

WESTERN HEMISPHERE READINESS SERIES • POLICY BRIEF 04

From Commitment to Capacity: What a State-Led Investment Screening Initiative Should Prioritize in the Western Hemisphere

Lessons from Peru, Chile and Argentina

AUTHOR	PUBLICATION DATE	SERIES	CLASSIFICATION
André Vieira, Chairman & Founder	October 2026	Western Hemisphere Readiness Series	Public analytical publication

André Vieira is Chairman & Founder of the HRS Resilience Foundation, an independent research organization focused on institutional readiness and health security across the Western Hemisphere.

Purpose — This brief examines how the economic-resilience commitments in the 22 September 2026 Joint Statement on Defending Hemispheric Sovereignty, including the intention to explore investment screening mechanisms,^[1] can become working capacity, and what a State Department-led assistance initiative of the kind now before Congress^{[2][3]} should prioritize. It draws on three sector cases from the HRS series: ports in Peru (CRA 06, Technical Paper 03), digital infrastructure in Chile (CRA 09) and critical minerals in Argentina (CRA 10),^{[22][23][24][25]} all Joint Statement signatories, and extends Policy Brief 02.^[26] Core proposition: screening becomes capacity when a partner government has a registry of strategic assets, a named decision owner, published criteria and a review path that outlast any single transaction, dispute or change of government; assistance that is technical, partner-owned and nationality-neutral is the design most likely to endure.

KEY TAKEAWAYS

- **The commitment exists; the capacity is still being built.** Fifteen governments stated an intention to explore investment screening, and Argentina committed to evaluate a review mechanism.^{[1][9]} In the three cases the decisive review was ad hoc: courts (Peru), a decree and the bilateral diplomatic channel (Chile), a commitment to evaluate (Argentina).
- **A named decision owner matters before a new law does.** Chile's minister signed a decree advancing a 30-year submarine-cable concession on 27 January 2026 and it was withdrawn two days later; the review then moved into the bilateral diplomatic channel.^{[6][7][8]}
- **Registration and classification come first.** Whether Peru's regulator may supervise Chancay, a privately titled public-use port, was litigated for more than eighteen months and is now before the Constitutional Tribunal.^[4]
- **Incentives and review are different instruments.** Argentina's February 2026 agreement pairs expedited incentive-regime applications with a commitment to evaluate screening.^[9] Assistance should keep the two distinct and base screening on risk criteria applied to every investor.^[12]
- **The approach has bipartisan, cross-administration footing.** H.R. 7675 cleared committee 43 to 3 with sponsors of both parties, the Senate companion is bipartisan, and Treasury agreed a screening working group with Mexico in December 2023.^{[2][3][15]}

Executive Summary

On 22 September 2026, the United States and fourteen other Western Hemisphere governments stated their intention to strengthen economic resilience by, among other steps, exploring investment screening mechanisms.^[1] Congress is moving in parallel: H.R. 7675, the Securing Partner Supply Chains Act, cleared the House Foreign Affairs Committee 43 to 3 on 26 March 2026, and a Senate companion, S. 4899, was introduced on 24 June 2026. The bills would require the Secretary of State to establish, within 180 days of enactment, an Initiative on Foreign Investment Screening that provides partners with technical assistance, regulatory guidance and information sharing, assesses their progress and reports annually to Congress; the Senate text places it under the Under Secretary for Economic Affairs.^{[2][3]} This brief did not locate evidence that either bill has passed its chamber.

The HRS series has documented three sector cases that show what such an initiative will meet in practice. In Peru, the reach of a regulator over a major privately titled port was settled by courts rather than by registration. In Chile, a submarine-cable concession decision moved from a ministerial decree to a reversal within two days and then into the diplomatic arena. In Argentina, a bilateral agreement commits the government to evaluate a review mechanism, while its operative investment instrument is an incentive regime.^{[4][6][9]}

THE POLICY PROBLEM

Governments have committed to explore screening, and the bills would create an initiative to assist them, but there is not yet a shared description of what a partner's capacity must contain. Without one, assistance risks producing statutes that no office is ready to apply.

THE OPERATIONAL GAP

In the three cases the decisive review was ad hoc: courts, a decree followed by a diplomatic channel, or a commitment still to be implemented. What was missing in each was the same: a registry of the asset and its owners, a named decision owner, published criteria and a review path.

The objective of this brief is not to design a regional screening regime. It is to show, from three documented cases, what a State Department-led initiative should prioritize so that partner capacity is built in a form that is partner-owned, nationality-neutral and able to outlast any single dispute, transaction or government.

SECTION 01

The Commitment and Why These Three Cases

The economic pillar of the Joint Statement pairs three intentions: exploring investment screening mechanisms, safeguarding critical mineral supply chains through diversified sourcing, and promoting trusted-supplier regulations for digital infrastructure applied on a non-discriminatory basis.^[1] The statement also holds that economic sovereignty is defended successfully when the capital entering partner nations is transparent and verifiable.^[1] The three cases cover critical infrastructure (ports), digital infrastructure and critical minerals, the sectors in which those intentions meet practice. All three governments are signatories.

Country	Applied Case	Sector	Screening Dimension
Peru (CRA 06, TP 03)	Chancay: privately titled public-use port; scope of oversight litigated 2024–2026 ^{[4][22][25]}	Ports	Registration and classification
Chile (CRA 09)	Chile-China Express cable: concession decree signed 27 January 2026 and withdrawn two days later ^{[6][7][23]}	Digital infrastructure	Decision ownership and process
Argentina (CRA 10)	February 2026 trade and investment agreement: commitment to evaluate a review mechanism alongside an incentive regime ^{[9][24]}	Critical minerals	Sequencing of incentives and review

SECTION 02

Three Applied Cases, One Structural Question

Peru. Chancay is a privately titled, public-use port 60 percent owned by COSCO Shipping Ports. A 2024 law approves automatically the exclusivity in essential port services requested by the owner of a private port once port enablement is granted, and the operator then challenged the authority of the regulator, Ositrán, to supervise the terminal.^{[4][5]} A Lima court sided with the operator in January 2026; an appellate chamber reversed it by a decision of 17 June 2026, and the operator's constitutional appeal was granted on 24 July 2026.^[4] A registry of title, instrument and supervisory scope would have addressed the question when the port was authorized.

Chile. In January 2026 the transport and telecommunications minister signed a decree advancing a 30-year concession for China Mobile International's Chile-China Express submarine cable, a project of about US\$500 million, pending review by the Comptroller General; the decree was withdrawn two days later, with accounts of the reason ranging from a security alert to U.S. warnings to technical errors.^{[6][7][8]} In February the United States revoked the visas of three Chilean officials; the outgoing government said the project was under evaluation and left the decision to its successor, whose officials later described it as still under assessment.^{[6][7]} Press reporting describes China Mobile as state-owned.^[6] This brief did not locate a published inter-agency procedure for reviewing cable concessions; an analyst proposed a committee of ministers afterwards.^[8]

Argentina. In February 2026 Argentina and the United States signed an Agreement on Reciprocal Trade and Investment in which Argentina committed to cooperate on investment security, including evaluating a mechanism to review incoming investments for national security risks in line with widely accepted international best practices. The same text commits it to expedite eligible applications under its Incentive Regime for Large Investments (RIGI) and states an intention to prioritize the United States as an investment partner in copper, lithium and other critical minerals over what it calls market-manipulating economies or enterprises.^{[9][10][11]} This brief did not locate a general screening mechanism in Argentina's framework; the operative instrument is an incentive regime. Incentives and review are different functions and are best designed together.

SECTION 03

The Common Pattern

Across the three cases, the same four elements were absent or unsettled when a sensitive decision arrived: a registry of the asset and its owners, a named decision owner, published criteria and a review path.

Test Dimension	Peru	Chile	Argentina
Where the decisive review occurred	Courts, January to July 2026 ^[4]	Ministerial decree and reversal, then the diplomatic channel ^{[6][7]}	A trade-agreement commitment to evaluate a mechanism ^[9]
Instrument in force	Port-law exclusivity and the regulator's mandate ^{[4][5]}	Telecommunications concession process ^[7]	Incentive regime (RIGI) ^[9]
What the record shows as missing	A settled classification and scope of oversight	A published inter-agency review step (none located)	A general review mechanism (none located)
Status at the date of this brief	Constitutional Tribunal review pending ^[4]	Project described as still under assessment ^[6]	Commitment to evaluate; implementation not located

HRS PROPOSITION

Investment screening capacity is not measured by how many transactions are blocked or approved. It is measured by whether, before a transaction forces the question, the partner government has registered the asset and its owners, named the office that decides, published the criteria it applies to every investor, and fixed the path by which a decision is reviewed.

SECTION 04

Five Policy Priorities for a State-Led Initiative

01 — Start with a registry of strategic assets and owners, not a statute. Peru's Chancay dispute turned on how a port was classified and who could supervise it, questions a registry answers when an asset is authorized.^[4] An initiative should help partners first inventory strategic ports, cables, mines and their owners, and then decide what legislation is needed. The registry should capture the full ownership chain, including ownership or control by a foreign government: press reporting describes China Mobile, the Chile case's investor, as state-owned,^[6] and the OECD examined government-controlled investors as a distinct policy question in a 2009 scoping paper.^[16] A criterion based on state ownership or control can be applied to any investor, whatever its nationality.

02 — Name the decision owner and the review path before the first case. Chile's decree was signed and withdrawn within two days, and the substantive review then moved into the bilateral diplomatic channel.^{[6][7][8]} Partners need an identified office or inter-agency body, published timelines and a defined path of appeal.

03 — Keep incentives and review distinct, and design them together. Argentina's agreement pairs expedited incentive-regime applications with a commitment to evaluate screening.^[9] One function attracts investment, the other manages risk; assistance should help partners define which assets and control thresholds trigger review.

04 — Anchor the design in agreed principles and existing channels. The OECD's 2009 Guidelines set four principles for security-related investment policy: non-discrimination, transparency and predictability, regulatory proportionality, and accountability.^[12] A 2016 OECD survey covered 54 countries and focused on the 17 with explicit policies.^[13] A 2025 study of EU ports found screening ranging from broad discretion with lower legal certainty to specific criteria with a call-in power above 25 percent.^[14] Treasury has already worked this way with a partner, in its December 2023 memorandum of intent with Mexico.^[15]

05 — Measure capacity, not announcements. The bills would require annual reports to Congress that assess partner progress.^{[2][3]} Those assessments will be most useful if they track observable capacity (registered assets, named decision owners, cycle times, published criteria) rather than statutes adopted or transactions reviewed.

SECTION 05

Where This Fits: Institutions, Eligibility and Timeline

Who leads. The Senate text would have the Secretary designate the Under Secretary for Economic Affairs, or a designee, to lead the Initiative; the House text names the Under Secretary for Economic Growth, Energy, and the Environment.^{[2][3]} That office also runs Pax Silica, the Department's economic-security coalition, whose materials refer to investment security practices, which had grown to 15 members by May 2026 and which its Under Secretary has described as a platform for agreeing baseline definitions of sensitive technologies and critical infrastructure with partners, including in the Western Hemisphere.^{[17][18][19][20]}

Who qualifies. The bills define a partner country as one with a U.S. free trade agreement in effect, one with a mutual-defense treaty in effect, or any other country the Secretary determines, with reasons reported to Congress.^[3] Peru and

Chile have free trade agreements in force with the United States.^[21] Argentina's February 2026 agreement is styled a reciprocal trade and investment agreement; whether it, a treaty or a designation brings Argentina within the definition is a legal question this brief does not resolve.^[9] Non-signatories of the Joint Statement, including Brazil, are outside this brief's scope.

How long. The House text terminates the Initiative three years after it is established and the Senate text five years after; both require a first report one year after enactment and annual reports for three years thereafter.^{[2][3]} This brief did not locate appropriation language in either text. Partner-owned capacity therefore has to be handed over inside the applicable window, which favors the phased sequence below and an early pilot.

SECTION 06

An Implementation Framework

The priorities translate into a sequence that the partner and an assistance provider follow together.

Phase	Primary Activity	Expected Output
1. Baseline	Map strategic assets by sector, instrument and ownership chain.	Ownership baseline.
2. Design	Select the decision owner, criteria and timelines against the OECD principles.	Published procedure outline.
3. Pilot	Run a mock review of one real or past case per sector (port, cable, mine).	Tested procedure and gap list.
4. Institutionalize	Give the procedure a legal basis, staff and budget.	Standing capacity.
5. Review	Assess progress annually against capacity indicators and update the procedure.	Annual progress assessment.

A PRACTICAL TEST QUESTION

If a transaction involving a strategic port, submarine cable or mine were announced next month, could the partner government state, within a defined number of days, who reviews it, against which published criteria, and what happens next?

SECTION 07

Risks and Mitigations

Risk	Mitigation Built Into the Design
Partners read assistance as policy export	Partner-owned products at every phase; technical, not conditional, assistance; criteria based on OECD principles. ^[12]
Screening chills legitimate investment	Proportionality, fixed timelines and reasoned decisions. ^[12]
Review is politicized or captured	Named decision owner, published criteria, reasoned decisions and a review path.
Statutes outrun capacity	Baseline, design and pilot before legislation; staffing and budget at institutionalization.
Capacity is not handed over before the Initiative ends	Partner ownership from phase 1 and handover milestones inside the applicable window (three years in the House text, five in the Senate text).
Overlap with other U.S. channels	Coordination under the Under Secretary with Treasury's work on investment review, as in the 2023 Mexico memorandum. ^[15]

SECTION 08

Measures That Matter

Dimension	Illustrative Indicator
Asset visibility	Share of strategic assets with a registered ownership chain.
Decision ownership	Existence of a named decision owner and a published timeline.
Cycle time	Days from filing to a reasoned decision.
Transparency	Share of decisions with published criteria and, where appropriate, non-sensitive reasons.
Continuity	Whether the procedure rests on regulation rather than on a single decree or agreement.
Assistance quality	Partner-reported usefulness of training and guidance.

For strategic partners, including the United States and multilateral institutions supporting this work, the practical implication is to treat capacity as the unit of progress. As this brief reads the OECD principle of non-discrimination, it does not mean ignoring who owns an asset; it means that decisions rest on criteria about the specific risks of an investment, applied to every investor, which is also what makes a procedure durable across governments and acceptable to partners with different external relationships.^[12]

Scope note: This brief examines institutional capacity for investment screening in three partner governments and the design of assistance to build it. It does not assess any investor, does not recommend that any transaction be approved or blocked, and takes no position on pending legislation, described as of the latest status located (H.R. 7675 reported from committee on 26 March 2026; S. 4899 introduced on 24 June 2026). Method: desk research of primary documents and press reporting in English, Spanish and Portuguese, completed in October 2026; "none located" means not found, not proven absent. Facts about pending processes in Peru and Chile are reported as of early October 2026 and may have changed.

CONCLUSION

Conclusion

The Joint Statement's intention to explore investment screening will be judged by the capacity that follows it. The three cases show the same four gaps (a registry of the asset, a named decision owner, published criteria and a review path) appearing in different sectors and under different governments. A State Department-led initiative, if enacted, will be most useful where it treats partners as owners of the procedure, builds on agreed principles and existing channels, and measures progress by observable capacity. That design does not depend on any administration: the bills' sponsors belong to both parties in both chambers, and similar cooperation was agreed with Mexico in 2023.^{[2][3][15]}

POLICY TAKEAWAY

The strategic objective for any state-led investment screening initiative should be partner-owned capacity – a registered asset base, a named decision owner, published criteria and a review path – in place before the next transaction forces the question.

BACK MATTER

Selected References and Evidence Base

Web sources accessed 11 October 2026.

- [1] U.S. Department of State, Office of the Spokesman. Joint Statement on Defending Hemispheric Sovereignty, 22 September 2026. state.gov/releases/office-of-the-spokesman/2026/09/joint-statement-on-defending-hemispheric-sovereignty/ (printed copy of the page consulted: static.poder360.com.br/uploads/2026/09/Declaracao-Conjunta-sobre-a-Defesa-Da-Soberania-Hemisferica-22.set_.2026.pdf)
- [2] U.S. House. H.R. 7675, Securing Partner Supply Chains Act (119th Congress), introduced 25 February 2026; ordered reported 43–3 by the Committee on Foreign Affairs, 26 March 2026; Office of Rep. Joaquin Castro, press release, 27 March 2026. docs.house.gov/meetings/FA/FA00/20260304/118999/BILLS-1197675ih.pdf
- [3] U.S. Senate. S. 4899, Securing Partner Supply Chains Act (119th Congress), introduced 24 June 2026 and referred to the Committee on Foreign Relations; Office of Senator John Curtis, press release, 29 June 2026. govinfo.gov/content/pkg/BILLS-119s4899is/html/BILLS-119s4899is.htm
- [4] Ositrán, press release of 1 July 2026 on the ruling of the Second Constitutional Chamber of Lima; Gestión (Resolución de Vista N.º 13 of 17 June 2026; Resolución N.º 16 of 24 July 2026). gob.pe/institucion/ositrán/noticias/1413559; gestion.pe/economia/puerto-de-chancay-cosco-lleva-disputa-contr-a-ositrán-ante-el-tribunal-constitucional-noticia/
- [5] Congreso de la República del Perú, Centro de Noticias. Ley N.º 32048, amending the National Port System Law (Ley 27943). 7 June 2024. comunicaciones.congreso.gob.pe/noticias/hoy-se-publica-la-ley-que-fomenta-el-desarrollo-portuario/
- [6] Rest of World. Chile, China and the Google cable: the Chile-China Express dispute. 2026. restofworld.org/2026/chile-china-america-google-cable/
- [7] 24horas.cl. Esta es la cronología del "cable chino" que tensiona la política chilena. 2026. 24horas.cl/actualidad/nacional/esta-es-la-cronologia-del-cable-chino-que-tensiona-politica-chilena
- [8] Expansión (Mexico), 25 February 2026, citing El País; Datacenter Dynamics (Brazil), Chile suspende cabo submarino chinés; Radio Universidad de Chile, dossier "Cable submarino" (March 2026). expansion.mx/mundo/2026/02/25/un-cable-submarino-que-conecta-con-china-esta-en-el-centro-de-la-disputa-entre-chile-y-eu
- [9] Marval. US–Argentina Agreement on Reciprocal Trade and Investment. 24 February 2026. marval.com/publicacion/acuerdo-ee-uu-y-argentina-comercio-e-inversion-reciprocas-17487
- [10] Baker McKenzie. Argentina and US finalize sweeping trade deal. 11 February 2026. globalimportblog.bakermckenzie.com/2026/02/11/argentina-and-us-finalize-sweeping-trade-deal/
- [11] Transnational Institute, via bilaterals.org. The Argentina-US trade agreement turns the RIGI into a mega investment protection treaty. 19 March 2026 (quoting Article 4.1.4). bilaterals.org/the-argentina-us-trade-agreement
- [12] OECD. Guidelines for Recipient Country Investment Policies relating to National Security, OECD/LEGAL/0372. 2009. legalinstruments.oecd.org/public/doc/227/227.en.pdf
- [13] OECD. Investment Policies Related to National Security: A Survey of Country Practices. Working paper, 2016. oecd.org/en/publications/investment-policies-related-to-national-security_5jlwrrf038nx-en.html
- [14] Journal of Shipping and Trade 10, Article 24. In the eye of a geopolitical storm: responses of port management bodies to investment screening in the EU. 2025. jshippingandtrade.springeropen.com/articles/10.1186/s41072-025-00213-3
- [15] U.S. Department of the Treasury. Secretary Yellen and Mexico's Secretary of Finance announce intent to establish a bilateral working group on foreign investment review. 7 December 2023. home.treasury.gov/news/press-releases/jy1965
- [16] OECD. Foreign government-controlled investors and recipient country investment policies: a scoping paper. 2009. search.oecd.org/investment/foi.htm
- [17] U.S. Department of State. Pax Silica Declaration, 12 December 2025 (copy hosted by Poder360). static.poder360.com.br/2025/12/Pax-Silica-declaracao-dez2025.pdf
- [18] House Foreign Affairs Committee hearing "Advancing National Security through Commercial Diplomacy," 25 February 2026, per Rep. McCaul's office. mccaull.house.gov/media-center/press-releases/mccaull-discusses-effort-secure-ai-supply-chains-under-secretary-helberg
- [19] Reuters, via Interaksyon. US, Philippines to reach deal on economic security zone. 21 May 2026. interaksyon.philstar.com/politics-issues/2026/05/21/313817/
- [20] Hudson Institute. Pax Silica: Under Secretary Helberg on the AI Race and Economic Security. 29 January 2026. hudson.org/events/pax-silica-under-secretary-state-jacob-helberg-ai-race-economic-security
- [21] Office of the U.S. Trade Representative. Free Trade Agreements (Chile FTA; Peru TPA). ustr.gov/trade-agreements/free-trade-agreements
- [22] HRS Resilience Foundation. Country Readiness Assessment 06 — Peru. September 2026.
- [23] HRS Resilience Foundation. Country Readiness Assessment 09 — Chile. September 2026.
- [24] HRS Resilience Foundation. Country Readiness Assessment 10 — Argentina. September 2026.
- [25] HRS Resilience Foundation. Technical Paper 03 — Concession Transparency Frameworks for Strategic Ports. October 2026.
- [26] HRS Resilience Foundation. Policy Brief 02 — Operationalizing the Economic Pillar of the Shield of the Americas. September 2026.

Suggested citation: HRS Resilience Foundation. From Commitment to Capacity: What a State-Led Investment Screening Initiative Should Prioritize in the Western Hemisphere: Lessons from Peru, Chile and Argentina. HRS Policy Brief 04, Western Hemisphere Readiness Series. October 2026.

About the HRS Resilience Foundation: The HRS Resilience Foundation is an independent research organization advancing institutional readiness and health security across the Western Hemisphere. This publication is part of the Foundation's Western Hemisphere Readiness Series.

© 2026 HRS Resilience Foundation. This publication may be cited or shared for non-commercial analytical and educational purposes with attribution. The views and recommendations expressed are those of the HRS Resilience Foundation and do not represent the official position of any government agency or external institution.