, and potential regional conflict in the Great Lakes Region. African partners face the challenge of traditional government partners acting as belligerents, as seen in Ethiopia and Sudan. Shifting alliances and coups have rendered regional institutions ineffective in combatting violent extremism. Meanwhile, the United States and European partners lack a unified vision for addressing these conflicts, and European decision-making is often influenced by business interests and colonial legacies.

The administration's efforts to combat violent extremist groups and curb armed conflicts in Sub-Saharan Africa have shown minimal progress, especially in coordination with European allies. The deterioration of counterterrorism efforts in the Sahel, exacerbated by military coups and growing anti-Western sentiment, highlights severe flaws in the administration's strategy. Inconsistent U.S. policies and misplaced priorities have weakened U.S. leadership, creating a power vacuum exploited by Russia and China, further destabilizing the region, and compromising regional stability and U.S. and European security interests.

Score

On execution of recommendation 6.5, the Biden-Harris Administration scores a 1. On coordination, the administration also scores a 1.

Next Steps

- **Realign counterterrorism efforts in the Sahel.** The United States should collaborate with European and African partners to fill the void left by France. With Germany, Italy, and

Spain adopting a proactive stance, U.S. leadership is crucial to drive increased collaboration.

- **Unify efforts to resolve the Sudan conflict.** The United States must lead formal negotiations with European, African, Gulf, and multilateral actors to resolve this conflict. European and African countries are seeking U.S. leadership and must be active participants in these efforts to share the burden of restoring stability and peace in Sudan.
- **Coordinate approaches to IFI assistance.** The United States must be more outspoken at IFIs and more willing to vote “no” on assistance when it does not serve U.S. policy priorities concerning a particular country. The United States should also integrate coordination with European partners on IFI assistance into a comprehensive intervention strategy that also includes UN peacekeeping mandates, humanitarian aid, and other multilateral votes.
- **Engage proactively with African multilateral institutions.** The United States must engage the AU, the A3, and regional multilaterals, including ECOWAS. Additionally, the United States should work directly with the AU to mediate conflicts, protect human rights, and negotiate humanitarian access. When supporting UN financing for AU missions, the United States should insist on AU accountability for effective conflict resolution and leadership on timely interventions.

GROWING U.S.-EUROPE COOPERATION IN AFRICA		
2020 Report Recommendations	Execution score (0-3)	Coordination score (0-3)
<i>AFRICA</i>		
Rec 6.1: Reframe transatlantic relationship	2	1
Rec 6.2: Prosper Africa	1	1
Rec 6.3: Democracy and anti-corruption	1	0
Rec 6.4: Consensus on China	1	1
Rec 6.5: Violent extremist groups and armed conflicts	1	1
<i>BOTH REGIONS</i>		
Rec 8.1: Diplomatic messaging	2	1
Rec 8.2: DFI alliance	2	1
Rec 8.3: Events on human rights, democracy, and good governance	2	1
TOTALS	12 (out of a possible 24)	7 (out of a possible 24)
SCORE AVERAGE: 9.5 10		OVERALL GRADE: D



CHAPTER 7: GROWING U.S.-EUROPE COOPERATION IN THE INDO-PACIFIC

RECOMMENDATION 7.1 (INDO-PACIFIC): PUT THE INDO-PACIFIC FRONT AND CENTER IN TRANSATLANTIC DIALOGUES.

AND

RECOMMENDATION 8.1 (BOTH REGIONS): HIGHLIGHT TRANSATLANTIC COOPERATION IN AFRICA AND THE INDO-PACIFIC IN DIPLOMATIC MESSAGING.

The United States and European partners now conduct regular consultations on China and the Indo-Pacific. The formation of these dialogues is a positive step, though some exchanges occur quite irregularly. Moreover, dialogue alone is insufficient; it needs to lead to concrete deliverables on a range of issues. On Africa, the lack of a robust shared agenda further limits opportunities for joint messaging on U.S.-Europe cooperation.

At the European Union's (EU) suggestion, in 2020, the Trump Administration launched the U.S.-EU High-Level Dialogue on China, with the Biden Administration adding the U.S.-EU High-Level Consultations on the Indo-Pacific the following year. As of April 2024, the United States and EU have held six meetings on China and five meetings on the Indo-Pacific.⁶⁰⁸ The dialogues serve three useful purposes: to share information on China's behavior; provide read-outs of engagements with China and Indo-

Pacific partners; and publicize joint messages on topics like Taiwan and China's support of Russia's war in Ukraine. In general, through these dialogues and other mechanisms like the G7, the United States and Europe maintained a steady drumbeat of joint messaging on Indo-Pacific issues, such as Taiwan, Hong Kong, and economic coercion. For example, the G7 Foreign Ministers mentioned aggressive Chinese behavior toward Taiwan for the first time in their 2021 statement.⁶⁰⁹

Unfortunately, with some exceptions, like a 2023 joint U.S.-EU maritime exercise, these dialogues and statements have thus far resulted in few concrete deliverables. For instance, both sides asserted during a U.S.-EU China dialogue that China's support for Russia "would have consequences for our respective relationships with China."⁶¹⁰ Yet, the United States and EU have not taken sufficient action, on their own or jointly, against China.⁶¹¹

Even on matters where positions are clearly aligned, like human rights, these dialogues fail to advance coordination or joint actions. For example, the United States and European countries agree that Chinese goods produced with forced labor should be banned in their respective markets. However, efforts to update import rules lack coordination. In 2021, through the Uyghur Forced Labor and Prevention Act, the United States enacted a “rebuttable presumption” that goods from the Xinjiang Uyghur Autonomous Region are made with forced labor in violation of U.S. trade law, and are thus ineligible for entry into the U.S. market.⁶¹² The EU’s Forced Labor Regulation does not have a similar presumption of denial.⁶¹³ Absent U.S.-EU alignment on forced labor standards, Europe could serve as a “dumping ground” for imports that are banned from entering the United States.⁶¹⁴

U.S. exchanges with the United Kingdom (UK) on the Indo-Pacific are far less developed than U.S.-EU dialogues. The two nations held a single U.S.-UK Consultation on the Indo-Pacific in 2022.⁶¹⁵ The 2023 *Atlantic Declaration* did, however, highlight increased U.S.-UK cooperation with Southeast Asia and the Pacific Islands.⁶¹⁶ In addition, the United States and the UK are coordinating and pooling funds with several Indo-Pacific and European countries to support the Pacific Islands through the Partners of the Blue Pacific Initiative, though the initiative remains underdeveloped.⁶¹⁷

U.S.-French interactions remain important given French territories in the Pacific Islands. The U.S. Defense Department and the French Ministry of Armed Forces hold an Indo-Pacific strategic dialogue periodically, and France’s 2022 Indo-Pacific Strategy mentions cooperation with the United States in several key areas.⁶¹⁸ However, in 2022, France hosted an Indo-Pacific ministerial forum and invited representatives from all EU member states and 30 Indo-Pacific countries, but not the United States.⁶¹⁹ France’s unfortunate decision occurred a few months after Australia cancelled its procurement of

French submarines in favor of the AUKUS partnership with the United States and the UK. The EU also excluded the United States from its third Indo-Pacific forum in 2024, despite U.S. participation the year prior.⁶²⁰

In Africa, U.S.-Europe messaging has primarily focused on conflict zones, including Ethiopia, the DRC, Sudan, and Niger.⁶²¹ The United States and EU have also spoken out together against Russian paramilitary organization Wagner Group’s presence in the Central African Republic and Mali.⁶²² However, as discussed at length in the Africa section of this report, the United States and European partners held divergent policies or took differing actions at various points in many of these conflicts. As such, joint statements and messaging did not facilitate real alignment. Overall U.S.-Europe coordination on the continent is quite poor, both because of anemic U.S. leadership and unhelpful moves by European nations. Extensive joint diplomatic messaging on cooperation is not possible in the absence of a robust transatlantic agenda.

Score

On execution of recommendations 7.1 and 8.1, the Biden-Harris Administration scores a 2. On coordination, the administration scores a 1.

Next Steps

- **Have deliverables, not just consultations.** Three years ago, a transatlantic meeting focused on China or the Indo-Pacific was noteworthy and qualified as a deliverable. However, in 2024 and beyond, the United States and its partners need to inject greater ambition into these consultations and produce concrete outcomes after each meeting.
- **Increase substantive discussions about Taiwan.** U.S.-Europe messaging

about Taiwan is valuable, but the above consultations need to address specific issues that will arise should China take military action against Taiwan. Transatlantic partners should discuss how to meet key Taiwanese needs, such as civilian resilience. More importantly, the United States and Europe cannot afford to wait until military action occurs before devising a coordinated economic response to a range of Chinese aggressions, including China's use of coercive action short of war. This painful discussion needs to start now, so that transatlantic partners can act quickly and together if conflict erupts.

RECOMMENDATION 8.2 (BOTH REGIONS): PRIORITIZE FULL IMPLEMENTATION OF THE DEVELOPMENT FINANCE INSTITUTION ALLIANCE.

AND

RECOMMENDATION 7.2 (INDO-PACIFIC): ALIGN EFFORTS UNDER U.S. INDO-PACIFIC ECONOMIC STRATEGY AND THE EU-ASIA CONNECTIVITY INITIATIVE.

The U.S. International Development Finance Corporation (DFC) has increased its investments in European countries and is institutionalizing cooperation with European development finance institutions (DFIs) in several ways. This cooperation is starting to yield dividends in the form of on-the-ground projects. However, the combination of the DFC's counterproductive and self-imposed climate and other mandates, and an overemphasis in transatlantic DFI cooperation on reducing carbon emissions, undercuts real progress on the mission the DFC was created to perform.

Unfortunately, as it took office, the Biden Administration chose to use the DFC to pursue ideological priorities, such as climate change and gender equity, above the organization's foundational purposes. Nowhere is this more apparent than the DFC's 2021 decision to dramatically limit its carbon emissions, regardless of whether that served the energy and other needs of developing nations.⁶²³ It also committed to focusing at least 33 percent of its investments on climate, despite congressional efforts to keep DFC authorities flexible rather than handpicking favored sectors.⁶²⁴ These self-imposed mandates fail to foster development and growth based on the actual needs of partner countries and to provide market-based alternatives to financing by authoritarian countries. Only Russia's invasion of Ukraine and the resulting energy crisis tempered the administration's instincts. Over the last two years, the DFC has supported natural gas

projects in Poland, Moldova, and through the Three Seas Initiative.⁶²⁵ However, these projects remain exceptions.

The G7 Project for Global Infrastructure and Investment (PGI), announced in 2022, is a key plurilateral transatlantic economic initiative that employs development finance tools. The concept behind PGI – coordinating and organizing U.S. and allied government economic tools to advance relevant projects abroad – is sound. However, PGI is replete with problems and set up to fail. First, PGI inappropriately includes sector-specific mandates. Digital infrastructure is among them, but so is climate and gender. Second, the Biden Administration runs PGI out of a White House office that is unaccountable to Congress. This unorthodox architecture creates a lack of clarity. PGI may act as a shadow political commissar, directing and driving the activities of U.S. economic agencies toward political outcomes rather than established policy goals, or it may simply rebrand independent agency initiatives as PGI projects. The murky nature of PGI's role is particularly salient with respect to the DFC, which is accountable to the Secretary of State and has an independent board that justifies investments based on project viability and return on investment. The DFC continues to assert it maintains its independence from PGI pressure, but also publicly links much of its investments to the advancement of PGI goals.⁶²⁶

PGI seeks to work with G7 partners to develop economic corridors that span multiple countries and catalyze regional economic

growth. The Lobito Corridor across Zambia, the Democratic Republic of Congo, and Angola represents such an effort. The United States and the EU, along with African multilateral development banks and governments, signed an agreement to upgrade a rail line to move critical minerals for offtake and to invest in other projects along the rail line to spur economic growth.⁶²⁷ The DFC and the EU each are financing separate portions of the project. The EU's contribution is part of its Global Gateway initiative to invest €300 billion in infrastructure projects from 2021 to 2027.⁶²⁸ For the foreseeable future, all critical minerals moved by the rail line will go to China for processing, even though the project is supposed to counter China's economic influence in Africa's mining sector. Without investments in alternative processing hubs, transatlantic partners risk subsidizing Chinese manufacturing. That said, given the difficulties involved in co- and blended financing of one unified project, individual contributions to larger efforts that incorporate multiple projects could represent a good model of cooperation between DFIs and other economic agencies in the United States and Europe.⁶²⁹

PGI did not replace the DFI Alliance established in 2019, but the alliance serves more of a branding and convening function than an operational one.⁶³⁰ Seemingly separately from PGI, the United States is also signing memoranda of understanding (MOU) with Europe to coordinate development finance tools, though transatlantic partners have not executed projects under several of these MOUs. The Biden Administration is working to inject \$300 million into the Three Seas Initiative Investment Fund, which will primarily support the energy security needs of participating European countries.⁶³¹ In June 2023, the DFC and 18 European and Indo-Pacific DFIs signed an MOU to support rebuilding Ukraine.⁶³² The MOU has catalyzed more information sharing and discussions among G7 partners, but the DFC and European DFIs have yet to announce concrete projects.⁶³³ That said, the DFC, the European Bank of

Reconstruction and Development, and the International Finance Corporation did announce a joint investment in Ukraine's agricultural industry in October 2023.⁶³⁴ G7 DFIs also announced an initiative to combine financing tools to increase support for medical responses against pandemics and infectious diseases.⁶³⁵ The initiative, which is still in the early stages, has identified several concrete goals for this surge financing, but has not yet announced any specific projects.⁶³⁶

The 2020 edition of this report also recommended alignment between U.S. and EU economic strategies for the Indo-Pacific. The DFC and other U.S. economic agencies generally have closer coordination with the EU's Global Gateway initiative.⁶³⁷ With respect to the Indo-Pacific, transatlantic partners hold more consultations but actual cooperation is still nascent.⁶³⁸ Cooperation in Europe and Africa makes more sense right now in the context of Russia's war in Ukraine, European proximity to the African continent, and other factors. The United States also has a robust partnership with Australia and Japan to finance Indo-Pacific projects. However, one potential source of friction is the EU sees Global Gateway as its own geostrategic initiative, and wants to advance its own interests and image in the Indo-Pacific separate from the United States. Global Gateway emphasizes a "Team Europe" approach, while the United States, under multiple administrations, has been more open to collaborations with allies and partners.⁶³⁹ De-confliction and prioritization are their own forms of collaboration and not doing so would be a missed opportunity.

Finally, the United States, in cooperation with European and Indo-Pacific partners, formalized the Blue Dot Network (BDN), a certification regime for high quality infrastructure projects established under the Trump Administration. As of this year, the Organisation of Economic Cooperation and Development now hosts a BDN secretariat, whose seed funding from the United States and other partners will enable it to begin reviewing

projects for certification.⁶⁴⁰ The UK, Spain, Switzerland, and Türkiye all joined BDN in 2023, and Italy announced its intent to do so.⁶⁴¹ BDN partners still have more to do to operationalize this endeavor, including outreach to the private sector about using the certification and identification of firms to conduct due diligence for specific project certifications.⁶⁴²

However, as with the DFC's self-imposed mandates, BDN criteria could hinder its use. The Trump Administration originally based BDN on infrastructure principles articulated by the G7 and G20, as well as the *Equator Principles*.⁶⁴³ The G7 and G20 principles include adherence to certain additional environmental and social safeguards, such as women's economic empowerment, non-discrimination, and resilience to natural disasters, in addition to economic and financial considerations.⁶⁴⁴ However, BDN certification criteria are far stricter in areas related to climate and, to a lesser extent, gender.⁶⁴⁵ This could mean that projects with high economic or strategic impact with transparent public financing, procurement processes, and debt transparency could lose out on BDN certification because of a higher emissions profile. The private sector could be reluctant to mold its projects to BDN's overly specific standards. It is yet another example of the Biden Administration holding competition with China hostage to its climate goals.

Score

On execution of recommendations 8.2 and 7.2, the Biden-Harris Administration receives a score of 2. On coordination, the administration scores a 1.

Next Steps

- **Focus beyond climate.** Reducing carbon emissions should not be the driving force behind development finance initiatives. The DFC should reverse its self-imposed carbon mandate.

Economic need and the opportunity to provide alternatives to Chinese financing – rather than emissions – should guide transatlantic DFI cooperation.

- **Implement BDN criteria with flexibility.** The United States and BDN partners are right to promote high standards in infrastructure development. However, BDN will become a missed opportunity if the private sector opts not to use it because of overly strict criteria.

RECOMMENDATION 7.3: INCREASE COORDINATION AND COOPERATION ON MARITIME SECURITY AND FREEDOM OF NAVIGATION.

The best thing European partners can do to enhance Indo-Pacific security is posture themselves to deter further Russian aggression and defend Europe. Russia's brutal invasion of Ukraine has proven that European security is not guaranteed. Whether Europe is up to that task will become especially critical if the United States is pulled into a war in Asia. However, U.S.-European security cooperation in the Indo-Pacific still has political value, particularly as Russia-China alignment and security cooperation grows. Europe's interest in Asia – and likewise Asia's interest in Europe – demonstrates a shared aversion to hostile powers forming spheres of influence in either region. European countries are being pulled out of their comfort zones, and Indo-Pacific nations are motivated to take on a more robust role in international security issues.

U.S.-European security cooperation in the Indo-Pacific serves two specific purposes. First, it lends greater political and international support to countries like Taiwan, which face coercion and threats of war from China. Second, it shows issues like Taiwan, the South China Sea, and freedom of navigation are international security concerns, rather than China's prerogatives for managing its internal affairs. The uptick in U.S. and European joint freedom of navigation operations, training exercises, and greater North Atlantic Treaty Organization (NATO) cooperation with Indo-Pacific partners are starting to send those messages.

European presence in the Indo-Pacific is far more consistent, though not without its costs and limitations. France and the UK continue to demonstrate their global reach and long-standing presence in the Indo-Pacific. In 2021, a French submarine completed a seven-month deployment in the region, France sent two other ships on a three-month tour that included a joint exercise with the United States and Japan, and it participated in an exercise in the Indian Ocean

with its flagship aircraft carrier.⁶⁴⁶ In 2023, France led a task group in the Indian Ocean with its British counterparts as part of the naval exercise *La Perouse* with all Quad members and Canada.⁶⁴⁷

In 2021, the British Carrier Strike Group 21, alongside American and Dutch forces, completed a seven-month deployment that included sailing through the South China Sea.⁶⁴⁸ The UK now has two patrol vessels located in Singapore for “at least the next five years,” with plans to upgrade to two frigates by 2030.⁶⁴⁹ Former Prime Minister Rishi Sunak announced future deployments of British aircraft carriers in the Indo-Pacific in 2025.⁶⁵⁰ However, this ambition must be tempered by defense limitations. In the span of a week in early 2024, UK aircraft carriers twice proved unable to leave port because of mechanical issues. In one instance, mechanical issues delayed the carrier's participation in a significant NATO exercise.⁶⁵¹ Without more robust investment in defense capabilities, the UK's operational tempo in the Indo-Pacific may undermine its readiness for contingencies in Europe. These challenges highlight why every country must realize that growing instability will require increased defense spending.

Germany's presence in the Indo-Pacific is new and remains small, but it is important. In 2021, a German frigate deployment to the Indo-Pacific included participation in maritime exercises and port calls.⁶⁵² However, to avoid appearing confrontational, the German Navy also requested a port visit in Shanghai.⁶⁵³ China declined the request, but the questionable move raised early concerns about Germany's goals. Since then, the German Luftwaffe has sent aircraft to participate in 2022 regional exercises and announced another naval deployment to the region for 2024.⁶⁵⁴

Growing ties between NATO and the Indo-Pacific hold greater political value and significance in the wake of Russia's war in

Ukraine and China's increased belligerence against Taiwan. Mutual political support between European and Indo-Pacific actors helps to underscore that the fates of their regions are interlinked, given growing Russia-China alignment. Concrete assistance to Ukraine from Japan, South Korea, and others serves the same purpose. These efforts should continue so long as they do not extend beyond the capacity of European and Indo-Pacific allies and partners to contribute to security in their own regions.

The EU is also lending political support to U.S. priorities in the Indo-Pacific. The first-ever U.S.-EU joint exercise in the Indo-Pacific, conducted in March 2023, focused on freedom of navigation and is perhaps the largest deliverable from the EU-U.S. High-Level Consultations on the Indo-Pacific.⁶⁵⁵ The EU is also developing more direct ties with Indo-Pacific militaries.⁶⁵⁶ For example, European Commission President Ursula von der Leyen emphasized EU interest in more bilateral maritime security cooperation during a 2023 meeting with Philippine President Ferdinand Marcos Jr.⁶⁵⁷

China views Russia's success in Ukraine as critical to its own interests in weakening Europe. A Russian loss would, in China's view, harm its ability to challenge the United States and European ordered international system. Similarly, China's domination of the Indo-Pacific could give Moscow a freer hand to pursue its interests there, such as resolving territorial disputes with Tokyo in its favor. With this interplay of goals by adversaries of the United States, Europe, and Indo-Pacific, increased security cooperation for the purposes of mutual support and signaling to shared adversaries is fitting. Striking the right balance between Europe's primary focus on its own region versus involvement in Asia must be an ongoing discussion between the United States and its partners in bilateral, EU, and NATO contexts.

Score

On execution of recommendation 7.3, the Biden-Harris Administration scores 2. On coordination, it scores a 3.

Next Steps

- **Maintain open channels of transatlantic communication on European involvement in Asia.** The United States should use its Indo-Pacific dialogue mechanisms with European partners like the EU and UK to coordinate security activities in the Indo-Pacific and calibrate them appropriately, so European focus remains on European defense. Furthermore, the United States and NATO need to start planning for scenarios in which the United States has to direct greater military forces and materiel to the Indo-Pacific, such as in a conflict over Taiwan or the South China Sea.

RECOMMENDATION 7.4: COOPERATE ON ENVIRONMENTAL AND NATURAL RESOURCE CHALLENGES IN THE INDO-PACIFIC.

Allied strategies for the Indo-Pacific highlight some of the three main areas identified in the 2020 edition of this report as ripe for transatlantic cooperation: resilience to environmental challenges; energy development; and combatting illegal, unreported, and unregulated (IUU) fishing.⁶⁵⁸ Transatlantic partners launched several new initiatives and projects to address these concerns. However, the short case studies below on resilience and IUU fishing initiatives show a lack of follow-through after high-profile announcements. Further, with respect to energy, transatlantic cooperation again focuses on emissions reductions rather than partner country needs.

On resilience, the United States, the UK, Australia, Japan, and New Zealand, along with the EU as an observer, launched the Partners in the Blue Pacific (PBP) in June 2022. Canada, Germany, and the Republic of Korea joined several months later.⁶⁵⁹ PBP's purpose is to coordinate U.S. and partner country initiatives and programming in the Pacific Islands, including with respect to building environmental resilience.⁶⁶⁰ Such coordination avoids working at cross-purposes, duplicating assistance, or overwhelming small Pacific Island countries (PICs) with limited absorptive capacity. In September 2023, PBP countries announced two deliverables. First, they committed \$55 million towards a program throughout the PICs and in Timor-Leste to pre-position supplies needed for natural or humanitarian disasters.⁶⁶¹ Second, PBP countries announced \$22 million in funding for an ocean and fisheries research vessel, to be owned by PICs, to manage vital natural resources.⁶⁶² The United States committed \$5 million to each project, and is in the process of executing the funds.⁶⁶³

These projects build on previous and successful U.S. Agency for International Development natural disaster readiness and resilience projects, including collaborations with

the U.S. National Oceanic and Atmospheric Administration. However, PBP partners have not made any public announcements on either program since September 2023, and completion timelines are not clear. Despite these announcements, the initiative remains “nebulous,” as one commentator put it.⁶⁶⁴ Program coordination is a behind-the-scenes job, but PBP countries should still shed more light on the partnership's benefits for cooperation with the PICs.⁶⁶⁵

The Biden Administration released a national security memorandum in 2022 on combatting IUU fishing, including through collaboration with the EU, G7 partners, and others.⁶⁶⁶ At the March 2023 Our Oceans Conference, the United States joined Canada and the UK to launch the IUU Fishing Action Alliance (IUU-AA), a voluntary pledge to address myriad challenges related to IUU fishing.⁶⁶⁷ At the following Our Oceans conference in April 2024, the United States announced funding for several counter-IUU programs, but without mentioning IUU-AA.⁶⁶⁸ IUU-AA did convene for a privately-hosted stakeholder event in April 2024.⁶⁶⁹ However, it is difficult to find any official information on the alliance's activities since its initial announcement. Both the PBP and the IUU-AA sound like constructive initiatives. Yet, beyond a few PBP-hosted workshops and exchanges on IUU, there is little to assess.⁶⁷⁰

The International Partners Group (IPG), which includes the United States, the EU, the UK, and other European countries, has emerged as a key avenue for transatlantic energy cooperation in the Indo-Pacific. IPG has launched partnerships with Indo-Pacific nations Vietnam and Indonesia under Just Energy Transition Partnerships (JETPs), which combine public and private financing to accelerate the transition away from fossil fuels.⁶⁷¹ Moving away from polluting coal is a worthy goal for all three

nations. However, as with other Biden-era energy initiatives, JETP investments are driven by the overarching goal to limit the global temperature increase, rather than accounting for the full spectrum of a country's energy needs. Vietnam's JETP plan is supported by \$7.75 billion from the Asian Development Bank and International Finance Corporation and matching private investment, including from American and European banks.⁶⁷²

Vietnam's goal is to scale up renewables, but natural gas will remain an important part of its energy mix – roughly $\frac{1}{4}$ of total power generation by 2030.⁶⁷³ However, JETP “excludes investments in consumption of fossil fuels, including e.g. thermal power plants conversion from coal to LNG [liquefied natural gas].”⁶⁷⁴ This refusal to fund investments in cleaner fossil fuels, like natural gas, is yet another example of the United States and other economically advanced nations putting their parochial priorities before the actual needs of a partner country, which is both patronizing and counterproductive. In Senegal, IPG countries will permit gas-related projects, but only because the government of Senegal insisted upon it.⁶⁷⁵ Writing about the Senegalese JETP, one expert summarized how JETP should approach all its partnerships:

Ultimately, the success of the JETP should be measured at least in part based on Senegal's overall energy ambitions, not just the percentage of installed capacity that comes from renewables. For the average Senegalese, the size and price of the overall energy “pie” matters more than the size of the renewables slice alone.⁶⁷⁶

Score

On execution of recommendation 7.4, the Biden-Harris Administration scores a 1. On coordination, the administration also scores a 1.

Next Steps

- **Deliver on announced initiatives.** The United States and European partners need to deliver on announced strategies and initiatives, such as increasing the ambition of the PBP and announcing real projects under the IUU-AA. Failure to do so undermines strategic goals in a region already skeptical of U.S. and other nations' intentions and long-term commitment. Conducting Indo-Pacific policy via press release will not work.
- **Put the actual needs of partners first.** The United States and its partners need to deliver on prior commitments and take into consideration the wants and needs of Indo-Pacific partners before announcing new ones. Paternalistic approaches to promoting energy development, for example, will not work.

GROWING U.S.-EUROPE COOPERATION IN THE INDO-PACIFIC		
2020 Report Recommendations	Execution score (0-3)	Coordination score (0-3)
<i>INDO-PACIFIC</i>		
Rec 7.1: Transatlantic dialogues	2	1
Rec 7.2: Align economic strategies	2	1
Rec 7.3: Maritime security	2	3
Rec 7.4: Environmental and natural resource management	1	1
<i>BOTH REGIONS</i>		
Rec 8.1: Diplomatic messaging	2	1
Rec 8.2: DFI alliance	2	1
Rec 8.3: Events on human rights, democracy, and good governance	2	1
TOTALS	13 (out of a possible 21)	9 (out of a possible 21)
SCORE AVERAGE: 11	OVERALL GRADE: D	

APPENDIX:

SCORECARD KEY AND EXPLANATION

BACKGROUND

This report evaluates the Biden Administration's execution of and coordination with European partners on the 38 recommendations made in the 2020 edition of this report.

A policy expert on the Senate Foreign Relations Committee (SFRC) staff researched and wrote an evaluation of each recommendation and assigned a score from 0 to 3 for execution (Score A) and a score from 0 to 3 for coordination with European partners (Score B).

Following this review, a second SFRC expert scored the recommendations independently by analyzing the first experts' drafts, but without knowing the score assigned by the first expert.

Once complete, the two scorers reviewed edits and adjudicated any differences in their scores. Based on aggregate scores from each chapter in the 2020 report, the Biden-Harris Administration's performance was assigned a letter grade.

KEY FOR SCORE A - EXECUTION OF RECOMMENDATION

No Progress Initiated (Score of 0)

- The administration has taken no action to address the recommendation.

Minimal Progress (Score of 1)

- The administration announced a strategy, policy, project, or initiative, **OR** released a strategy or policy/guidance document that is relevant to addressing the recommendation – **that either:**
 - Improves transatlantic cooperation with respect to China; **and/or**
 - Counters or mitigates the effects of Chinese policies and practices that negatively affect the United States, Europe, and other countries;

OR

- The administration took at least one of the following actions, as applicable:
 - Established a dialogue with European partners relevant to implementing the recommendation.

- Undertook an organizational change to improve U.S. ability to implement the recommendation or tackle relevant issues related to the recommendation.
- Initiated some other sort of applicable process or plan for implementing a strategy, policy, project or initiative.

Meaningful Progress (Score of 2)

- The administration met the criteria required for a score of 1; **AND**
- The administration took all reasonable steps organizationally, within the interagency, and with allies/partners to begin implementation of the strategy, policy, project, or initiative; **AND**
- The administration's efforts to address the recommendation moved beyond policy planning and dialogue, and are demonstrating impact and leading to concrete outcomes.

Substantially and Sustainably Addressed (Score of 3)

- The administration met the requirements for a score of 2 and achieved the following indicators that a strategy, policy, project, or initiative is sustainable:
 - ◇ The administration has developed, promulgated, and executed policies, projects, or initiatives that address or align with the recommendation; **AND**
 - ◇ Such policies, projects, or initiatives are being implemented in a consistent way that directly contributes to U.S. strategic goals with demonstrable impacts and outcomes; **AND**
 - ◇ The administration has completed other steps under the “significant progress” category, as applicable; **AND**
 - ◇ There is sufficient evidence, such as through financial resource allocation/distribution, senior leadership attention, allocation of appropriate personnel resources, proper organization, and/or regularized and consistent collaboration with U.S. partners, to reasonably suggest or discern that consistent and effective implementation will continue for a sustained period of time.

DEFINITIONS FOR SCORE B - COORDINATION WITH EUROPEAN PARTNERS

No Progress Initiated (Score of 0)

- There is no evidence of consistent cooperation, coordination, policy alignment, and/or joint initiatives and projects that address a given recommendation.

Minimal Progress (Score of 1)

- There is evidence of some cooperation and coordination between the United States and Europe, but such cooperation and coordination is minimal, or has not led to policy alignment or joint initiatives and projects; **OR**
- Cooperation and coordination are limited to discussion and dialogue; **OR**
- The U.S. and Europe have established a dialogue mechanism to address issues related to China, but the dialogue is not actually achieving its stated goals or does not focus substantially on China.

Meaningful Progress (Score of 2)

- There is robust evidence of the Biden Administration seeking and initiating consistent cooperation, coordination, policy alignment, and joint initiatives and projects with European partners that address a given recommendation. However, such efforts have been unsuccessful or achieved only limited success due to a variety of factors.
 - One such factor could include lack of interest or willingness by European partners in cooperation that U.S. diplomatic efforts has not overcome.

Substantially and Sustainably Addressed (Score of 3)

- There is robust evidence of consistent cooperation and coordination, such cooperation and coordination has led to policy alignment between the United States and European partners, and/or there are joint initiatives and projects that address a given recommendation.

GRADING

2020 REPORT CHAPTER TITLE	HIGHEST POSSIBLE SCORE*	GRADING SCALE**	NOTES
Safeguarding Our Open Societies	Execution: 18 Coordination: 15 Total: 33	15-18 = A 12-14 = B 9-11 = C 7-8 = D 0-6 = F	Safeguarding our Societies Rec. 3 and Both Regions Rec. 3 are related, and therefore combined into one narrative. Recommendation 5 is not scored for coordination.
Protecting the Integrity of International Organizations	Execution: 12 Coordination: 12 Total: 24	10-12 = A 8-9 = B 6-7 = C 4-5 = D 0-3 = F	
Defending the International Trading System	Execution: 15 Coordination: 15 Total: 30	12-15 = A 10-11 = B 8-9 = C 6-7 = D 0-5 = F	
Shaping the Future of Technology	Execution: 15 Coordination: 15 Total: 30	12-15 = A 10-11 = B 8-9 = C 6-7 = D 0-5 = F	
Addressing the Implications of China's Strategic Investments	Execution: 18 Coordination: 18 Total: 36	15-18 = A 12-14 = B 9-11 = C 7-8 = D 0-5 = F	
U.S.-Europe Cooperation in Both Regions Plus Africa	Execution: 24 Coordination: 24 Total: 48	20-24 = A 16-19 = B 13-15 = C 9-12 = D 0-8 = F	Combines the 3 recommendations for U.S. policy towards Africa AND the Indo-Pacific (denoted as "Both Regions"), plus Africa-only recommendations.

U.S.-Europe Cooperation in Both Regions Plus Indo-Pacific	Execution: 21 Coordination: 21 Total: 42	17-21 = A 14-16 = B 11-13 = C 8-10 = D 0-7 = F	Combines the 3 recommendations for U.S. policy towards Africa AND the Indo-Pacific (denoted as “Both Regions”), plus the Indo-Pacific-only recommendations.
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*The highest possible score for execution and coordination is the total number of recommendations in that section multiplied by the highest possible score (3). If a total score added up to an odd number, the score average was rounded up to the nearest whole number to determine the final grade.

**Grade ranges are based on the average of the total score.

EXPLANATION OF GRADING SCALE

The final grade for each chapter was calculated averaging the combined scores. For each chapter from the 2020 report, individual scores for execution (Score A) and coordination (Score B) were added up to identify the total score. Scorers then calculated average of the total score and matched it to the appropriate letter grade on the grading scale below. Figures with decimal points were rounded down to the nearest whole number to set the bottom end of the score range.

- 85% and above = A
- 70-84% = B
- 55-69% = C
- 40-54% = D
- 39% and below = F

EXAMPLE OF SCORE CALCULATION

If a chapter has 5 recommendations: 5 recommendations x 3 total points possible for each = 15

Total Possible Score: 15 for execution category + 15 for coordination category = 30 total possible points.

Score for Execution: 7

Score for Coordination: 9

Score Total: 16

Score Average: 8 (16 points ÷ 2 categories)

Final Grade: D (8 points ÷ 15 points = 53%)

ABBREVIATIONS AND ACRONYMS

A3	Three rotating African UNSC members
AGOA	African Growth and Opportunity Act
AI	Artificial intelligence
ALS	Africa Leaders Summit
ASCE	Academic Security and Counter Exploitation
ASIs	Antisuit injunctions
ATMIS	African Union Transition Mission in Somalia
AU	African Union
AUKUS	Australia-United Kingdom-United States trilateral security partnership
BDN	Blue Dot Network
BRI	Belt and Road Initiative
CBAM	Carbon Border Adjustment Mechanism
CCDCOE	NATO's Cooperative Cyber Defence Center of Excellence
CCEI	Customs Control Equipment Instrument
CCP	Chinese Communist Party
CFIUS	Committee on Foreign Investment in the United States
CGN	China General Nuclear
CIIs	Confucius Institutes
CMAAs	Critical minerals agreements
COMAC	Commercial Aircraft Corporation of China, Ltd.
CSOs	Civil society organizations
DFC	U.S. International Development Finance Corporation
DFIs	Development finance institutions
DMA	Digital Markets Act
DOJ	U.S. Department of Justice
DPF	Data Privacy Framework
DRAM	Dynamic random access memory
DRC	Democratic Republic of the Congo
DRG	Democracy, human rights, and good governance
DSA	EU Digital Services Act

EC	European Commission
ECOWAS	Economic Community of West African States
ECRA	Export Control Reform Act
EEAS	EU External Action Service
EO	Executive order
EP	European Parliament
EU	European Union
FARA	Foreign Agents Registration Act
FBI	U.S. Federal Bureau of Investigation
FIRS	Foreign Influence Registration Scheme
FTA	Free trade agreement
GAO	U.S. Government Accountability Office
GDPR	EU's General Data Protection Regulation
GEC	U.S. Global Engagement Center
HMN Tech	China's HMN Technologies Company
HRC	United Nations Human Rights Council
ICHREE	International Commission of Human Rights Experts on Ethiopia
IFC	International Finance Corporation
IFIs	International financial institutions
IMO	International Maritime Organization
IOM	International Organization for Migration
IO/MSP	Office of Multilateral Strategy and Personnel
IP	Intellectual property
IPEF	Indo-Pacific Economic Framework
IPG	International Partners Group
IPR	Intellectual property rights
IPSCA	International Port Community Systems Association
IPSCD	International Partnership for Countering State-Sponsored Disinformation
IRA	Inflation Reduction Act
ISTC Report	National Science and Technology Council's Biennial Report
ITAC	Industry Trade Advisory Committee
ITU	International Telecommunications Union
IUU	Illegal, unreported, and unregulated fishing

IUU-AA	IUU Fishing Action Alliance
JETPs	Just Energy Transition Partnerships
Jinhua	State-owned Chinese chipmaker Fujian Jinhua Integrated Circuit Company
JPO	UN Junior Professional Officers program
LCA	Large civil aircraft
LDA	Lobbying Disclosure Act
LNG	Liquified natural gas
MFA	EU Media Freedom Act
MINVEST	Minerals Investment Network for Vital Energy Security and Transition
MOU	Memorandum of understanding
MRA_s	Mutual recognition agreements
MSP	Minerals Security Partnership
NAERC	North American Electric Reliability Corporation
NATO	North Atlantic Treaty Organization
NCSC	National Cyber Security Centre's
NQCO	National Quantum Coordination Office
OECD	Organisation for Economic Co-operation and Development
PBP	Partners in the Blue Pacific
PGI	G7 Project for Global Infrastructure and Investment
PIC_s	Pacific Island countries
PLA	China's People's Liberation Army
PRC	People's Republic of China
RRM	G7 Rapid Response Mechanism
R&D	Research and development
S4D	U.S. Summit for Democracy
SBSS	Sino-British Submarine Systems
SEP	Standard essential patent
SFRC	Senate Foreign Relations Committee
SMR	Small modular reactors
SPEC	U.S. Special Presidential Envoy for Climate
STAs	Science and Technology Agreements
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
TTC	U.S.-EU Trade and Technology Council

UK	United Kingdom
UMC	Taiwanese United Microelectronics Corporation
UN	United Nations
UNSC	United Nations Security Council
USAID	U.S. Agency for International Development
WTO	World Trade Organization
YMTC	Yangtze Memory Technologies Company
ZPMC	Shanghai Zhenhua Heavy Industries

ENDNOTES

- 1 These are, in the order they are found in the report: Safeguarding our Societies Recommendation 3 and Both Regions Recommendation 3; Indo-Pacific Recommendation 1 and Both Regions Recommendation 1; Indo-Pacific Recommendation 2 and Both Regions Recommendation 2.
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